CITY OF IMPERIAL MUNICIPAL CODE

GENERAL INDEX

* See Main Heading

A

ABANDONED VEHICLES
See VEHICLES, ABANDONED

ADJUSTMENT, BOARD OF
Compensation; Bond 1-1103
Duties 1-1106
Meetings 1-1105
Members 1-1101
Officers; Funding 1-1104
Terms; Planning Commission Member 1-1102

ADMINISTRATION, CIVIL
Adjustment, Board of *
Airport Authority Board *
Bond, Blanket 1-302
Cemetery Board *
City Council *
Community Center Commission 1-1701
Community Redevelopment Authority 1-1702
Corporate Existence 1-101
Corporate Seal * 1-301
Elections *
Fiscal Management *
Health, Board of *
Housing Authority *
Library Board *
Meetings *
Oath of Office 1-302
Officers, Appointive *
Officers, Elective 1-102, 1-103
Ordinances *
Park and Tree Commissioners, Board of *
Planning Commission *
Police Department * 1-701 through 1-703, 2-109, 2-110, 3-129 through 3-131
Public Records; Disclosure 1-319
Senior Services, Board of *
Tree Commissioners, Board of *

ADMINISTRATOR 1-208

AIRPORT AUTHORITY BOARD
Appointment Procedure 1-1603
Authority; Duties 1-1601
Members 1-1602

Members, Removal of 1-1605
Vacancies 1-1604

ALCOHOLIC BEVERAGES
Consumption in Public Places; Exceptions 2-101
Liquor Regulations *

ALL-TERRAIN VEHICLES
Defined 3-410
Prohibited 3-411

AMUSEMENTS
Bingo; Incorporated Regulations 4-506
Bingo; Regulation 4-505
Public Dance; Defined 4-501
Public Dance; Premises 4-504
Public Dance; Responsibility of Sponsor 4-503
Public Dance; Supervision 4-502

ANIMALS AND DOGS, DANGEROUS AND POTENTIALLY DANGEROUS
Dangerous Animals; Definitions; Prohibited Animals in Residential Area 2-217
Dangerous Animals or Potentially Dangerous Dogs; Impoundment of 2-223
Dangerous Animals or Potentially Dangerous Dogs; Violations; Penalty; Destruction of 2-224
Dangerous Dogs; Exceptions 2-222
Dangerous Dogs; Prohibited 2-221
Potentially Dangerous Dog; Certificate of Registration for 2-219
Potentially Dangerous Dog; Determination of 2-218
Potentially Dangerous Dog; Restraint of 2-220

ANIMALS GENERALLY
Animals, Certain, Prohibited in Residential Area 2-410
Banned from City 2-411
Cruelty; Definitions 2-402
Cruelty to Animals 2-403
Cruelty to Animals; Law Enforcement Officer; Powers, Immunity 2-404
Enclosures 2-406
Killing and Poisoning 2-405
Pitting; Definitions 2-407
Pitting; Prohibited 2-408
Pitting; Spectators Prohibited 2-409
Running at Large 2-401
Waste, Animal 2-412
Waste, Animal; Violations; Penalty 2-413

APPOINTIVE OFFICERS
See OFFICERS, APPOINTIVE

ATTORNEY, CITY
Duties 1-209

B

BACKFLOW REGULATIONS

Backflow Prevention Devices	6-233
Booster Pumps	6-234
Definitions	6-227
Fire Suppression Systems	6-236
Nuisance, Abatement of	6-240
Prohibited Acts	6-229
Protection; Type Required	6-232
Protection; Where Required	6-231
Responsibility	6-228
Standards, Approval	6-238
Surveys and Investigations	6-230
Violation; Penalty	6-239
Violations	6-237
Yard Hydrants	6-235

BICYCLES

Moving Vehicles, Clinging to	3-402
Operation of	3-401

BINGO

See AMUSEMENTS

BOARD OF HEALTH

See HEALTH, BOARD OF

BONDS

Adjustment, Board of	1-1103
Building Permit	8-109
Cemetery Board	1-1301
Cutting Curb	5-218
Officials, City	1-302
Park and Tree Commissioners	1-1004

BUILDING PERMITS

Bond Requirement	8-109
Building Without Permit; Nuisance	8-110
Duplicate to County Assessor	8-104
Inspection Fees; Collection; Schedule	8-105
Inspection, Time of	8-107
Limitation	8-108
Required; Application	8-103
Variance Not Permitted	8-106

BUILDING REGULATIONS

Building Inspector; Powers and Authority	8-101
Building Inspector; Right of Entry	8-102
Building Permits *	
Buildings; Moving *	
Penal Provision	8-301
Uniform Codes; Adopted by Reference	8-111

BUILDINGS, DANGEROUS

See NUISANCES

BUILDINGS; MOVING
Application 8-203
Duties of Permittee 8-205
Interference 8-204
No General License 8-206
Permit Required 8-202
Terms Defined 8-201

C

CARS, JUNK
See NUISANCES

CATS
See DOGS AND CATS

CEMETERY BOARD
Destruction of Property 1-1312
Duties 1-1302
Financial Matters 1-1305
Lot Prices 1-1308
Lot Sales 1-1310
Maintenance Assessments 1-1311
Meetings 1-1304
Members; Terms; Compensation; Bond 1-1301
Officers 1-1303
Operation and Funding 1-1306
Perpetual Care 1-1309
Unlawful Burial 1-1307

CITY COUNCIL
Compensation 1-112
Conflict of Interest 1-112
Corporate Existence 1-101
Election of 1-103
Mayor; Duties and Powers 1-104
Mayor; Vacancy 1-105
Meetings *
Number and Qualifications of Members 1-102
Oath of Office 1-302
Powers 1-109
President of Council; Acting President 1-106
Qualifications 1-113
Restrictions on Other Employment or Elective Office 1-113
Salaries 1-110
Succession of Control 1-107
Vacancy Due to Unexcused Absences 1-111
Vacancies 1-108

CLERK, CITY
City Clerk/Treasurer/Administrator 1-208
Deputy Clerk 1-203

Duties 1-204
Merger of Offices 1-202

COMMUNITY CENTER COMMISSION 1-1701

COMMUNITY REDEVELOPMENT AUTHORITY 1-1702

COMPENSATION
Adjustment, Board of 1-1103
Cemetery Board 1-1301
City Officials 1-111
Housing Authority 1-1501
Park and Tree Commissioners 1-1004

D

DANCES, PUBLIC
See AMUSEMENTS

DOGS AND CATS
Animal Control Officer; Duty to Enforce 2-202
Animal Cruelty 2-230
Animal Noise, Excessive 2-211
Animals and Dogs, Dangerous and Potentially Dangerous *
Animals in Heat 2-207
Care of Animals 2-203
Definitions 2-201
Destruction of Property 2-210
Dogs, Dangerous See ANIMALS AND DOGS
Excessive Animals Without Permit 2-215
Impounding 2-228
Impoundment Fees 2-229
Kennels *
Killing 2-227
License, Lost 2-226
Licensing 2-225
Noise, Excessive 2-211
Number of Dogs and Cats, Limitation on 2-212
Parents, Responsibility of 2-204
Penalties 2-231, 2-601
Poisoning 2-227
Running at Large, Cats 2-208, 2-209
Running at Large, Dogs 2-205, 2-206
Violation; Penalty 2-231

DRIVEWAY, PRIVATE
See PRIVATE DRIVE

E

ELECTIONS
At Large 1-611
Ballots 1-610
Certificate of Nomination or Election 1-609

Certification; Election of Officers 1-601
Exit Polls 1-612
Filing Fee 1-604
Nomination by Write-in Votes 1-607
Petition Candidates 1-606
Primary Election; Number of Candidates 1-602
Special Joint Elections 1-608
Tie Votes 1-603
Voter Qualifications 1-605
Write-in Votes 1-607

ELECTRICAL SYSTEM
Application, Consumer's 6-502
Bills, Joint 6-101
Classification 6-508
Collections 6-506
Contracts, Service 6-510
Destruction of Property 6-514
Electrician, Licensed 6-503
Fees 6-506
Inspections 6-513
Installation Expense 6-504
Meters 6-505
Ownership 6-501
Penal Provision 6-601
Rates, Minimum 6-507
Restricted Use 6-509
Signs, Posting of 6-511
Trees, Trimming 6-512

EMERGENCY VEHICLES
See VEHICLES, EMERGENCY

EXPLOSIVE MATERIAL
Blasting Permits 7-303
Bullets 7-302
Penalties 7-501
Registration 7-304
Storage 7-301

F

FIRE DEPARTMENT
Assistance 7-115
Chief, Additional Powers and Duties 7-105
Chief, Powers and Duties 7-104
Equipment 7-112
Failure to Obey Notice of Fire Chief 7-106
False Alarm 7-118
Fire, Distant 7-109
Fires 7-108
Hose, Driving Over 7-116
Interference 7-113
Investigation, Fire 7-111
Membership 7-102
Obstruction 7-114

Offices of Chief, Assistant Chief, Captains; Duties 7-103
Operation and Funding 7-101
Penal Provision 7-501
Preservation of Property 7-110
Records 7-107
Traffic 7-117

FIRE REGULATIONS
Chimneys 7-211
Complaints 7-204
Fire Code Enforcement 7-203
Fire Limits; Building Permit 7-214
Fire Limits; Defined; Building Materials 7-213
Fire Limits; Permitted Repairs 7-215
Fire Limits; Removal Required 7-216
Fire Limits; Removal or Repair Required 7-217
Fire Prevention Code 7-201
Furnaces 7-211
Lawful Entry 7-206
Life Safety Code 7-202
Manner of Service 7-205
Open Burning Ban; Waiver 7-212
Prohibited Fuels 7-209
Stoves 7-211
Violation Notice 7-207

FIREWORKS
Ignition 7-402
Occupation Tax 7-402
Permit for Public Exhibitions 7-402
Regulation of Use, Sale, Possession 7-401
Retail Sale Dates 7-402

FISCAL MANAGEMENT
Audit, Annual 1-506
Budget Filing 1-505
Budget Hearing 1-504
Budget Procedure 1-502
Budget Statement; Filing 1-503
Claims 1-509
Credit Cards and Electronic Funds Transfers; Authority to Accept 1-520
Contracts 1-508
Debt Collection; Authority to Contract with Collection Agency 1-519
Expenditures 1-516
Fiscal Year 1-501
Fund, Special Assessment 1-512
Funds, Deposit of 1-514
Funds, Investment of 1-515
Funds, Sinking 1-513
Funds, Transfer of 1-511
Levy, All-Purpose 1-507
Motor Vehicle Tax 1-518
Warrants 1-510

FOWLS
See ANIMALS GENERALLY

G

GARBAGE AND SOLID WASTE DISPOSAL
See SOLID WASTE

GOLF CARS AND UTILITY-TYPE VEHICLES
Decal or Flag, City-Issued; Issuance; Fee 3-415
Definitions 3-410
Inspection, City; Requirements 3-414
Insurance and Proof of Insurance 3-418
Operation 3-417
Operation Restrictions 3-419
Operation, Time of 3-421
Permit and Inspection Required 3-413
Permit, Annual; Expiration 3-416
Permitted 3-412
Speed, Maximun 3-422
Trailers Prohibited 3-420
Utilility-Type Vehicles; Passengers, Restraints 3-423
Violations; Penalties 3-424

H

HEALTH AND SANITATION
Health, Board of *
Nuisances *
Offensive Matter & Odor 1-903
Premises Licensed for Liquor 4-225

HEALTH, BOARD OF
Members 1-901
Powers and Duties 1-902
Substance Detrimental to Health or Offensive to Smell; Penalty 1-903

HOUSING AUTHORITY
Compensation 1-1501
Conflict of Interest 1-1503
Definitions 1-1508
Duties 1-1502
Existence, Continued, as Housing Authority 1-1506
Joint Housing Authority 1-1510
Meetings 1-1502
Members 1-1501
Officers 1-1502
Ownership 1-1507
Removal of Commissioner 1-1504
Report to City Council 1-1505
Rules and Regulations 1-1509
Terms 1-1501

HOUSING CODE

Application	4-601
Definitions	4-602
Dwelling Regulations	4-604
Emergency	4-608
Enforcement and Appeals	4-612
Inspections	4-609
Maintenance	4-605
Notice	4-610
Nuisance	4-606
Occupant's Duties	4-603
Rules and Regulations	4-611
Violation	4-607

J

JUNK VEHICLES
See NUISANCES

K

KENNELS

Definition	2-301
License; Application for	2-304
License Required	2-303
Regulations	2-305
Unlicensed; Nuisance	2-302

L

LIBRARY BOARD

Annual Report	1-1208
Book Removal	1-1207
Books, Damaged and Lost	1-1206
Cost of Use	1-1204
Discrimination Prohibited	1-1209
Donations	1-1205
General Powers and Duties	1-1202
Library Board	1-1201
Operation and Funding	1-1203
Penalties; Recovery; Disposition	1-1210

LICENSES AND PERMITS

Animal, Excessive, Permit	2-213
Bingo	4-505
Blasting	7-303
Building Movers	8-202
Building Permit, Fire Limits	7-214
Building Permits	7-214, 8-103
Cutting Curb	5-218
Dogs	2-225
Kennel	2-303
Liquor	4-202
Plumber	6-241, 6-320
Private Drive, Construction of	5-401
Salesmen, Non-Resident	4-301
Tobacco Sales	4-401

LIQUOR REGULATIONS
Advertisements and Sales 4-224
Application for License 4-203
Citizen Complaint Form 4-209, 4-210
Citizen Complaint Procedure 4-210
Complaint Initiated by City Council 4-211
Conduct Prohibited 4-223
Consumption, Place of, Restrictions on 4-206
Definitions 4-201
Delivery After Closing Hours 4-221
Gambling 4-218
Hours of Sale 4-205
Intoxicated Persons, Removal of from Public or Quasi-Public Property 4-228
Keg Sales; Registration; Keg Identification Numbers; Prohibited Acts 4-229
License Application 4-203
License Application, Action on 4-213
License Required 4-202
License, Display of 4-227
License, Prerequisites to 4-212
License, Renewal of 4-214
Licensing Standards 4-203
Minors and Incompetents, Sale to 4-204
Occupation Tax 4-207
Penalties 4-801
Place of Consumption, Restrictions on 4-206
Premises, Change of 4-217
Premises, Inspection of 4-208
Renewal of License 4-214
Renewal, Protests Against 4-215
Restrictions on Other Business 4-222
Sale for Resale Prohibited 4-219
Sales, Cash Only 4-226
Sanitation 4-225
Spiking Beer 4-216
Transportation of Liquor 4-220

LITTER
See NUISANCES

LIVESTOCK
See ANIMALS GENERALLY

M

MAYOR
Duties and Powers 1-104
Vacancy 1-105

MEETINGS OF CITY COUNCIL
Change in Office 1-316
Closed Sessions 1-308
Consent Agenda 1-314
Council Meetings 1-306

Emergency Meetings 1-307
Minutes 1-310
Notice to News Media 1-304
Open Meetings Information 1-303
Order of Business 1-313
Organizational 1-317
Parliamentary Procedure 1-315
Public; Notice 1-305
Public Participation 1-312
Public Records; Disclosure 1-319
Special Meetings 1-309
Videoconferencing; When Allowed 1-318
Votes 1-311

MISDEMEANORS, GENERAL
Air Pollution; Prohibited 2-123
Alcohol Consumption in Public Places; Exception 2-101
Appliances in Yard 2-112
Destruction of Property, Malicious 2-104
Disturbing the Peace 2-102
Impersonating Police 2-109
Littering 2-111
Mischief, Criminal 2-105
Noise, Excessive 2-103
Obstructing Officer Prohibited 2-110
Obstructing Water Flow 2-115
Obstruction of Public Ways 2-114
Penalty 2-601
Police, Impersonating 2-109
Posting 2-113
Railroads; Obstructing View at Crossing 2-119
Rodents and Insects; Extermination 2-120
Rodents and Insects; Occupant 2-121
Rodents and Insects; Owner 2-122
Service Dog; Violence on or Interference with 2-118
Slingshots, Paintball Guns, Blow Guns, Air Rifles or Similar Instruments, Discharge of 2-107
Stalking 2-108
Theft of Telecommunications Service 2-117
Trees, Injury to 2-116
Trespass, Criminal 2-106
Water Pollution; Prohibited 2-124

MOPEDS
Defined 3-425
Equipment 3-430
Operation 3-428
Operator's License Required 3-426
Traffic Regulations Applicable 3-427
Use of Traffic Lanes; Operation on Sidewalks Prohibited 3-429

MOTORCYCLES
Lights 3-404
Operation 3-403

N

NATURAL GAS PIPELINE OCCUPATION TAX
- Adjustments 4-706
- Amount 4-701
- Amount of Tax When Report Not Filed or Inspection Refused 4-708
- Basis 4-701
- Governmental Bodies Exempt 4-701
- Interest and Penalty 4-704
- Occupation Tax 4-701
- Payment Period and Due Date 4-702
- Quarterly Report of Gas Usage 4-705
- Right of City to Inspect Records 4-707
- Right of City to Sue When Payment in Default 4-709
- To Whom Payable; Receipt; Disposition 4-703

NUISANCE REGULATIONS
- Abatement Services and Notice Procedure 2-503
- Definitions 2-502
- Enforcement Procedures 2-504
- Expenses 2-505
- Fines, Specific 2-506
- Purpose 2-501

O

OCCUPATION TAX
- Certificates 4-103
- Duties of Parties Liable 4-104
- Interstate or Government Business 4-102
- Liquor 4-207
- Natural Gas Pipeline Occupation Tax *
- No Refund 4-106
- Paid to Treasurer; Not Assignable 4-105
- Purpose 4-101
- Violation; Penalty 4-107

OFFICERS, APPOINTIVE
- Appointment of 1-201
- Attorney 1-209
- Clerk 1-204
- Clerk/Treasurer/Administrator 1-208
- Deputy Clerk 1-203
- Engineer 1-215
- Merger of Offices 1-202
- Physician 1-217
- Police Chief 1-210
- Public Works Director 1-211
- Sewer Commissioner 1-212
- Street Commissioner 1-214
- Student Representative to City Council 1-216
- Treasurer *
- Water Commissioner 1-213

ORDINANCES
Amendments and Revisions 1-411
Effective date of 1-407
Emergency Ordinances 1-409
Grant of Power 1-401
Introduction 1-402
Motions 1-403
Passage 1-404
Publication, Certificate of 1-410
Publication or Posting 1-410
Resolutions 1-403
Rules, Suspension of 1-405
Style 1-406
Title 1-408

P

PARK AND TREE COMMISSIONERS, BOARD OF
Compensation; Bond 1-1004
Consent of Property Owner 1-1012
Definitions 1-1002
Distance from Curb and Sidewalk 1-1008
Distance from Street Corners and Fire Hydrants 1-1009
Duties and Responsibilities 1-1001
Interference with Tree Board 1-1017
Operation 1-1006
Pruning; Corner Clearance 1-1014
Public Tree Care 1-1011
Removal of Dead or Diseased Trees on Private Property 1-1015
Review by City Council 1-1005
Stumps, Removal of 1-1016
Term of Office 1-1003
Tree Species to be Planted 1-1007
Tree Topping 1-1013
Utilities 1-1010

PARKING REGULATIONS
Alley, Obstructing 3-304
Alleys; Loading and Unloading 3-305
Congested Area Unloading 3-306
Crosswalks 3-319
Curb Intersections 3-310
Curbs 3-311
Curbs, Painted 3-313
Display of Vehicles 3-314
Emergency Vehicles 3-317
Fire Hydrants and Stations 3-308
Freight Vehicles, Unloading 3-307
Handicap Parking Areas 3-318
No Parking Areas 3-318
Obstructing Traffic 3-312
Parking; Areas 3-303
Parking; Generally 3-302
Repair of Vehicles 3-314

Schools 3-309
Theaters 3-309
Time Limit 3-315
Time Limit, Maximum; Current License 3-316
Unloading; Freight Vehicles 3-307
Vehicles; Brakes, Coasting 3-301

PENALTIES
Abandoned Vehicles 3-206, 3-501
All-terrain Vehicles 3-417, 3-501
Backflow Regulations 6-239, 6-601
Branches and Shrubbery, Failure to Remove 5-309, 5-501
Building Regulations 8-301
Business Regulations 4-801
Civil Administration 1-1801
Dangerous Animals or Potentially Dangerous Dogs 2-224, 2-601
Diversion of Services 6-105, 6-601
Dogs and Cats 2-231, 2-601
Fire Chief, Failure to Obey Notice of 7-106, 7-501
Fire Regulations 7-501
Garbage and Solid Waste Disposal 6-408, 6-601
Golf Cars and Utility-Type Vehicles 3-424
Health Regulations 1-903, 1-1801
Housing Code 4-607, 4-801
Misdemeanors 2-601
Motor Vehicles and Bicycles 3-501
Municipal Code 0-007
Natural Gas Pipeline Occupation Tax 4-704, 4-801
Nuisance Regulations 2-601
Occupation Tax 4-107, 4-801
Private Drives, Construction 5-404, 5-501
Public Ways and Property Regulations 5-501
Sidewalk Regulations 5-501
Snow, Sleet and Ice, Failure to Remove 5-308, 5-501
Snowmobiles 3-409, 3-501
Solicitors 4-308, 4-801
Street Regulations 5-501
Traffic Regulations 3-501
Utilities 6-601
Wellhead Protection 6-226, 6-601

PERMITS
See LICENSES AND PERMITS

PLANNING COMMISSION
Alternate Member 1-805
Funds 1-803
Limit on Expenditures 1-803
Meetings 1-802
Members 1-801
Organization 1-802
Purpose 1-804
Records 1-802
Removal 1-801
Rules 1-802

Term 1-801
Vacancies 1-801

POLICE DEPARTMENT
Arrest Jurisdiction 1-702
Cruelty to Animals 2-404
Discharge or Removal from Duty; Notice and Hearing; Determination 1-703
Officer, Impersonating 2-109
Officer, Obstructing 2-110
Police, Refusal to Obey 3-130
Power, Duties, Responsibilities 1-701
Traffic Officers 3-131
Traffic Powers 3-129

PRIVATE DRIVES
Application for Construction 5-401
Application Requirements 5-402
Penalties 5-404
Permit 5-403

PUBLIC PROPERTY REGULATIONS
Improvement District; Land Adjacent 5-110
Maintenance and Control of 5-101
Obstructions 5-102
Obstructions, Permitted 5-103
Penalty 5-501
Personal Property, Sale of 5-108
Public Works Involving Architecture or Engineering; Requirements 5-111
Real Property, Acquisiton of; Appraisal 5-106
Real Property, Acquisition of; Authorization 5-105
Real Property, Acquisition of; Construction, Elections, When Required 5-107
Real Property; Sale and Conveyance 5-104
Special Improvement District; Assessment and Creation Process 5-109
Violations; Penalty 5-501
Weapons Prohibited in Public Buildings 5-112

R

RAILROAD COMPANIES
Obstructing View at Crossing Prohibited 2-119

S

SENIOR SERVICES, BOARD OF
Authority 1-1406
Duties 1-1407
Intent and Purpose 1-1401
Meetings 1-1405
Members; Appointments 1-1402
Officers; Duties 1-1404
Qualifications, Term; Vacancies 1-1403

SEWER DEPARTMENT

Air Conditioning Units, Discharge From	6-311
Bills, Joint	6-101
Cesspools	6-308
Contract, Sewer	6-302
Contracts, Service	6-304
Destruction of Property	6-317
Excavations	6-316
Hookup, Mandatory	6-309
Inspections	6-315
Installation Expense	6-310
Installation; Permit Required	6-312
Liability, Plumber	6-321
Non-residents, Service to	6-318
Operation and Funding	6-301
Plumber, Licensed	6-320
Plumber, Liability	6-321
Privies	6-308
Repair and Replacement	6-319
Septic Tanks	6-308
Service Contracts	6-304
Service to Non-Residents	6-318
Sewer Contract	6-302
Single Premises	6-313
Unlawful Connection	6-314
Unlawful Deposit of Wastes	6-305
Unlawful Discharge of Wastes	6-306
Unlawful Use	6-307
Utilities Generally *	

SEXUAL PREDATOR RESIDENCY RESTRICTIONS

Definitions	2-602
Distance, Measure of	2-604
Exceptions	2-605
Purpose	2-601
Residence Prohibition	2-603

SIDEWALKS

Branches and Shrubbery, Duty to Remove	5-309
Construct or Repair, Failure to	5-305
Construction by Owner	5-307
Construction by Petition	5-306
Duty to Repair	5-301
Liability	5-301
Notice; New, Reconstructing, Repairing	5-302 through 5-304
Penalty	5-501
Sidewalk, New, Notice	5-302
Sidewalk, Reconstructing, Notice	5-304
Sidewalk, Repairing, Notice	5-303
Snow, Sleet and Ice, Duty to Remove	5-308

SNOWMOBILES

Enforcement, Penalty	3-409
Equipment	3-405
Public Lands	3-408
Unlawful Acts	3-407

Unlawful Operation 3-406

SOLICITORS
Appeal Procedure 4-309
Application; Information Required 4-304
Definitions 4-301
Fees 4-303
Investigation of Applicant 4-305
License Issuance 4-306
License Required 4-302
Penalties 4-308
Restrictions on Soliciting 4-307
Severability 4-310

SOLID WASTE
Animals, Dead 6-406
Collection Service; Fees 6-402
Containers 6-404, 6-405
Definitions 6-401
Dumpsters 6-407
Prohibited Accumulation and Disposal 6-403
Transfer Station Grounds 6-407

STREETS
Concrete, Mixing 5-205
Construction Assessment 5-211
Crossings 5-202
Cutting Curb; Permit and Bond Required 5-218
Deferral from Special Assessments 5-216
Driving Stakes 5-204
Eave and Gutter Spouts 5-207
Excavation 5-203
Heavy Equipment 5-208
Improvement Districts, Objections 5-212
Improvement of Main Thoroughfares 5-214
Improvement of Streets on Corporate Limits 5-213
Improvements, Petition for 5-215
Liquids, Harmful 5-206
Names and Numbers 5-201
Penalty 5-501
Special Assessments, Deferral from 5-206
Stakes, Driving 5-204
Utility Lines, Wires, Etc. 5-210
Vacating Public Ways 5-217
Widening, Opening, Vacating 5-209

T

TOBACCO SALES
License for Sale; Application; Contents; Fee 4-401
Sale to Minors 4-402

TRAFFIC REGULATIONS
Backing 3-112
Careless Driving 3-125
Definitions 3-101

Driving Abreast 3-132
Driving in Sidewalk Space 3-113
Engine Braking 3-103
Emergency Regulations 3-128
Following Distance; Fire Apparatus 3-120
Following Distance; Generally 3-119
Funeral Processions 3-118
Glass 3-121
Loads; Projecting 3-136
Loads; Spilling or Shifting 3-137
Muffler 3-135
Overloading Front Seat; Obstructing Driver's View or Driving Mechanism 3-134
Parades and Motorcades, Regulations and Procedures 3-139
Penal Provision 3-501
Pointed Objects 3-121
Police; Refusal to Obey 3-130
Police; Traffic Officers 3-131
Police; Traffic Powers 3-129
Position of Vehicle on Highway 3-110, 3-111
Reckless Driving 3-126
Reckless Driving, Willful 3-127
Riding Outside Vehicle 3-133
Right of Way; Emergency Vehicles 3-109
Right of Way; Generally 3-108
Sidewalk Space, Driving in 3-113
Signals 3-115
Signs 3-115
Signs; Defacing or Interfering with 3-122
Signs; Unauthorized Display 3-123
Speed; Electronic Detector 3-124
Speed Zones 3-117
Stop Signs 3-116
Stop Signs Established 3-138
Stops; Mandatory 3-114
Street Signs, Defacing 3-122
Truck Routes 3-102
Turning; Cautious 3-107
Turning; Generally 3-106
Turning; Signals 3-105
Vehicle, Position on Highway, Generally 3-110
Vehicle, Position on Highway, Passing 3-111
Turning; "U" Turns 3-104

TREASURER, CITY
Duties 1-205
Report, Annual 1-207
Report, Monthly 1-206

TREE BOARD
See PARK AND TREE COMMISSIONERS, BOARD OF

TREE REGULATIONS
Care of Public Trees 1-1011
Consent of Property Owner 1-1012

Dead or Diseased Trees 1-1015
Pruning 1-1014
Spacing and Placement 1-1008 through 1-1009
Street Tree List 1-1007
Stumps, Removal of 1-1016
Tree Species to be Planted 1-1007
Tree Topping 1-1013
Utilities 1-1010

U

UTILITIES GENERALLY
Billing 6-101
Discontinuance of Service, Notice 6-102
Diversion of Services, Meter Tampering, Unauthorized Reconnection, Prohibited; Evidence 6-104
Diversion of Services; Penalty 6-105
Lien 6-103

UTILITY-TYPE VEHICLES
See GOLF CARS AND UTILITY-TYPE VEHICLES

V

VEHICLES, ABANDONED
Definitions 3-201
Disposition 3-204
Enforcement 3-202
Notice 3-203
Penalty 3-206
Title, Transfer of 3-205

VEHICLES, JUNK
See NUISANCES

VEHICLES, EMERGENCY
Following Distance, Fire Apparatus 3-120
Parking 3-317
Right of Way for 3-109

W

WATER DEPARTMENT
Application, Consumer's 6-203
Backflow Regulations *
Bills, Joint 6-101
Collections 6-208
Contract, Water 6-204
Contract, Water Service 6-215
Definitions 6-202
Destruction of Property 6-217
Fire Hydrants 6-214
Fire Mains 6-242
Funding 6-201
Inspection 6-216

Installation Expense 6-206
Installation Procedure 6-205
Lead Pipes and Solder, Prohibited 6-211
Maintenance 6-207
Mandatory Hookup 6-219
Meter Reading 6-209
Minimum Rates 6-210
Non-Use, Option for 6-210
Operations 6-201
Plumber, Licensed 6-241
Pollution 6-218
Rates 6-208
Repairs 6-207
Restricted Use 6-213
Single Premises 6-212
Utilities Generally *
Water Contract 6-204
Water Service Contracts 6-215
Wellhead Protection Area *

WEAPONS
Carry, Possession; Discharge 2-107

WEEDS
See NUISANCES

WELLHEAD PROTECTION AREA
Abatement Procedure 6-226
Authority 6-224
Definition of Water Well 6-223
Definitions 6-220
Designation 6-221
Distance of Certain Structures and Activities from Wells 6-222
Existing Wells 6-225
Penalties 6-226

CHAPTER I – CIVIL ADMINISTRATION

ARTICLE I – MAYOR AND CITY COUNCIL

1-101 CORPORATE EXISTENCE
1-102 CITY COUNCIL; NUMBER AND QUALIFICATIONS OF MEMBERS
1-103 ELECTION OF CITY OFFICIALS
1-104 MAYOR; DUTIES AND POWERS
1-105 MAYOR; VACANCY
1-106 PRESIDENT OF COUNCIL; ACTING PRESIDENT
1-107 SUCCESSION OF CONTROL
1-108 VACANCIES IN CITY OFFICES
1-109 CITY COUNCIL; POWERS
1-110 OFFICERS' SALARIES
1-111 VACANCY DUE TO UNEXCUSED ABSENCES
1-112 COMPENSATION; CONFLICT OF INTEREST
1-113 ELECTED OFFICIALS; QUALIFICATIONS; RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE

ARTICLE II – APPOINTIVE OFFICERS

1-201 APPOINTIVE OFFICERS
1-202 MERGER OF OFFICES
1-203 DEPUTY CLERK
1-204 CITY CLERK; DUTIES
1-205 CITY TREASURER; DUTIES
1-206 CITY TREASURER; MONTHLY REPORT
1-207 CITY TREASURER; ANNUAL REPORT
1-208 CITY CLERK/TREASURER/ADMINISTRATOR
1-209 CITY ATTORNEY; DUTIES
1-210 CITY POLICE CHIEF; DUTIES
1-211 DIRECTOR OF PUBLIC WORKS
1-212 SEWER COMMISSIONER
1-213 WATER COMMISSIONER
1-214 STREET COMMISSIONER
1-215 CITY ENGINEER
1-216 STUDENT REPRESENTATIVE TO CITY COUNCIL
1-217 CITY PHYSICIAN

ARTICLE III – ADMINISTRATION

1-301 CORPORATE SEAL
1-302 BLANKET BOND; OATH OF OFFICE
1-303 OPEN MEETINGS INFORMATION
1-304 MEETINGS; NOTICE TO NEWS MEDIA
1-305 MEETINGS; PUBLIC; NOTICE
1-306 MEETINGS; CITY COUNCIL
1-307 MEETINGS; EMERGENCY
1-308 MEETINGS; CLOSED SESSIONS
1-309 SPECIAL MEETINGS
1-310 MEETINGS; MINUTES
1-311 MEETINGS; VOTES
1-312 MEETINGS; PUBLIC PARTICIPATION
1-313 MEETINGS; ORDER OF BUSINESS

1-314 MEETINGS; CONSENT AGENDA
1-315 MEETINGS; PARLIAMENTARY PROCEDURE
1-316 MEETINGS; CHANGE IN OFFICE
1-317 MEETINGS; ORGANIZATIONAL
1-318 MEETINGS; VIDEOCONFERENCING; WHEN ALLOWED
1-319 PUBLIC RECORDS; DISCLOSURE

ARTICLE IV – ORDINANCES

1-401 GRANT OF POWER
1-402 INTRODUCTION
1-403 RESOLUTIONS AND MOTIONS
1-404 PASSAGE
1-405 SUSPENSION OF RULES
1-406 STYLE
1-407 EFFECTIVE DATE
1-408 TITLE
1-409 EMERGENCY ORDINANCES
1-410 CERTIFICATE OF PUBLICATION OR POSTING
1-411 AMENDMENTS AND REVISIONS

ARTICLE V – FISCAL MANAGEMENT

1-501 FISCAL YEAR
1-502 BUDGET PROCEDURE
1-503 BUDGET STATEMENT; FILING
1-504 BUDGET HEARING
1-505 BUDGET FILING
1-506 ANNUAL AUDIT
1-507 ALL-PURPOSE LEVY
1-508 CONTRACTS
1-509 CLAIMS
1-510 WARRANTS
1-511 TRANSFER OF FUNDS
1-512 SPECIAL ASSESSMENT FUND
1-513 SINKING FUNDS
1-514 DEPOSIT OF FUNDS
1-515 INVESTMENT OF FUNDS
1-516 EXPENDITURES
1-517 BOND ISSUES (Repealed)
1-518 MOTOR VEHICLE TAX
1-519 DEBT COLLECTION; AUTHORITY TO CONTRACT WITH COLLECTION AGENCY
1-520 CREDIT CARDS AND ELECTRONIC FUNDS TRANSFERS; AUTHORITY TO ACCEPT

ARTICLE VI – ELECTIONS

1-601 ELECTION OF OFFICERS; CERTIFICATION
1-602 PRIMARY ELECTION; NUMBER OF CANDIDATES FILING
1-603 TIE VOTES
1-604 FILING FEE
1-605 VOTER QUALIFICATIONS
1-606 PETITION CANDIDATES

1-607 NOMINATION BY WRITE-IN VOTES
1-608 SPECIAL JOINT ELECTIONS
1-609 CERTIFICATE OF NOMINATION OR ELECTION
1-610 BALLOTS
1-611 AT LARGE
1-612 EXIT POLLS

ARTICLE VII – POLICE DEPARTMENT

1-701 POWER, DUTIES, RESPONSIBILITIES
1-702 ARREST JURISDICTION
1-703 DISCHARGE OR REMOVAL FROM DUTY; NOTICE AND HEARING; DETERMINATION

ARTICLE VIII – PLANNING COMMISSION

1-801 MEMBERS; TERM; REMOVAL; VACANCIES
1-802 ORGANIZATION; MEETINGS, RULES; RECORDS
1-803 FUNDS; LIMIT UPON EXPENDITURES
1-804 PURPOSE
1-805 ALTERNATE MEMBER

ARTICLE IX – BOARD OF HEALTH

1-901 MEMBERS
1-902 POWERS AND DUTIES
1-903 DEPOSITING OR PERMITTING DEPOSIT OR ACCUMULATION OF ANY SUBSTANCE DETRIMENTAL TO HEALTH OR OFFENSIVE TO SMELL; PENALTY

ARTICLE X – BOARD OF PARK AND TREE COMMISSIONERS

1-1001 DUTIES AND RESPONSIBILITIES
1-1002 DEFINITIONS
1-1003 TERM OF OFFICE
1-1004 COMPENSATION; BOND
1-1005 REVIEW BY CITY COUNCIL
1-1006 OPERATION
1-1007 TREE SPECIES TO BE PLANTED
1-1008 DISTANCE FROM CURB AND SIDEWALK
1-1009 DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS
1-1010 UTILITIES
1-1011 PUBLIC TREE CARE
1-1012 CONSENT OF PROPERTY OWNER
1-1013 TREE TOPPING
1-1014 PRUNING; CORNER CLEARANCE
1-1015 REMOVAL OF DEAD OR DISEASED TREES ON PRIVATE PROPERTY
1-1016 REMOVAL OF STUMPS
1-1017 INTERFERENCE WITH TREE BOARD

ARTICLE XI – BOARD OF ADJUSTMENT

1-1101 MEMBERS

1-1102 TERMS; PLANNING COMMISSION MEMBER
1-1103 COMPENSATION; BOND
1-1104 OFFICERS; FUNDING
1-1105 MEETINGS
1-1106 DUTIES

ARTICLE XII – LIBRARY BOARD

1-1201 LIBRARY BOARD
1-1202 GENERAL POWERS AND DUTIES
1-1203 OPERATION AND FUNDING
1-1204 COST OF USE
1-1205 DONATIONS
1-1206 DAMAGED AND LOST BOOKS
1-1207 BOOK REMOVAL
1-1208 ANNUAL REPORT
1-1209 DISCRIMINATION PROHIBITED
1-1210 PENALTIES; RECOVERY; DISPOSITION

ARTICLE XIII – CEMETERY BOARD

1-1301 MEMBERS; TERMS; COMPENSATION; BOND
1-1302 DUTIES
1-1303 OFFICERS
1-1304 MEETINGS
1-1305 FINANCIAL MATTERS
1-1306 OPERATION AND FUNDING
1-1307 UNLAWFUL BURIAL
1-1308 LOT PRICES
1-1309 PERPETUAL CARE
1-1310 LOT SALES
1-1311 MAINTENANCE ASSESSMENTS
1-1312 DESTRUCTION OF PROPERTY

ARTICLE XIV – BOARD OF SENIOR SERVICES

1-1401 INTENT AND PURPOSE
1-1402 MEMBERS; APPOINTMENTS
1-1403 QUALIFICATIONS, TERM; VACANCIES
1-1404 OFFICERS; DUTIES
1-1405 MEETINGS
1-1406 AUTHORITY
1-1407 DUTIES

ARTICLE XV – HOUSING AUTHORITY

1-1501 MEMBERS; TERMS; COMPENSATION
1-1502 MEETINGS; OFFICERS; DUTIES
1-1503 CONFLICT OF INTEREST
1-1504 REMOVAL OF COMMISSIONER
1-1505 REPORT TO CITY COUNCIL
1-1506 CONTINUED EXISTENCE AS HOUSING AGENCY
1-1507 OWNERSHIP
1-1508 DEFINITIONS

1-1509 RULES AND REGULATIONS
1-1510 JOINT HOUSING AUTHORITY

ARTICLE XVI – AIRPORT AUTHORITY BOARD

1-1601 AUTHORITY; DUTIES
1-1602 MEMBERS
1-1603 APPOINTMENT PROCEDURE
1-1604 VACANCIES
1-1605 REMOVAL OF MEMBERS

ARTICLE XVII – OTHER BOARDS AND COMMISSIONS

1-1701 COMMUNITY CENTER COMMISSION
1-1702 COMMUNITY REDEVELOPMENT AUTHORITY

ARTICLE XVIII – PENAL PROVISION

1-1801 VIOLATION; PENALTY

CHAPTER I – CIVIL ADMINISTRATION

ARTICLE I – MAYOR AND CITY COUNCIL

SECTION 1-101: CORPORATE EXISTENCE

The City of Imperial, 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.

SECTION 1-102: CITY COUNCIL; NUMBER AND QUALIFICATIONS OF MEMBERS

The elected officials of the City shall consist of a mayor and four council members, who shall be citizens of the United States, residents of the City and registered voters; provided, a council member's term shall expire and the office become vacant upon removal or change of residence from the City. The council members shall qualify and meet on the first regular meeting in December following their election. (Ref. Neb. Rev. Stat. §17-103)

SECTION 1-103: ELECTION OF CITY OFFICIALS

The term of office of the mayor and City Council is four years. The members elected in the general election in 2002 shall continue to hold their office until December, 2006. Those members elected in 2004 shall continue to hold their office until December, 2008. Thereafter, two council members' terms shall expire every two years. The election of the council members shall be held on the date of the statewide general election.

SECTION 1-104: MAYOR; DUTIES AND POWERS

1. The mayor of the City shall have the general and immediate control over all property and officials of the City. He/she shall preside at all meetings of the City Council, and may vote when his/her vote shall be decisive 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. His/her signature must appear on the city clerk's minutes of all meetings,

he/she must sign all resolutions which have been passed and warrants for the payment of money when ordered by the City Council; provided, any ordinance vetoed by the mayor may be passed over his/her veto by a two-thirds vote of the members of the Council, but if the mayor neglects or refuses to sign any ordinance and returns it to the Council with his/her objections in writing at the next regular council meeting, the same shall become a law without his/her signature. He/she shall from time to time com-municate to the Council such information and recommendations as, in his/her opinion, may improve the City.

2. The mayor may, at reasonable intervals, require any city official to exhibit his/her accounts and make reports to the Council on any subject pertaining to his/her office. He/she may remove an appointed police officer of the City at any time. His/her territorial authority shall extend over all places within five miles of the corporate limits of the City for the enforcement of any health ordinance, and one-half mile in all matters vested in him/her except taxation. He/she shall also have such other duties as the City Council may confer upon him/her by resolution.

3. Any candidate for mayor must be a registered voter and resident of the City prior to filing for the said office.
(Ref. Neb. Rev. Stat. §17-107, 17-110 through 17-117)

SECTION 1-105: MAYOR; VACANCY

1. Whenever a vacancy occurs in the office of mayor, or in case of his/her disability or absence, the president of the Council shall exercise the office of mayor until such va-cancy is filled or such disability is removed, or in the case of temporary absence, until the mayor returns.

2. When the successful candidate for mayor shall be unable to assume office, the incumbent mayor shall not be entitled to hold over the term; such office shall automatically become vacant and the president of the Council shall exercise the office of mayor until such vacancy is filled.

3. 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 herein.
(Ref. Neb. Rev. Stat. §17-107)

SECTION 1-106: PRESIDENT OF COUNCIL; ACTING PRESIDENT

In case of any vacancy in the office of mayor, or in case of his/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. In the absence of the president, the Council shall elect one of its own body to occupy his/her place temporarily, who shall be styled "acting president of the Council." The president and acting president, when occupying the place of the mayor, shall have the same privileges as other members of the Council; and all acts of the president or acting president, while so acting, shall be as binding upon the Council and upon the City as if done by the mayor.
(Ref. Neb. Rev. Stat. §17-148)

SECTION 1-107: SUCCESSION OF CONTROL

In order to designate the succession of control of the City and to declare and control a disaster or emergency when the mayor is not present or is unable to act as the principal

executive officer of the City, then the following is the procedure used to determine who is next in line to fulfill those duties and responsibilities:

1. If the mayor is not present or is incapable of performing his/her duties in order to declare a disaster or emergency and/or act as principal executive officer in a disaster or emergency situation, then the president of the City Council shall perform those functions and duties.

2. Should the president of the Council not be present or be unable to perform those functions and duties, then the next most senior elected official shall perform those duties and functions.

3. The line of succession for the remaining elected officials shall follow by seniority from the date originally elected. If more than one council member has the same date of seniority, then the most senior in age shall assume control.

SECTION 1-108: VACANCIES IN CITY OFFICES

1. A vacancy shall be filled by the City Council for the balance of the unexpired term. In the event of any vacancy on the Council, the Council shall give public notice of the vacancy by causing to be published in a newspaper of general circulation within the City, or posting in three public places in the City, notice of the office vacated and the length of the unexpired term. Within two weeks after the regular meeting at which such notice of vacancy has been presented or after the death of the incumbent, the mayor shall call a special meeting of the Council, at which time he/she shall submit the name of a qualified elector to fill the vacancy for the balance of the unexpired term.

2. The Council shall vote upon such nominee and if a majority votes in favor of such nominee, the vacancy shall be declared filled. If a majority fails to confirm such appointment, the nomination shall be rejected and the mayor shall, at the next regular meeting, submit the name of another qualified elector to fill the vacancy.

3. If the vote on the nominee at such meeting fails to carry by a majority vote, the mayor shall continue at such meeting to submit the names of qualified electors of the City in nomination and the Council shall continue to vote until the vacancy is filled. The mayor shall vote for or against the nominee in case of a tie vote of the Council. All council members present shall cast a ballot for or against the nominee.
(Ref. Neb. Rev. Stat. §17-212, 32-568, 32-569)

SECTION 1-109: CITY COUNCIL; POWERS

The Council shall have all powers granted under the laws of the State of Nebraska, including but not limited to the following powers:

1. To pass ordinances to prevent and remove nuisances;
2. To prevent, restrain and suppress gambling and disorderly houses;
3. To license and regulate amusements;
4. To establish and provide for police protection;
5. To prevent the spread of contagious diseases;
6. To regulate business;
7. To erect, repair, construct and regulate public ways and property;
8. To maintain good government, public welfare and domestic tranquility; and
9. To enforce all ordinances by imposing penalties upon inhabitants or other persons for violation thereof not exceeding the amount permitted by Nebraska law for each

offense, recoverable with costs, together with enforcement by injunction where necessary.

SECTION 1-110: OFFICERS' SALARIES

1. All elected officers shall receive such compensation as the City Council shall fix by ordinance. Such compensation amounts shall be on file in the office of the city clerk for public inspection. The emoluments of appointive and elective officers of this city shall be neither increased nor decreased during the term for which elected or appointed, except by merger of officers or when there are other officers elected or appointed to the Council and the terms of one or more members commence and end at different times; the compensation of all members of such Council may be increased or diminished at the beginning of the full term of any member thereof.

2. No person who shall have resigned or vacated any office shall be eligible to the same during the time for which he/she was elected or appointed, if during the same time the emoluments thereof have been increased. In addition to the salaries herein provided, the various officers shall be entitled to mileage and expenses, if and when claims therefor are filed, audited and allowed. The mayor and Council may by resolution authorize clerical assistance in one or more offices when the same may be needed, and claims therefor out of the proper funds may be presented, allowed, audited and paid. All fees earned by an officer of this city in the performance of his/her duties as such shall be considered the property of this city and shall be promptly paid over to the city treasurer and credited by him/her to the appropriate fund.
(Ref. Neb. Rev. Stat. §17-108.02, 17-612) (Am. by Ord. No. 10-09-02, 9/13/10)

SECTION 1-111: VACANCY DUE TO UNEXCUSED ABSENCES

1. 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.

2. The City Council shall take a vote on whether to excuse a member’s absence from a meeting upon either (A) a written request from the member submitted to the city clerk or (B) a motion of any other council member.

3. If a council member has been absent from six consecutive regular meetings and none of the absences have been excused by a majority vote of the remaining members, the city clerk shall include this as an item on the agenda for the next regular meeting. At that meeting, the Council shall set a date for a hearing and direct the city clerk to give the member notice of the hearing by personal service or first class mail to the member’s last known address.

4. At the hearing, the council member shall have the right to present information on the reasons why one or more of the absences should be excused. If the Council does not excuse one or more of the member’s absences by a majority vote at the conclusion of the hearing, there shall be a vacancy on the Council.
(Ref. Neb. Rev. Stat. §19-3101)

SECTION 1-112: COMPENSATION; CONFLICT OF INTEREST

1. For purposes of this section, "officer" shall mean any member of any board or commission of the City; or any appointed official if such official (A) serves on a board or

commission which spends and administers its own funds and (B) is dealing with a contract made by such board or commission; or any elected city official.

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

3. 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:

A. Has a business with which the individual is associated or business association, which shall mean a business: (i) in which the individual is a partner, director or officer; or (ii) 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; or

B. Will receive a direct pecuniary fee or commission as a result of the contract; provided, however, if such officer is (i) an employee of the business involved in the contract and has no ownership interest or (ii) will not receive a pecuniary fee, such officer shall not be deemed to have an interest within the meaning of this section.

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

A. Makes a declaration on the record to the governmental body responsible for approving the contract regarding the nature and extent of his/her interest, prior to official consideration of the contract;

B. Does not vote on the matter of granting the contract, except that if the number of members of the Council declaring an interest in the contract would prevent the Council, with all members present, from securing a quorum on the issue, then all members may vote on the matter; and

C. Does not act for the City as to inspection or performance under the contract in which he/she has an interest.

5. 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 A through C 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/her parent, spouse or child for special action. If an

officer has the power to employ personnel and he/she hires his/her parent, spouse or child, such officer shall disclose the hiring pursuant to subsections A through E below. However, 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.

6. The city clerk shall maintain, separately from other records, a ledger containing the information listed in subsections A through E of this section 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 A through C 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:

A. Names of the contracting parties;
B. Nature of the interest of the officer in question;
C. Date that the contract was approved by the City;
D. Amount of the contract; and
E. Basic terms of the contract.

7. 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.

8. An open account established for the benefit of this 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.

9. Any officer who knowingly violates the provisions of this section shall be guilty of a Class III misdemeanor. Any officer who negligently violates this section shall be guilty of a Class V misdemeanor.

10. The City may enact ordinances exempting from the provisions of this section contracts involving $100.00 or less in which one of its officers may have an interest.

11. No officer, including volunteer firefighters, shall receive any pay or perquisites from the City other than his/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.
(Ref. Neb. Rev. Stat. §17-611, 18-305 through 18-312, 49-14,103.01 through 49-14,103.03, 70-624.04)

SECTION 1-113: ELECTED OFFICIALS; QUALIFICATIONS; RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE

1. Elected officials shall be residents and registered voters of the City.

2. The mayor and members of the Council shall hold no other elective or appointive office or employment with the City.

3. For purposes of this section, (A) “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 (B) “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.

4. 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.

5. Except as provided in subsection 6 or 8 of this section, no person shall be precluded from being elected or appointed to or holding an elected office for the reason that he/she has been elected or appointed to or holds another elected office.

6. 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.

7. 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.

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

9. Notwithstanding subsections 6 through 8 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/she was elected or appointed.
(Ref. Neb. Rev. Stat. §17-108.02, 32-109, 32-603, 32-604)

ARTICLE II – APPOINTIVE OFFICERS

SECTION 1-201: APPOINTIVE OFFICERS

The mayor, at the first regular meeting of the City Council held after he/she takes office or as soon thereafter as he/she can reasonably do so, may appoint, with the advice and consent of the Council a city clerk, city treasurer, city engineer, city attorney, city police

chief, city fire chief and director of public works. He/she shall also appoint whatever other officials of the City which he/she deems necessary. Such officials shall serve at the pleasure of the City Council. (Ref. Neb. Rev. Stat. §17-107, 17-541)

SECTION 1-202: MERGER OF OFFICES

The city administrator, as provided by law, in his/her discretion, may combine and merge any elective or appointive office or employment, except the mayor or a City Council member, with any other elective or appointive office so that one or more of such offices may be held by the officer or employee at the same time. Any 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. For purposes of this section, volunteer firefighters shall not be considered officers.

SECTION 1-203: DEPUTY CLERK

The City Council may appoint, within the office of the city clerk, a deputy clerk, who shall be under the immediate supervision of the city clerk and shall have such powers and duties as the City Council shall designate. The deputy clerk shall perform the duties of the city clerk in his/her absence.

SECTION 1-204: CITY CLERK; DUTIES

The city clerk shall:

1. Attend the meetings of the City Council and maintain a proper minute book wherein shall be recorded all of the formal and informal actions of the mayor and City Council.

2. Maintain records of the various ordinances and resolutions passed by the City Council.

3. Maintain all books, papers and all other official records of the City in a safe place and make such records available for public inspection by any resident of the City during normal business hours.

4. Have custody of the seal of the City and all written official papers of the City.

5. Maintain a complete record of all outstanding bonds against the City, showing the number and amount of each, for and to whom the said bonds were issued and all other pertinent information in regard to said bonds.

6. Draw, sign and attest all warrants ordered for the payment of money on a particular fund from which the same is payable, and at the end of each month make a report of the amount appropriated to each fund and the amount of warrants drawn thereon.

7. Attest to the mayor's signature on all official documents and attach the city seal thereon.

8. Whenever any claim presented by any person has been disallowed by the City Council, notify said claimant of said disallowance by the Council within five days after such disallowance.

9. Account for all moneys received in the normal course of city business and keep a record of the same, issuing a proper receipt to those parties making payment to the account of the City.

10. Publish or post all notices required in the performance of his/her duties and keep a record of all such notices issued, keeping a record of the publisher's affidavit of any said publication if published in a legal newspaper.

11. Make a notation on all correspondence received by the City of the date of its receipt and convey said correspondence as soon as possible to the appropriate official or employee of the City.

12. Keep and maintain all other legal papers required to be maintained by him/her either by these ordinances or by Nebraska state law.

The duties of the city clerk will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council.
(Ref. Neb. Rev. Stat. §17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712)

SECTION 1-205: CITY TREASURER; DUTIES

The duties of the city treasurer shall be those set forth in this section and in Sections 1-206 and 1-207, as well as being set forth specifically in the job description separately adopted by the mayor and City Council. The city treasurer shall be custodian of all moneys belonging to the City and shall:

1. Deposit public funds which have come into his/her hands in such depository bank or banks or in other eligible financial institutions for depository purposes as designated by the mayor and City Council.

2. Keep a separate account of each and every fund or appropriation and the debits and credits belonging to the City.

3. Provide a receipt for anyone paying money into the city treasury if such person requests a receipt, specifying the date of payment and on what account paid; and file copies of said receipts with his/her monthly reports made to the mayor and City Council.

4. (A) Keep a warrant register which shall show in columns arranged for that purpose the number, date and amount of each warrant presented and registered, as hereinafter provided, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person in whose name the same is registered, the date of payment, the amount of interest, and the total amount paid thereon, with the date when the notice to such person in whose name such warrant is registered is mailed as hereinafter provided; (B) upon presentation of any warrant for payment, in the presence of such person, enter such warrant in the warrant register for payment in the order of its presentation; (C) upon every warrant as presented and registered, endorse “Registered for Payment” with the date of such registration and register number; (D) sign such endorsement, whereupon such warrant shall draw interest at the legal rate from the date of registration until notice of payment shall be given to the holder as provided by law.

5. Render his/her account within 20 days after the end of the month, or by a later date established by the City Council. If the treasurer fails to do so, the mayor may use this failure as cause to remove him/her from office.
(Ref. Neb. Rev. Stat. §17-606 through 17-609, 84-712)

SECTION 1-206: CITY TREASURER; MONTHLY REPORT

The city treasurer shall, at the end of each month and as often as may be required, render a report to the mayor and City Council showing, under oath, the condition of the various accounts of the treasury at the time of such reports and the balance of money in the treasury; he/she shall accompany such accounts with a statement of all receipts and disbursements, together with all warrants paid by him/her which, with any and all vouchers held, shall be filed with his/her accounts in the city clerk's office. He/she shall keep, in a book suitable for that purpose, a record of each and every warrant paid and from what fund paid. He/she shall also produce depository evidence that all city money is in a solvent and going bank in the name of the City. If the city treasurer neglects or fails, for a period of 20 days from the end of each and every month, to render his/her ac-count, the City Council shall by resolution declare the office vacant and the mayor and City Council shall fill the vacancy by appointment. (Ref. Neb. Rev. Stat. §17-606)

SECTION 1-207: CITY TREASURER; ANNUAL REPORT

The city treasurer is also required to publish or cause to be published in a legal weekly newspaper published in or of general circulation in said city within 60 days following the end of each fiscal year a report of the activities of his/her office, which said report shall show in detail all receipts, disbursements, warrants outstanding, and the debit or credit balance of the City. (Ref. Neb. Rev. Stat. §19-1101)

SECTION 1-208: CITY CLERK/TREASURER/ADMINISTRATOR

There is hereby created the office of city clerk/treasurer/administrator, who shall perform all of the duties imposed by Section 1-204, 1-205, 1-206 and 1-207 of this article; and shall further carry out all duties of the office as may be prescribed by the statutes of the State of Nebraska, other provisions of this code and policies and procedures heretofore and hereafter adopted by the mayor and City Council, which shall generally include but not be limited to the following:

1. Maintenance of all city, general, utility, payroll, revenue sharing and bond retirement financial records and reports.

2. Supervision of payroll, maintenance of permanent payroll records, collection of payroll deductions and remittance of the same according to law.

3. Administration of city comprehensive business, employee health, and dental, self insurance, workmen’s compensation, unemployment and other insurance programs, and employee retirement programs.

4. Service as city personnel director.

5. Assistance to and supervision of all city department heads in general operation of their departments, but not to include the making of operational decisions made by said department heads. In pursuit of this provision, the city clerk/treasurer/administrator shall meet monthly with department heads.

6. General supervision of employee work schedules to optimize use of the City’s labor force.

7. Supervision of personnel evaluation programs.

8. Supervision of city office personnel.

9. Preparation and submission to the mayor and City Council of written evaluations of all city personnel under his/her supervision.

10. Coordination of employment application procedures and interviews.

11. General supervision of the city's zoning officer and building inspector and his/her assistants.

12. Service as city purchasing agent for all departments.

13. General responsibility in conjunction with department heads for maintenance of perpetual inventories for each department.

14. General responsibility for accident, injury and damage reports.

15. General assistance to and supervision of all appointed boards, commissions, committees, and any agents and employees under the general direction of the mayor and City Council.

16. Attendance at board, commission or committee meetings when indicated.

17. General responsibility for budget preparation and periodic budget reports to mayor and City Council.

SECTION 1-209: CITY ATTORNEY; DUTIES

The city attorney, when appointed, shall be legal advisor to the mayor and the City Council, who shall have the right to pay him/her compensation for legal services performed on such terms as the City Council and attorney may agree. The Council shall also have the right to employ additional legal assistance and to pay for such legal assistance out of the funds of the City. The city attorney shall:

1. Undertake all legal matters of the City as set forth by Nebraska statutes.

2. 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 Council.

3. When requested, attend meetings of the Council and give his/her opinion, either orally or in writing as may be required, upon any matters submitted to him/her.

4. Draft or review for legal correctness any ordinances, contracts, franchises or other instruments, as may be required.

5. Perform such other duties as may be imposed upon him/her by general law or ordinance.
(Ref. Neb. Rev. Stat. §17-610)

SECTION 1-210: CITY POLICE CHIEF; DUTIES

The duties of the city police chief will be those set forth herein and as set forth specifically

in the job description separately adopted by the mayor and City Council. The city police chief shall:

1. Diligently inquire into any and all violations of city ordinances and state statutes; if he/she determines that a violation of city ordinances or state statutes has occurred, issue a written complaint and cause the arrest of such person.

2. Make or cause to be made the necessary written complaint against any person under arrest for the violation of any city ordinances or state laws, and bring any such prisoner before the County Court whenever required to do so by rule or order of the county judge.

3. Have general control over motor vehicular traffic and, together with such special officers detailed to assist as traffic officers by the mayor and City Council, shall direct the movement of traffic at intersections and elsewhere; and it shall be unlawful for any person to violate any order or signal of the city police or of any special traffic officer.

4. Perform such other duties as may be required of him/her by resolution or by order of the mayor and City Council.
(Ref. Neb. Rev. Stat. §17-107, 17-121)

SECTION 1-211: DIRECTOR OF PUBLIC WORKS

The position of director of public works is hereby created. The director shall assume the duties of the merged offices of electric commissioner, water commissioner, sewer commissioner, electrical inspector, plumbing inspector, utilities superintendent and street commissioner. The director of public works shall be directly responsible to the city administrator/clerk. (Ref. Neb. Rev. Stat. §17-107, 17-541, 17-543)

SECTION 1-212: SEWER COMMISSIONER

The director of public works shall: (1) maintain immediate control and supervision over all employees and property that make up the city sewer system, subject to the general control and direction of the Council; (2) when requested, make a detailed report to the City Council on the condition of the sewer system and direct its attention to such improvements, repairs, extensions, additions and additional employees as he/she may believe are needed, along with estimates of the costs thereof; (3) issue permits for all connections to the city water system and inspect and supervise all repairs made to said system; and (4) have such other duties as the City Council may designate. (Ref. Neb. Rev. Stat. §17-107)

SECTION 1-213: WATER COMMISSIONER

The director of public works shall: (1) have the general management and control of the waterworks of the City, except for billing for water consumption and collections of money therefore; (2) make detailed reports to the City Council, when re-quested, concerning the condition of the water system; (3) purchase any material or supplies for the use of the department or employ any help in the department only upon the authority of the City Council, unless it be for repairs in cases of emergency; and (4) perform such additional duties as may be prescribed by the City Council. The director of public works may be removed at any time by a two-thirds vote of the City Council. (Ref. Neb. Rev. Stat. §17-107, 17-541, 17-543)

SECTION 1-214: STREET COMMISSIONER

The director of public works shall: (1) have general charge, direction and control of all work on the streets, sidewalks, culverts and bridges of the City; (2) see that gutters and drains therein function properly and that the same are kept in good repair; (3) at the request of the Council, make detailed reports on the condition of the streets, sidewalks, culverts, alleys and bridges of the City and direct their attention to such improvements, repairs, extensions, additions and additional employees as he/she may believe or need to maintain a satisfactory street system in the City, along with an estimate of the cost thereof; (4) supervise and direct the snow and tree removal work in the City; and (5) perform such other duties as the Council may require. The duties of the director of public works will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council. (Ref. Neb. Rev. Stat. §17-107, 17-119)

SECTION 1-215: CITY ENGINEER

The special engineer shall: (1) make all surveys, estimates and calculations necessary to be made for the establishment of any public utilities and the costs of labor and materials therefore; (2) accurately make all plats, sections and maps as may be necessary under the direction of the City Council; (3) upon request, make estimates of the cost 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, building of culverts, sewers, electric systems, waterworks, power plants, public heating system, curbing and gutters, and the improvement of streets and erection and repair of buildings, and (4) perform such other duties as the City Council may require. The Board of Public Works shall have the right to utilize its own engineering staff and shall have the right to hire consulting engineers for the design and installation of extensions and improvements of the works under its jurisdiction. Whenever the City Council has authorized the purchase of material and employment of labor for the enlargement and improvement of the water and electric departments, the Board of Public Works shall have the right to pursue the same. (Ref. Neb. Rev. Stat. §17-405, 17-568, 17-568.01, 17-919)

SECTION 1-216: STUDENT REPRESENTATIVE TO CITY COUNCIL

The purpose of a student representative is to give the mayor and City Council input, and to implement and improve communication with city government from a group of citizens unable to vote because of age. The student representative for the City Council shall be appointed for a one-year term by the mayor with approval of the Council. This student representative shall be a student in the Chase County High School and a resident of the City. Said representative shall sit on the Council during its meetings but shall have no voting rights on any matters coming before the Council. Said student shall be allowed to attend closed sessions of the City Council only upon approval of the mayor and Council. Said student shall take the oath of office and is expected to be familiar with the government and proceedings of the Council (especially Chapter I, Article III of this code).

SECTION 1-217: CITY PHYSICIAN

The city physician shall be a member of the Board of Health of the City and perform the duties devolving upon him/her as the medical advisor of said board. In all injuries where a liability may be asserted against the City, the city physician shall immediately investigate the said injuries, the extent thereof and the circumstances. He/she shall then report the results of his/her investigation with the name of the party injured and all other persons who may have personal knowledge of the matter. He/she shall make all physical examinations and necessary laboratory tests incident thereto and issue such health certificates

as are required by ordinance. For the purpose of making examination of the sanitary conditions of any property and the state of health of the inhabitants therein, he/she shall have the right at all reasonable hours to go upon and enter all premises, buildings or other structures in the City. He/she shall perform such other duties as may be required of him/her by the laws of the State of Nebraska and the ordinances of the City. When ordered to do so by the City Council, he/she shall disinfect or fumigate the premises or persons in or about the premises when the premises are quarantined, call upon indigent sick persons and perform other professional services at the direction of the City Council. The city physician shall receive as compensation for his/her services such sum as the City Council may from time to time set. He/she shall receive no compensation for service as a member of the Board of Health.

ARTICLE III – ADMINISTRATION

SECTION 1-301: CORPORATE SEAL

There shall be owned by the City, in the office of the city clerk, a common seal of the corporation, having engraved thereon the words "City of Imperial, Chase County, Nebraska, Seal." The city clerk shall affix an impression of said seal on all papers or documents executed by him/her in his/her official capacity. (Ref. Neb. Rev. Stat. §17-502)

SECTION 1-302: BLANKET BOND; OATH OF OFFICE

1. All surety and other bonds required by city ordinances or by Nebraska law for city officials may be provided by the purchase of a blanket bond, undertaking or equivalent insurance. The bond or insurance coverage shall be, at a minimum, an aggregate of the amounts fixed by the law or by the City Council requiring such bond or undertaking and on such terms and conditions as may be required. The City may pay the premium for the bond or insurance coverage. (Ref. Neb. Rev. Stat. §11-104(2), 17-604) (Ord. No. 07-12-02, 12/10/07)

2. All officers of the City, whether elected or appointed, shall declare and subscribe the following oath or affirmation before entering upon the duties of their respective offices:

> "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."

This oath or affirmation so subscribed shall be filed in the office of the city clerk.
(Ref. Neb. Rev. Stat. §11-101)

SECTION 1-303: OPEN MEETINGS INFORMATION

The City Council shall make available at least one current copy of the Open Meetings Act,

to 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.

SECTION 1-304: MEETINGS; NOTICE TO NEWS MEDIA

The city clerk, secretary or designee of each public body 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. (Ref. Neb. Rev. Stat. §84-1411)

SECTION 1-305: MEETINGS; PUBLIC; NOTICE

1. All public meetings as defined by law shall be held in a city public building located within the City in which City Council usually holds such meetings, unless the publicized notice hereinafter required shall designate some other public building or other specified place. All such meetings shall be open to attendance by the public and at least one current copy of the Open Meetings Act shall be posted in the meeting room at a location accessible to the members of the public. The advance publicized notice of all public, convened meetings shall be transmitted to all members of the Council and to the public by a method designated by the Council. Such notice shall contain the time and specific place for each meeting and either (A) an enumeration of the agenda subjects known at the time of the notice or (B) a statement that such an agenda, kept continually current, shall be available for public inspection at the office of the city clerk. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The Council shall have the right to modify the agenda at the public meeting when convened. The minutes of the city clerk shall include a record of the manner by which the advance publicized notice was given, the time and specific place of each meeting and the names of each member of the Council present or absent at each convened meeting.

2. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the City Council in open session. The record of the city clerk shall show how each member voted or if that the member was absent and did not vote.

3. Any formal actions taken at any public meeting not in conformity with the provisions of this section shall be deemed to be void. Any official who shall violate the provisions of this section shall be deemed to be guilty of a misdemeanor.
(Ref. Neb. Rev. Stat. §84-1408, 84-1409, 84-1411, 84-1413) (Am. Ord. No. 08-09-07, 9/8/08)

SECTION 1-306: MEETINGS; CITY COUNCIL

1. The meetings of the City Council shall be held at the council chambers or other location set by the Council by resolution. Regular meetings shall be held on the first (1st) and third (3rd) Mondays of each month at the hour of 6:00 p.m., except there shall be no meeting on the 3rd Monday of December. A special meeting may be called by the mayor or by a majority of the City Council for those purposes which shall be submitted in writing to the council members prior to said meeting. The call and subject of said meeting shall be entered upon the journal by the city clerk as well as its disposition.

2. A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members. 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 City Council members shall elect a president pro tempore.
(Ref. Neb. Rev. Stat. §17-105, 17-106) (Am. Ord. Nos. 07-03-03, 3/19/07; 08-01-01, 1/14/08; 11-09-02, 9/12/11; 12-05-01, 5/7/12)

SECTION 1-307: MEETINGS; EMERGENCY

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, provided reasonable efforts are made by the city clerk to give advance notice of time and place of such meeting to news media requesting notification of meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meetings shall be made available to the public by no later than the end of the next regular business day. (Ref. Neb. Rev. Stat. §84-1411)

SECTION 1-308: MEETINGS; CLOSED SESSIONS

1. The mayor and City Council may hold a closed session by an 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 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.

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

3. The vote to hold a closed session shall be taken in open session. The entire motion to close, the vote of each member on the holding of a closed session and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion passes, then the mayor shall, immediately prior to the closed session, restate on the record the limitation of the subject matter of the closed session. In holding such a closed session, the Council shall re-strict its consideration of matters during the closed portion to only those purposes set forth in the motion to close as the reason for the closed session.

4. Any member of the Council 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. Such challenge shall be overruled only by a majority of the members of the Council. Such challenge and its disposition shall be recorded in the minutes.
(Ref. Neb. Rev. Stat. §84-1410)

SECTION 1-309: SPECIAL MEETINGS

1. Special meetings may be called by the mayor or by three members 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. On filing the call for a special meeting, the 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. A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel

the attendance of the absent members. Whether a quorum is present or not, all absent members shall be sent for and compelled to attend.

2. 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 City Council members shall elect a president pro tempore. All ordinances passed at any special meeting shall comply with procedures set forth in Chapter I, Article IV (Ordinances). (Ref. Neb. Rev. Stat. §17-106)

SECTION 1-310: MEETINGS; MINUTES

The city clerk shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The minutes shall be public records, open to public inspection during normal business hours. 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 earliest. However, an additional ten days shall be allowed the city clerk to write and make available for inspection such minutes in the event of the clerk's serious illness or an emergency which prevents him/her from writing such minutes and making them available to the general public within ten working days as set forth herein. (Ref. Neb. Rev. Stat. §84-1412, 84-1413)

SECTION 1-311: MEETINGS; VOTES

Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the City Council in open session, and the record shall state how each member voted or whether the member was absent or not voting. 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. (Ref. Neb. Rev. Stat. §17-616, 84-1413)

SECTION 1-312: MEETINGS; PUBLIC PARTICIPATION

1. Subject to the provisions of this article, 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 a public body, except for closed meetings called pursuant to Section 1-305, 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.

2. It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself/herself. No public body shall hold a meeting in place known by the body to be too small to accommodate the anticipated audience for the purpose of circumventing the provisions of this article. No public body shall be deemed in violation of this section if it holds its meetings in its traditional meeting place located in this state. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony

presented at the meeting. Public bodies 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.

3. An agency which contracts with cities outside the State of Nebraska may hold meetings of any committee outside the State of Nebraska if such meetings are held only in such contracting cities. Final action on any agenda items shall only be taken by the agency at a meeting in the State of Nebraska, which meeting shall comply with Neb. Rev. Stat. §84-1408 to 84-1414.
(Ref. Neb. Rev. Stat. §84-1412, 18-2438)

SECTION 1-313: MEETINGS; ORDER OF BUSINESS

All meetings of the City Council shall be open to the public. Promptly at the hour set by the council on the day of each regular meeting, the members of the City Council, the city clerk, the mayor and such other city officials that may be required shall take their regular stations in the city hall and the business of the City shall be taken up for consideration and disposition in the following order:

1. Roll call
2. Reading and approval of the minutes of the previous meeting
3. Acceptance of treasurer's report
4. Consideration of petitions and other communications
5. Special order of business
6. Reports of officers, boards and committees
7. Unfinished business of the preceding meeting
8. Introduction of ordinances and resolutions and the first reading of ordinances
   A. First reading
   B. Roll call
   C. Suspension of rules
9. Second reading of ordinances, roll call
10. Third reading of ordinances, roll call
11. Final passage of ordinances, roll call
12. Claims for and against the City
13. Superintendent's reports
14. Miscellaneous business
15. Adjournment

SECTION 1-314: MEETINGS; CONSENT AGENDA

There is hereby established a consent agenda procedure for the transaction of certain routine business at Council meetings. The intent of this procedure is to expedite the conduct of routine business at Council meetings to allow more time to be devoted to substantive issues by condensing the time necessary to process routine items, but yet allowing an opportunity for full discussion in consideration of said items if appropriate. The procedure to be followed is as follows:

1. Items considered by the city clerk to be routine and non-controversial in nature may be placed on the agenda for regular council meetings and special council meetings under the heading of "consent agenda". Such items shall be clearly worded to indicate action to be taken by the Council.

2. At the council meeting, the mayor will review those items placed on the consent

agenda and ask if any member of the Council or public in attendance wishes to have an item removed from the consent agenda and placed on the regular agenda. All such requests are not debatable and will be complied with without discussion.

3. After items have been removed from the consent agenda as requested by a member of the Council or public in attendance, the Council will then consider adoption of the remaining actions recommended and specified in the consent agenda by a single motion and vote of the Council.

4. All items listed on the consent agenda shall be recorded in the minutes individually and in their proper form, and the vote recorded adopting the recommended and specified action on the consent agenda shall be shown as the vote on each such item in the minutes.

SECTION 1-315: MEETINGS; PARLIAMENTARY PROCEDURE

1. The mayor shall preserve order during meetings of the City Council and shall decide all questions of order, subject to an appeal to the City Council. When any person is called to order, he shall be seated until the point is decided. When the mayor is putting the questions, no person shall leave the meeting room. Before speaking, every person shall rise from his/her seat and address the presiding officer, and while speaking shall confine himself/herself to the question.

2. All resolutions or motions shall be reduced to writing before being acted upon if requested by the city clerk or any member of the Council. Every member of the Council who is present when a question is voted upon shall cast his/her vote, unless excused by a majority of the City Council present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the mayor before being debated. 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 also be entered. After each vote, a roll call vote shall be taken and entered in the minutes upon the request of any member of the Council. 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 any question is under debate, no motion shall be made, entertained or seconded except the previous question or a motion to table or to adjourn. Each of the said motions shall be decided without debate.

3. Any of the rules of the City Council for meetings may be suspended by a two-thirds vote of the members present. In all cases in which provisions are not made by these rules, *Robert's Rules of Order* is the authority by which the City Council shall decide all procedural disputes that may arise.

SECTION 1-316: MEETINGS; CHANGE IN OFFICE

The change in office shall be made as follows: The mayor and Council shall meet on the first regular meeting date in December of each year in which a city election is held. The outgoing officers and the outgoing members of the Council shall present their reports, and upon the old Council's having completed its business up to the said time, the outgoing members of the Council shall surrender their offices to the incoming members. Each outgoing officer shall thereupon surrender to his/her successor in office all property, records, papers and moneys belonging to the same.

SECTION 1-317: MEETINGS; ORGANIZATIONAL

1. The newly elected Council shall convene in the council chambers on the first regular meeting in December of each year in which a city election is held, immediately after the prior Council adjourns, and proceed to organize the body for the ensuing year. The mayor elected for the new municipal year shall call the meeting to order. The Council shall then proceed to examine the credentials of its members and other elective officers of the City to see that each has been duly and properly elected and to see that such oaths and bonds have been given as are required. After ascertaining that all members are duly qualified, the Council shall then elect one of its members to be president of the Council. The mayor shall nominate his/her candidates for appointive offices and then proceed with the regular order of business.

2. It is hereby made the duty of each and every member of the Council or his/her successor in office, and of each officer elected to any office, to qualify prior to the first regular meeting in December following his/her election. All appointive officers shall qualify within two weeks following their appointments. Qualification for each officer who is not required to give bond shall consist in his/her subscribing and taking an oath to support the Constitution of the United States, the Constitution of the State of Nebraska and the laws of the City and to perform faithfully and impartially the duties of his/her office. Each officer who is required to give a bond shall file the required bond in the office of the city clerk with sufficient sureties, conditioned on the faithful discharge of the duties of his/her office, with the oath endorsed thereon.

SECTION 1-318: MEETINGS; VIDEOCONFERENCING, WHEN ALLOWED

1. A meeting of an organization created under the Interlocal Cooperation Act or the Municipal Cooperative Financing Act or a meeting of the governing body of a risk management pool or advisory committee organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing if:

A. Reasonable advance publicized notice is given;

B. Reasonable arrangements are made to accommodate the public's right to attend, hear and speak at the meeting, including seating, recording by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions at least to the same extent as would be provided if videoconferencing was not used;

C. At least one copy of all documents being considered is available to the public at each site of the videoconference;

D. At least one member of the governing body or advisory committee is present at each site of the videoconference; and

E. No more than one-half of the governing body's or advisory committee's meetings in a calendar year are held by videoconference.

2. For purposes of this section, “videoconferencing” shall mean conducting a meeting involving participants at two or more locations through the use of audio/video equipment which allows participants at each location to hear and see each meeting participant at every other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

3. Videoconferencing shall not be used to circumvent any of the public government purposes established in this article.
(Ref. Neb. Rev. Stat. §84-1409, 84-1411)

SECTION 1-319: PUBLIC RECORDS; DISCLOSURE

The following records, unless publicly disclosed in an open court, open administrative proceeding or open meeting, or disclosed by a public entity pursuant to its duties, may be withheld from the public by the lawful custodian of the records:

1. Medical records of individuals, including payments to medical service providers, or mandatory drug testing results;

2. Records which represent the work product of an attorney and the public body involved which are related to preparation for litigation, labor negotiations or claims made by or against the public body or which are confidential communications as defined in Neb. Rev. Stat. §27-503;

3. Records developed or received by law enforcement agencies and other public bodies charged with duties of investigation or examination or persons, institutions or businesses when the records constitute a part of the examination, investigation, intelligence, information, citizen complaints or inquiries, informant identification, or strategic or tactical information used in law enforcement training, except that this subdivision shall not apply to records so developed or received relating to the presence of an amount or concentration of alcohol or drugs in any body fluid of any person charged with a crime; nor shall it exclude incident reports including police blotter 911, logs and records of jail admissions and releases;

4. Appraisals or appraisal information and negotiation records concerning the purchase or sale by a public body, or any interest in real or personal property, prior to completion of the purchase or sale;

5. Personal information in records regarding personnel of public bodies other than salaries and routine directory information;

6. Information solely pertaining to protection of the physical security of public property such as guard schedules, lock combinations or the security standards, procedures, policies, plans, specifications, diagrams, access lists, and other security-related records;

7. With respect to public utilities and except as provided in Neb. Rev. Stat. §43-512.06 and 70-101, personally identified private citizen account payment information, credit information on others supplied in confidence and customer lists;

8. Records or portions of records kept by a publicly funded library which, when examined with or without other records, reveal the identity of any library patron using the library's materials or services;

9. Records or portions of records kept by public bodies which would reveal the location, character or ownership of any known archaeological, historical or paleontological site in Nebraska when necessary to protect the site from a reasonably held fear of theft, vandalism, or trespass. This section shall not apply to the release of information for the purpose of scholarly research, examination by other than public bodies for the protection of the resource or by recognized tribes, the Unmarked Human Sites and Skeletal

Remains Protection Act, or the federal Native American Graves Protection and Repatriation Act; and

10. Records or portions of records kept by public bodies which maintain collections of archaeological, historical or paleontological significance which reveal the names and addresses of donors of such articles of archaeological, historical or paleontological significance unless the donor approves disclosure, except as the records or portions thereof may be needed to carry out the purposes of the Unmarked Human Sites and Skeletal Remains Protection Act, or the federal Native American Graves Protection and Repatriation Act.

ARTICLE IV – ORDINANCES

SECTION 1-401: GRANT OF POWER

The City Council shall have the responsibility of making all ordinances, by-laws, 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 security. (Ref. Neb. Rev. Stat. §17-505)

SECTION 1-402: INTRODUCTION

Ordinances shall be introduced by members of the City Council in either of the following ways:

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

2. With the recognition of the mayor, a Council member may present his/her proposed ordinance to the city clerk who, in the presence and hearing of a majority of the Council, shall read aloud the substance of the same and shall file it for future consideration.

SECTION 1-403: RESOLUTIONS AND MOTIONS

A resolution or motion shall be introduced by one of the methods prescribed for the introduction of ordinances. After its introduction, it shall be fully and distinctly read one time in the presence and hearing of a majority of the Council. The issue raised by said resolution or motion shall be disposed of in accordance with parliamentary law. 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.

SECTION 1-404: PASSAGE

Passage of ordinances, resolutions or orders for the appropriation of money shall require concurrence of a majority of the Council. Ordinances of a general or permanent nature shall be fully and distinctly read on three different days. (Ref. Neb. Rev. Stat. §17-614)

SECTION 1-405: SUSPENSION OF RULES

In the event that three-fourths of the members of the Council present vote to dispense with the rule that ordinances of a general or permanent nature be fully read on three

different days, such ordinances may be passed by reading the title one time when introduced, read by title a second time after the rule has been dispensed with, read at large a third time, and then put upon final passage.

SECTION 1-406: STYLE

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

SECTION 1-407: EFFECTIVE DATE

After passage of an ordinance by the City Council, the city clerk shall publish said ordinance in a legal newspaper of general circulation in the City or post it in the normal three public places within 15 days. The ordinance shall then become effective upon its publication or posting. (Ref. Neb. Rev. Stat. §17-613)

SECTION 1-408: TITLE

No ordinance shall contain a subject not clearly expressed in its title. (Ref. Neb. Rev. Stat. §17-614)

SECTION 1-409: EMERGENCY ORDINANCES

In the case of riot, infectious or contagious disease or other impending danger, failure of a public utility or other emergency requiring the immediate operation of an emergency ordinance, it 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 (1) recite the emergency, (2) be passed by a three-fourths vote of the Council, and (3) be entered upon the city clerk's minutes. (Ref. Neb. Rev. Stat. §17-613, 19-3701)

SECTION 1-410: CERTIFICATE OF PUBLICATION OR POSTING

The passage, approval and publication or posting of all ordinances shall be sufficiently proven by a certificate under the city seal 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. (Ref. Neb. Rev. Stat. §17-613)

SECTION 1-411: AMENDMENTS AND REVISIONS

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. (Ref. Neb. Rev. Stat. §17-614)

ARTICLE V – FISCAL MANAGEMENT

SECTION 1-501: FISCAL YEAR

The fiscal year of the City shall commence on October 1 and extend through the following September 30. (Ref. Neb. Rev. Stat. §17-701)

SECTION 1-502: BUDGET PROCEDURE

The *Manual of Instructions for City/Village: Budgets*, prepared by the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska 68509 is incorporated by reference for the purpose of proper budget preparation and shall be followed wherever practicable.

SECTION 1-503: BUDGET STATEMENT; FILING

1. The City Council shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill," in which the Council shall appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the City. Such budget statement shall be prepared on forms prescribed and furnished by the state auditor and shall contain that information required by the aforementioned *Manual of Instructions for City/Village: Budgets*.
(Ref. Neb. Rev. Stat. §17-706)

2. The annual appropriation bill shall not be amended without a majority vote of the City Council after a public hearing. Notice of the time and place of the hearing shall be published at least five days prior to the hearing date in a newspaper of general circulation within the City. The income arising from the operation of proprietary functions shall be deemed especially appropriated to the payment of the current expenses of and to the cost of improvements, extensions and additions to such functions and shall not be included in the annual appropriation bill.
(Ref. Neb. Rev. Stat. §13-504)

SECTION 1-504: BUDGET HEARING

Following the filing of the proposed budget statement, the City Council shall publish a proposed budget and conduct a public hearing on the said proposed budget statement. Notice of the place and time of the hearing, as well as a copy of the proposed budget, shall be published at least five days prior to the hearing date in a newspaper of general circulation in the City. After such hearing, the statement shall be adopted, or amended and adopted as amended, and a written record shall be made of such hearing. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 days after its adoption. (Ref. Neb. Rev. Stat. §13-506)

SECTION 1-505: BUDGET FILING

The City Council shall file with and certify to the levying board and file with the state auditor a copy of the adopted budget statement, together with the amount of the tax to be levied and proof of publication. Such filing shall be made on or before September 20th. The City Council shall not certify any tax that exceeds the maximum levy prescribed by state law; provided, in certifying the amount to be so levied, allowance may be made for delinquent taxes not exceeding 5% of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year. (Ref. Neb. Rev. Stat. §13-508)

SECTION 1-506: ANNUAL AUDIT

1. 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 and to cover 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 submitted within six months of the close of the fiscal year in any event, unless an extension of time shall be granted by a written resolution of the City Council.

2. All public utilities shall be audited separately, and the results of such audits shall appear separately in the annual audit report. The audit shall be a form that is in general conformity with accepted accounting principles and shall set forth the financial position for each fund of the City as well as an opinion by the accountant with respect to the financial statements. Two copies of the annual report shall be filed with the city clerk, becoming a part of the public records of the clerk's office, and will at all times thereafter be open for public inspection. One copy shall be filed with the state auditor. (Ref. Neb. Rev. Stat. §19-2901 through 19-2909)

SECTION 1-507: ALL-PURPOSE LEVY

The City Council has determined that the amount of money to be raised by taxation shall be certified to the county clerk in the form of one all-purpose levy instead of certifying a schedule of levies for specific purposes added together. Said all-purpose levy shall not exceed an annual levy in excess of the legal maximum as prescribed by state law upon the assessed valuation of all taxable property in the City, except intangible property. (Ref. Neb. Rev. Stat. §17-702)

SECTION 1-508: CONTRACTS

Before entering into any contract for labor, materials or any public improvement which exceeds $30,000.00 in cash as estimated by the City Engineer, the City Council shall; advertise for bids once each week for three consecutive weeks in a legal newspaper of general circulation in the City, or post a printed or written copy thereof in each of three public places in the City, provided that in the case of a public emergency which is a serious danger to life, health or property, estimates of costs and advertising for bids may be waived in the emergency ordinance when adopted by a three-fourths vote of the City Council. (Am. Ord. No. 08-09-06, 9/8/08)

SECTION 1-509: CLAIMS

All claims against the City shall be presented to the City Council in writing, and no claim or demand shall be audited or allowed unless presented as provided for in this section. 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 that 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. (Ref. Neb. Rev. Stat. §17-714, 17-715)

SECTION 1-510: 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 of such fund. (Ref. Neb. Rev. Stat. §17-711)

SECTION 1-511: TRANSFER OF FUNDS

1. Whenever during the current fiscal year it becomes apparent due to unforeseen emergencies that there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the City Council may, by a majority vote, 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 herein. If, as the result of unforeseen circumstances, the revenue of the current fiscal year shall be insufficient, the City Council may propose to supplement the previously adopted budget statement and shall conduct a public hearing, at which time any taxpayer may appear or file a written statement protesting the application for additional money. A written record shall be kept of any such hearing.

2. Notice of the place and time for the said hearing shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the City. The published notice shall set forth the time and place of the proposed hearing, the amount of additional money required, the purpose of the required money, a statement stating the reasons why the adopted budget of expenditures cannot be reduced to meet the need for additional money, and a copy of the summary of the originally adopted budget previously published.

3. Upon the conclusion of the public hearing on the proposed supplemental budget and approval by the City Council, said board shall file with the county clerk and the state auditor a copy of the supplemental budget and shall certify the amount of additional tax to be levied. The Council may then issue warrants in payment for expenditures authorized by the adopted supplemental budget. The said warrants shall be referred to as "registered warrants" and shall be repaid during the next fiscal year from funds derived from taxes levied therefor.
(Ref. Neb. Rev. Stat. §13-510, 13-511)

SECTION 1-512: SPECIAL ASSESSMENT FUND

All money received on special tax assessments 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. (Ref. Neb. Rev. Stat. §17-710)

SECTION 1-513: SINKING FUNDS

1. The City Council, subject to the limitations set forth herein, shall have the power to levy a tax not to exceed that prescribed by state law 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 or repair of the approved uses as authorized by state law. To initiate the said sinking fund, the City Council shall declare its purpose by resolution to submit to the qualified electors of the City the proposition to provide the improvement at the next general city election. The resolution shall set forth the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed, and the proposition as it will appear on the ballot. Notice of the said proposition shall be published in its entirety for three successive weeks before the day of the election in a legal newspaper of general circulation in the City.

2. The sinking fund may be established after the election if a majority or more of the legal votes were in favor of the establishment of the fund. The City Council may then proceed to establish the said fund in conformity with the provisions of the proposition and applicable state law. The funds received by the city treasurer shall, as they accumulate, be immediately invested with the written approval of the City Council in the manner provided by state law. No sinking fund so established shall be used for any purpose or purposes contrary to the purpose as it appeared on the ballot unless the City Council is authorized to do so by 60% of the qualified electors of the City voting at a general election favoring such a change in the use of the sinking fund.
(Ref. Neb. Rev. Stat. §19-1301 through 19-1304, 77-2337, 77-2339)

SECTION 1-514: DEPOSIT OF FUNDS

The City Council, at its first meeting in each fiscal year, shall designate one or more banks of approved and responsible standing in which the city treasurer shall at all times keep all money held by him/her; provided, if more than one bank in the City meets the requirements for approved banks as herein defined, the said funds shall be deposited in each of them and the city treasurer shall not give a preference to any one or more of them in the money he/she shall deposit. A bond shall be required from all banks so selected in a penal sum which equals the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or a pledge of sufficient assets of the bank to secure the payment of all such deposits. (Ref. Neb. Rev. Stat. §17-607, 77-2362 through 77-2364)

SECTION 1-515: INVESTMENT OF FUNDS

The City Council may, by resolution, direct and authorize the city treasurer to invest surplus funds in the outstanding bonds or registered warrants of the City and other approved bonds and obligations as provided by law. The interest on such bonds or warrants shall be credited to the fund out of which the said bonds or warrants were purchased. (Ref. Neb. Rev. Stat. §17-608, 17-609, 72-1259, 77-2341)

SECTION 1-516: 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 Nebraska law and funds for the claim or out of which said claim is payable had been included in the adopted budget statement according to law.

SECTION 1-517: BOND ISSUES

(Repealed by Ord. No. 07-12-02, 12/10/07)

SECTION 1-518: MOTOR VEHICLE TAX

The City Council may levy a tax on all motor vehicles owned or used in the City, which shall be paid to the county treasurer when the registration fees as provided in Neb. Rev. Stat. §60-329 to 60-339 are paid. Such taxes shall be credited by the county treasurer to the Road Fund of the City. Such funds shall be used by the City for constructing, resurfacing, maintaining or improving streets, roads, alleys, public ways or parts thereof, for the amortization of bonded indebtedness when created for such purposes. (Ref. Neb. Rev. Stat. §18-1214)

SECTION 1-519: DEBT COLLECTION; AUTHORITY TO CONTRACT WITH COLLECTION AGENCY

1. 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.

2. No debt owed pursuant to the foregoing subsection may be assigned to a collection agency unless (A) 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 (B) at least 30 days have elapsed from the time the notice was sent.

3. 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.

4. 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 be $25.00 or 4½% of the debt, whichever 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.
(Ref. Neb. Rev. Stat. §45-623)

SECTION 1-520: CREDIT CARDS AND ELECTRONIC FUNDS TRANSFERS; AUTHORITY TO ACCEPT

1. The City Council may authorize city officials to accept credit cards, charge cards or debit cards, whether presented in person or electronically, or electronic funds transfers 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.

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

3. With respect to a facility which it operates in a proprietary capacity, the City Council may choose to accept credit cards, charge cards or debit cards, whether presented in person or electronically, or electronic funds transfers as a means of cash payment and may adjust the price for services to reflect the handling and payment costs.

4. The city official receiving payment shall obtain, for each transaction, 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.

5. The City Council may choose to participate in the state contract for such payment services. If the City Council chooses not to participate in the state contract, it 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.

6. 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 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, but the surcharge or convenience fee shall not exceed the surcharge or convenience fee imposed by the credit card or charge card companies or third-party merchant banks which have contracted with the state or under the previous subsection. 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. If a payment is made electronically by credit card, charge card, debt card or electronic funds transfer as part of a system for providing or retrieving information electronically, the city official receiving payment shall be authorized but not required to impose an additional surcharge or convenience fee upon the person making a payment.

7. For purposes of this section, “electronic funds transfer” means 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.
(Ref. Neb. Rev. Stat. §13-609)

ARTICLE VI – ELECTIONS

SECTION 1-601: ELECTION OF OFFICERS; CERTIFICATION

All city elections involving the election of officers shall be held in accordance with the Election Act and in conjunction with the statewide general election. No later than January 5 of each even-numbered year, the City Council shall certify to the Secretary of State, the election commissioner or the county clerk, 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 terms, and the number of votes to be cast by registered voters for each office. (Ref. Neb. Rev. Stat. §16-302.01, 32-401, 32-404, 32-532, 32-556)

SECTION 1-602: 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 1-603: TIE VOTES

In the case of a tie vote of any of the candidates in either the primary or general election, the county clerk shall notify such candidates to appear at his/her office on a given day and hour to determine the same by lot before the canvassing board and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail. (Ref. Neb. Rev. Stat. §32-1122)

SECTION 1-604: FILING FEE

Prior to the filing of any nomination papers, there shall be paid to the city treasurer a filing fee which shall amount to 1% of the annual salary for the office for which the candidate will file; provided, there shall be no filing fee for any candidate filing for an office in which a per diem is paid rather than a salary or an office for which there is a salary of less than $500.00 per year. No nominating papers shall be filed until the city treasurer's receipt, showing payment of the filing fee, shall be presented to the election officer with whom the nomination papers are to be filed. (Ref. Neb. Rev. Stat. §32-608)

SECTION 1-605: VOTER QUALIFICATIONS

"Elector" shall mean a 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. (Ref. Neb. Rev. Stat. §17-602, 32-110)

SECTION 1-606: PETITION CANDIDATES

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

2. 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/her name placed on the general election ballot if a vacancy exists on the ballot under subsection (1) of Neb. Rev. Stat. §32-626 and the candidate files for the office by petition as prescribed in this section.

3. The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot 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.

4. 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 20% of the total vote for governor or president of the United States at the immediately preceding general election within the City, not to exceed 2000.

5. Petitions for nomination 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. 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 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 payment of the required filing fee. The petitions shall be filed by September 1 in the year of the general election.
(Ref. Neb. Rev. Stat. §32-616 through 32-618)

SECTION 1-607: NOMINATION BY WRITE-IN VOTES

Candidates for elected office may be nominated by write-in; however, when the name of a candidate who did not file or become a petition candidate for nomination is written in and voted for as a candidate for City Council, such person shall not be entitled to a certificate of nomination at a statewide primary election or have his/her name placed on the general election ballot unless such person shall have received not less than 20% of the total vote cast for the candidate receiving the greatest number of votes in the precinct or ward at the preceding election in which candidates were elected to serve the precinct or ward.

SECTION 1-608: SPECIAL JOINT ELECTIONS

1. 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 through 32-959. No special election to be conducted by the election commissioner or county clerk shall be held within 30 days prior to or 60 days after the statewide primary election, and no special election to be conducted by the election commissioner or county clerk shall be held within 30 days prior to or 60 days after the statewide general election.

2. 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.

3. After the election commissioner or county clerk has received the certification of the issue to be submitted, he/she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that 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. The election commissioner or county clerk shall prepare the ballots, issue absentee ballots and conduct the submission of the issue, including the receiving and counting of the ballots. The election returns shall be made to the election commissioner or county clerk. The ballots, including absentee 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 county canvassing board shall have the same force and effect as if made by the City Council.
(Ref. Neb. Rev. Stat. §32-559)

SECTION 1-609: CERTIFICATE OF NOMINATION OR ELECTION

The county clerk shall, within 40 days after the election, prepare, sign and deliver a certificate of nomination or certificate of election to each person whom the canvassing board has declared to have received the highest vote for each municipal office. A certificate of election prepared by the city clerk shall be in the form as nearly as possible prescribed in Neb. Rev. Stat. §32-1033 and shall be signed by the mayor under the seal of the City and countersigned by the city clerk. (Ref. Neb. Rev. Stat §19-3041, 32-558, 32-1033)

SECTION 1-610: BALLOTS

The county clerk shall provide printed ballots for every general municipal election, and the expense of printing and delivering the ballots and cards of instruction shall be a charge upon the City. (Ref. Neb. Rev. Stat. §32-1202)

SECTION 1-611: AT LARGE

The City Council, in accordance with state law, has determined that it would be beneficial to the City to hold elections for city offices at large and hereby suspend voting by wards.

SECTION 1-612: 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 to any polling place or, if inside the polling place or building, within 100 feet of any voting booth. (Ref. Neb. Rev. Stat. §32-1525)

ARTICLE VII – POLICE DEPARTMENT

SECTION 1-701: POWER, DUTIES, RESPONSIBILITIES

1. The city police, whether regular or special, shall have the power to arrest all offenders against the laws of the State of Nebraska or the City, by day or by night, and keep the said offenders in the city jail or some other place to prevent their escape until trial can be held before the proper official of the State of Nebraska or the City. They shall have full power and authority to call on any person whenever necessary to assist them in performing public duties, and failure, neglect or refusal to render such assistance shall be deemed a misdemeanor punishable upon conviction by a fine. Every city police officer shall be expected to be conversant and knowledgeable of the city and state laws and no law enforcement official shall have any interest in any establishment having a liquor license. City police shall have the duty to file such complaints and reports as may be required by the city ordinances and the laws of the State of Nebraska.

2. City police who shall purposely and willfully fail, neglect or refuse to make an arrest or purposely and willfully fail to make a complaint after an arrest is made shall be charged with the misdemeanor, and upon conviction of said misdemeanor, shall be fined. It shall be unlawful for the City Council to retain any city police officer in such position upon conviction of any Class I misdemeanor, Class W misdemeanor, or any felony violation of the United States, the State of Nebraska, or any other comparable offenses of any other jurisdiction.

3. It shall be the duty of every city police officer making a lawful arrest to search all persons in the presence of some other person, whenever possible, and shall carefully keep, and produce to the proper judicial official upon the trial, everything found upon the person of such prisoners. All personal effects so taken from prisoners aforesaid shall be restored to them upon their release.

4. Suitable uniforms and badges shall be furnished to the city police by the City. Any member who shall lose or destroy the same shall be required to pay the replacement costs, and in the event that any member shall leave the force, he/she shall immediately deliver his badge to the city police chief. The City Council may from time to time provide

the city police with such uniforms, equipment and transportation as may be essential in the performance of their official duties.

SECTION 1-702: ARREST JURISDICTION

1. The city police chief or any other city police officer shall have the power and authority to enforce the laws of this state and the City or otherwise perform the functions of that office anywhere within his/her primary jurisdiction. “Primary jurisdiction” shall mean the geographic area within territorial limits of the City.

2. The city police chief and any other city police officer who is within this state but beyond the territorial limits of his/her primary jurisdiction shall have the power and authority to enforce the laws of this state or any legal ordinance of the City or otherwise perform the functions of his/her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within the territorial limits of his/her primary jurisdiction in the following cases:

A. The city police chief or any other city police officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow such person into any other jurisdiction in this state and there arrest and detain such person and return such person to the officer's primary jurisdiction;

B. The city police chief or any other city police officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow such person anywhere in an area within 25 miles of the boundaries of the officer's primary jurisdiction and there arrest and detain such person and return such person to the officer's primary jurisdiction;

C. The city police chief or any other city police officer shall have enforcement, arrest and detention authority when responding to a call in which a local, state or federal law enforcement officer is in need of assistance, which shall mean (i) a law enforcement officer whose life is in danger or (ii) who needs assistance in making an arrest and the suspect (a) will not be apprehended unless immediately arrested, (b) may cause injury to himself/herself or others or damage to property unless immediately arrested, or (c) may destroy or conceal evidence of the commission of a crime; and

D. If the City, under the provisions of the Interlocal Cooperation Act, enters into a contract with any other municipality or county for law enforcement services or joint law enforcement services, law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, the City shall provide liability insurance coverage for its own law enforcement personnel as provided in Neb. Rev. Stat. §13-1802.

4. When probable cause exists to believe that a person is operating or is in the actual physical control of any motor vehicle, motorboat, or aircraft while under the influence of alcoholic liquor or of any drug or otherwise in violation of Neb. Rev. Stat. §28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6.211.01 or 60-6,211.02, a city law enforcement officer has the power and authority to do any of the following or any combination thereof:

A. Transport such person to a facility outside of the law enforcement officer’s primary jurisdiction for appropriate chemical testing of the person;

B. Administer outside of the law enforcement officer's primary jurisdiction any post-arrest test advisement to the person; or

C. With respect to such person, perform other procedures or functions outside of the law enforcement officer's primary jurisdiction which are directly and solely related to enforcing the laws that concern a person operating or being in the actual physical control of any motor vehicle, motorboat, or aircraft while under the influence of alcoholic liquor or of any other drug or otherwise in violation of Neb. Rev. Stat. §28-1465, 28-1466, 28-1472, 37-1254.01, 37-1254.02, 60-4,163, 60-4,164, 60-6,196, 60-6,197, 60-6,211.01 or 60-6,211.02.

5. If city law enforcement personnel are rendering aid in their law enforcement capacity outside the limits of the City in the event of disaster, emergency or civil defense emergency or in connection with any program of practice or training for such disaster, emergency or civil defense emergency when such program is conducted or participated in by the Nebraska Emergency Management Agency or with any other related training program, such law enforcement personnel have the power and authority to enforce the laws of this state or any legal ordinances or resolutions of the local government where they are rendering aid or otherwise perform the functions of their office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within their primary jurisdiction. The City shall self-insure or contract for insurance against any liability for personal injuries or property damage that may be incurred by it or by its personnel as the result of any movement made pursuant to this section.
(Ref. Neb. Rev. Stat. §29-215)

SECTION 1-703: DISCHARGE OR REMOVAL FROM DUTY; NOTICE AND HEARING; DETERMINATION

1. No police officer, including the chief of police, shall be disciplined, suspended, demoted, removed or discharged except upon written notice stating the reasons for such disciplinary action, suspension, demotion, removal or discharge. Such notice shall also contain a statement informing the police officer of his/her right to a hearing before the City Council.

2. Any police officer so disciplined, suspended, demoted, removed or discharged may, within ten days after being notified by of such disciplinary action, suspension, demotion, removal or discharge, file with the city clerk a written demand for a hearing before the City Council, who shall set the matter for hearing not less than ten nor more than 20 days after the filing of the written demand for a hearing. The City Council shall give the said police officer written notice of the hearing not less than seven nor more than 14 days prior to the hearing.

3. At the hearing, the police officer shall have the right to: (1) respond in person to the charges and present witnesses and documentary evidence; (2) confront and cross-examine available adverse witnesses; and (3) be represented by counsel.

4. Not later than 30 days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse or modify the disciplinary action, suspension, demotion, removal or discharge. The failure of the City Council to act within 30 days or the failure of a majority of the Council members to vote to reverse or modify the disciplinary action, suspension, demotion, removal or discharge shall be con-

strued as a vote to uphold the disciplinary action, suspension, demotion, removal or discharge. The decision of the City Council shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged disciplinary action, suspension, demotion, removal or discharge was necessary for the proper management and effective operation of the Police Department in the performance of its duties under the state statutes.

5. Nothing in this section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer in cases of gross misconduct, neglect of duty, or disobedience of orders, pending the hearing authorized by this section.
(Ref. Neb. Rev. Stat. §17-107)

ARTICLE VIII – PLANNING COMMISSION

SECTION 1-801: MEMBERS; TERM; REMOVAL; VACANCIES

The Planning Commission shall consist of nine members, seven of which shall be residents of the City and two of which may be residents of the area over which the City is authorized to exercise extraterritorial zoning and subdivision regulations. The members shall represent insofar as is possible 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. All members of the commission shall serve without compensation and shall hold no other municipal office, except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. §19-908. The term of each member shall be three years. All members shall hold office until their successors are appointed. After a public hearing before the City Council, any member may be removed by the mayor by and with the consent of a majority vote of the City Council for inefficiency, neglect of duty or malfeasance in office or other good and sufficient cause. Any vacancy occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor.

SECTION 1-802: ORGANIZATION; MEETINGS, RULES; RECORDS

The commission shall elect its chairman and secretary from its members and create and fill such other of its offices as it may determine. The terms of chairman and secretary shall be one year, and each shall be eligible for re-election. No member of the commission shall serve in the capacity of both chairman and secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file them with the city clerk, where they shall be available for public inspection during office hours. 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 hold at least one regular meeting in each calendar quarter, except that 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 pending business. Special meetings may also be held upon the call of any three members of the commission. Rules for transaction of business shall be adopted and a record kept of all resolutions, transactions, findings and determinations, which shall be a public record.

SECTION 1-803: FUNDS; LIMIT UPON EXPENDITURES

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

SECTION 1-804: PURPOSE

It shall be the function and duty of the commission to 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 said City. All actions by the commission shall be subject to the review and supervision of the mayor and City Council. The commission shall make its recommendations to the City Council so that they are received within 90 days after the commission begins consideration of a matter relating to the comprehensive development plan, capital improvements, building codes, subdivision development, annexation of territory or zoning. The commission shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate.

SECTION 1-805: ALTERNATE MEMBER

The mayor, with the approval of a majority vote of the elected members of the City Council, shall appoint 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/she shall hold office until a 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 vote of the elected members 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. (Ref. Neb. Rev. Stat. §19-924 through 19-929)

ARTICLE IX – BOARD OF HEALTH

SECTION 1-901: MEMBERS

The City Council shall appoint a Board of Health which shall consist of four members: the mayor, the president of the City Council and two other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the Board's medical advisor. The mayor shall act as chairman. If the mayor has appointed a chief of police, he/she shall serve on the Board as secretary and quarantine officer. The members of the Board shall serve one-year terms of office, unless reappointed, and shall reorganize at the first meeting in December of each year.

SECTION 1-902: POWERS AND DUTIES

1. The Board of Health shall enact rules and regulations to safeguard the health of the people of the City and shall provide fines and punishments for violations thereof. The Board is authorized and directed to make all necessary rules and regulations relating to matters of sanitation, including the removal of dead animals, and sanitary conditions of the streets and alleys, of vacant grounds and of private and public stock yards and all other buildings and places where filth, nuisances or offensive matter is kept or is liable to and does accumulate. The Board shall suppress and prevent the occurrence of nuisances and enforce all laws of the State and ordinances of the City relating to the matters of sanitation of the City. The Board shall also have control of hospitals, dispensaries, places for treatment of the sick and matters relating to the same under such restrictions and provisions as may be provided by ordinance.

2. A majority of the Board shall constitute a quorum. It shall keep a record of all matters transacted at its meetings and all actions taken by it, which records shall be filed with the city clerk and be part of the public records of the City.
(Ref. Neb. Rev. Stat. §17-121)

SECTION 1-903: DEPOSITING OR PERMITTING DEPOSIT OR ACCUMULATION OF ANY SUBSTANCE DETRIMENTAL TO HEALTH OR OFFENSIVE TO SMELL; PENALTY

It shall be unlawful for any person to deposit or permit the deposit or accumulation of any garbage, refuse of any kind or article or thing which is detrimental to health or from which obnoxious or offensive odors arise, on the streets, alleys or public grounds or on any private premises including enclosures in which livestock is kept within said city. Any person who violates this section and shall fail to remove such objectionable substances or otherwise comply with the orders of the Board of Health with reference thereto within 24 hours from the receipt of written notice thereof, upon conviction shall be fined in a sum not to exceed $500.00 for each offense, and the offensive matter shall be ordered removed by or at the expense of the defendant. Each 24-hour failure to comply with the orders of the Board of Health shall constitute a separate and distinct offense.

ARTICLE X – BOARD OF PARK AND TREE COMMISSIONERS

SECTION 1-1001: DUTIES AND RESPONSIBILITIES

It shall be the duty of the Board of Park and Tree Commissioners to study, investigate, counsel and develop and/or update annually and administer a written plan for care, preservation, pruning, planting, replanting, removal or disposition of the trees and shrubs in parks, along streets and in other public areas. Such plans shall be presented annually to the City Council and, upon its acceptance and approval, shall constitute the official Comprehensive City Tree Plan. The Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its responsibility pertaining to the trees in the City.

SECTION 1-1002: DEFINITIONS

“Community forest” is herein defined as all street and park trees as a total resource.

“Community forest manager” is herein defined as the official representative of the Tree Board and as such is responsible for administration of the comprehensive tree plan.

"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 with the City.

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

“Small trees” are herein defined as trees which by their nature do not normally attain heights greater than 25 feet at their maturity.

“Large trees” are herein defined as trees which by their nature attain heights greater than 45 feet at maturity.

SECTION 1-1003: TERM OF OFFICE

The mayor shall appoint seven persons to the Tree Board, with the approval of the City Council. Terms shall be three years, at which time members may be reappointed. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

SECTION 1-1004: COMPENSATION; BOND

Members of the Tree Board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the City Council, conditioned upon the faithful performance of its duties.

SECTION 1-1005: REVIEW BY CITY COUNCIL

The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal any ruling or order of the Tree Board to the Council, who may hear the matter and make a final decision.

SECTION 1-1006: OPERATION

The Tree 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 1-1007: TREE SPECIES TO BE PLANTED

The Board shall maintain a list of tree species, listed by common name, constituting the official tree species for the City. This listing of trees shall be maintained at the city clerk's office.

SECTION 1-1008: DISTANCE FROM CURB AND SIDEWALK

Street trees may be planted in the tree lawn where there is more than 6 feet between the edge of the sidewalk and the curb of the street. Street trees shall be planted no closer than 3 feet from a sidewalk or a street.

SECTION 1-1009: DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS

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

SECTION 1-1010: UTILITIES

No street trees other than those species listed as small trees in the tree list 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 1-1011: PUBLIC TREE CARE

The Tree Board shall have the right to plant, subject to Section 1-1012 herein, prune,

maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with this article.

SECTION 1-1012: CONSENT OF PROPERTY OWNER

The City Tree Board shall plant no trees on public right of way without the consent of the adjacent property owners. Such consent shall be in writing and shall be maintained as part of the official Tree Board records.

SECTION 1-1013: TREE 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 three inches in diameter within the tree's crown to such a degree so 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 City Tree Board.

SECTION 1-1014: PRUNING, CORNER CLEARANCE

Every owner of any tree overhanging any street or right of way within the City shall prune the branches so that such branches shall 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 8 feet above the surface of the street or sidewalk, 15 feet on all arterial and collector streets, and 12 feet on all residential streets.

SECTION 1-1015: REMOVAL OF DEAD OR DISEASED TREES ON PRIVATE PROPERTY

1. All trees that are in a diseased, dying or dead condition are declared to be a public nuisance and shall be removed by the property owner from the private property on which they are located. For the purpose of carrying out the provisions of this section, the Tree Board shall have the authority to enter on private property to inspect the trees thereon. In the event that the trees are diseased or dead, notice shall be given to the owner of the property by mail or personal service, and such notice shall allow the said owner 60 days to remove the said tree or trees. In the event that the owner is a non-resident, notice shall be made by publication in a newspaper of general circulation, or by certified mail if the name and address is known.

2. The person charged with the removal may enter into an agreement with the City that such work be accomplished by the City, and the expense shall be declared to be a lien upon such property from the time the same becomes due until paid. If the owner fails, neglects or refuses to enter into such an agreement or to remove the trees, the Tree Board may enter upon the property and proceed to direct the removal of the trees and the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the City after being properly billed, the costs shall be assessed against the property and certified by the city clerk to the county treasurer to be collected in the manner prescribed by law.

3. In the event the property owner is a non-resident of the county in which the property lies, before levying any special assessment against that property the City shall 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. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.

SECTION 1-1016: 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 shall not project above the surface of the ground.

SECTION 1-1017: INTERFERENCE WITH TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the Tree Board or any of its agents while 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.

ARTICLE XI – BOARD OF ADJUSTMENT

SECTION 1-1101: MEMBERS

The mayor, with the approval of the City Council, shall appoint the Board of Adjustment, which shall consist of five regular members plus one additional member designated as an alternate, who shall attend and serve only when one of the regular members is unable to attend for any reason. No member of the City Council shall serve as a member of the Board of Adjustment.

SECTION 1-1102: TERMS; PLANNING COMMISSION MEMBER

Members of the Board shall be residents of the City, shall serve terms of three years unless reappointed, and shall be removable only for good and sufficient cause by the mayor. One member of the Board of Adjustment shall be at the same time a member of the Planning Commission at all times. Upon the loss of membership on the Planning Commission, such member shall also lose membership on the Board of Adjustment.

SECTION 1-1103: COMPENSATION; BOND

The members of the Board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the City Council and conditioned upon the faithful performance of their duties.

SECTION 1-1104: OFFICERS; FUNDING

The Board shall organize at its first meeting of each year and elect from its membership a chairperson and secretary. No member of the Board of Adjustment shall serve in the capacity of both chairperson and secretary. It shall be the duty of the secretary to keep complete and accurate minutes of all Board meetings and to file the same at the office of the city clerk for examination at any reasonable time by the public. The Board of Adjustment shall be funded from time to time out of the General Fund by the City Council.

SECTION 1-1105: MEETINGS

Meetings of the Board shall be held at such times designated by the City Council, the Board's membership or the city building inspector/zoning officer, or at any other times in the chairperson's discretion. Special meetings may also be held upon the call of any three members of the Board. A majority of the Board shall constitute a quorum for the purpose of conducting business.

SECTION 1-1106: DUTIES

1. It shall be the duty of the Board:

   A. To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by a city official based on any zoning ordinance of the City;

   B. To hear and decide requests for interpretation of any map, in accordance with the provisions of any zoning ordinance; and

   C. To authorize a variance from the strict application of any zoning ordinance if it is found that a specific piece of property, due to exceptional specifications existing at the time of passage of the ordinance, would result in exceptional difficulties and undue hardship.

2. No variance shall be granted if the undue hardship appears to affect the property in the district generally or if the situation of the property concerned appears to be so general or recurring in nature as to make reasonably practicable the formation of a general regulation to be adopted by the City Council as an ordinance.

3. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination made by a city official on any matter which was governed by any city zoning ordinance. The Board shall be responsible for making such reports and performing such other duties as the City Council may designate. (Ref. Neb. Rev. Stat. §19-911, 84-155)

ARTICLE XII – LIBRARY BOARD

SECTION 1-1201: LIBRARY BOARD

1. The Library Board shall consist of five appointed members who shall be residents of the City and who shall serve terms of four years. The Board members shall be appointed by a majority vote of the City Council. The Council may also appoint an ex officio member from the student body of the Chase County High School, who shall have voting rights except in the case where such vote would result in a tie vote. In this event, such student member shall abstain from voting. The Board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the City Council and conditioned upon the faithful performance of their duties. No member of the City Council shall serve as a member of the Library Board while serving a term of office as a member of the City Council. In cases of vacancies by resignation, removal or otherwise, the City Council shall fill the vacancy for the unexpired term. No member shall receive any pay or compensation for any services rendered as a member of the Library Board.

2. At the time of the Board's first meeting in June of each year, the members shall organize by selecting from their number a chairman and secretary. No member of the Board shall serve in the capacity of both chairman and secretary. It shall be the duty of the secretary 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 at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as the City Council may designate. Special meetings may be held upon the call of the chairman or any three members of the Board.

SECTION 1-1202: GENERAL POWERS AND DUTIES

1. The Board shall have the power to make and adopt such by-laws, rules and regulations for its own guidance and for the government of the library as it may deem expedient, not inconsistent with Neb. Rev. Stat. §51-201 through 51-219.

2. The Library Board shall have exclusive control of (1) expenditures of all money collected or donated to the credit of the Library Fund, (2) the renting and construction of any library building, and (3) the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose.

3. The Library Board shall have the authority to appoint a librarian and assistants, to fix their compensation and to remove such appointees at pleasure. It shall have the power to 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. It shall have the power to fix and impose 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 by-law, rule or regulation. The Board shall have and exercise such power as may be necessary to carry out the spirit and intent of Neb. Rev. Stat. §51-201 through 51-219 in establishing and maintaining the library.

SECTION 1-1203: OPERATION AND FUNDING

The City owns and manages the library through the Library Board. The City Council, for the purpose of defraying the cost of the management, purchases, improvements and maintenance of the library, 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 Library 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 library. All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance or support of the city 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 Council may establish a public library sinking fund for major capital expenditures. Any money collected by the library shall be turned over monthly by the librarian to the city treasurer along with a report of the sources of the revenue.

SECTION 1-1204: COST OF USE

1. Except as provided in subsection 2 below, use of the city library and reading

room shall be forever free to the residents of the City, subject always to such reasonable regulations as the Library Board may adopt to render the library of the greatest use to such residents. The Board may exclude from the use of the library and reading rooms any person who willfully violates or refuses to comply with rules and regulations established for the government thereof.

2. The 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.

SECTION 1-1205: DONATIONS

Any person may make donation of money, lands or other property for the benefit of the city library. The title to property so donated may be made to and shall vest in the City of Imperial, Nebraska.

SECTION 1-1206: DAMAGED AND LOST BOOKS

Any person who injures or fails to return any book taken from the library shall forfeit and pay to the library not less than the value of the book in addition to any replacement cost and penalty which the Library Board may assess.

SECTION 1-1207: BOOK REMOVAL

It shall be unlawful for any person not authorized by Library Board regulations 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 to be guilty of a misdemeanor.

SECTION 1-1208: ANNUAL REPORT

The Board shall, on or before the second Monday in June in each year, make a report to the City Council of the condition of its trust as of June 1 of each year, showing (1) all money received or expended; (2) the number of books and periodicals on hand; (3) newspapers and current literature subscribed for or donated to the reading room; (4) the number of books and periodicals ordered by purchase, gift or otherwise obtained during the year and the number lost or missing; (5) the number of and character of books loan or issued; with such statistics, information and suggestions as it may deem of general interest, or as the City Council may require, which report shall be verified by the president and secretary of the Library Board.

SECTION 1-1209: 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. (Ref. Neb. Rev. Stat. §51-214)

SECTION 1-1210: PENALTIES; RECOVERY; DISPOSITION

A civil action before any court having jurisdiction may be instituted in the name of the Library Board to recover penalties imposed or accruing by any by-law or regulation of the Library Board and any court costs and attorney's fees. Other than court costs and attorney's fees, money collected in such actions shall be placed in the city treasury to the credit of the Library Fund. Attorney's fees collected pursuant to this section shall be placed in the city treasury and credited to the budget of the city attorney's office.

ARTICLE XIII – CEMETERY BOARD

SECTION 1-1301: MEMBERS; TERMS; COMPENSATION; BOND

The mayor, with the approval of the City Council, shall appoint the Cemetery Board, which shall consist of not fewer than three nor more than six members who are residents of the City and who shall serve without compensation for a term of three years. Members may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the City Council and conditioned upon the faithful performance of their duties. (Am. by Ord. No. 08-09-05, 9/8/08)

SECTION 1-1302: DUTIES

All recommendations must be approved by the City Council before implementation of policies. The Cemetery Board shall:

1. Have the responsibility for developing policies and making management recommendations to the City Council relating to the general care, management and supervision of the city cemetery, except general care of the grounds, which shall be the responsibility of city staff under the direction of the director of public works.

2. Make recommendations to the Council regarding rules and regulations for the cemetery and prescribe penalties and fines for violations thereof.

3. Develop a fee schedule for sale of lots, opening and closing fees, permits and other fees which may be instituted to pay for the cost of general maintenance, beautification, planting or improvements at the cemetery using revenue received from the sale of lots, interest from the perpetual care fund, property taxes, gifts or by devise for the care, management and administration of the cemetery. All fees shall be determined and presented to the City Council for review prior to adoption of a budget for a fiscal year in which the fees will be in force. All fees for services at the cemetery will be payable to the City and collected at the office of the city treasurer.

4. In conjunction with the city administrator and director of public works, develop a recommended budget for presentation at the City Council budget work sessions. A member of the Board shall be present at the work session to discuss fund requests and answer questions relating to cemetery operations.

5. Be responsible for making such reports and performing such additional duties as the City Council may designate.

6. Have no authority to hire personnel or determine wages.

(Ref. Neb. Rev. Stat. §12-401 through 12-403)

SECTION 1-1303: OFFICERS

At the first meeting of each year, the Board shall organize by selecting from its membership a chairman and a secretary. The secretary shall keep the full and correct min-utes and records of all meetings and file the same with the city clerk, where they shall be available for public inspection at any reasonable time.

SECTION 1-1304: MEETINGS

A majority of the Board members shall constitute a quorum for the purpose of doing busi-

ness. The Board shall meet at such times as the City Council may designate. Special meetings may be held at the call of the chairman or any three members of the Board.

SECTION 1-1305: FINANCIAL MATTERS

All claims against the Cemetery Fund shall be presented to the Board for review. Said claims will be officially approved by the City Council at its regular meetings but will be available to Board members for review at any time prior to the actual payment of invoices. Depending upon the meeting schedule of the Board, checks may have already been issued in payment of invoices when the official meeting of the Board takes place. All funds will be paid by the city treasurer out of the appropriate funds.

SECTION 1-1306: OPERATION AND FUNDING

The City owns and manages the city cemetery through the Cemetery Board, and all actions by the Board shall be under the supervision and control of the City Council. The 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. Warrants shall be drawn by the chairman of the Board and countersigned by the secretary/city clerk. The Board shall pass such rules and regulations for the operation of the cemetery as may be proper for its efficient operation. (Ref. Neb. Rev. Stat. §12-301 thru 12-403)

SECTION 1-1307: UNLAWFUL BURIAL

It shall be unlawful to perform a burial in any other place than in the cemetery within the corporate limits.

SECTION 1-1308: LOT PRICES

It shall be the duty of the Cemetery Board, subject to the approval of the City Council, to fix the purchase prices of lots and burial spaces, which shall include one schedule of prices adequate to provide for the perpetual care of each lot as well as the cemetery in general, in addition to the purchase price of lots without perpetual care but subject to annual assessments for maintenance. Prices shall be on public display in the office of the city clerk on a map or plat therein. The city clerk shall report to the Cemetery Board and the City Council, when requested, a report listing the lots sold during the preceding month or since the date of his/her last report. Said report shall also include such information as the City Council may deem necessary. Changes in the schedule of lot prices may be made upon a majority vote of two-thirds of the Board and shall take effect immediately after being sustained by a passing motion of the City Council.

SECTION 1-1309: PERPETUAL CARE

The city treasurer shall allocate and set apart 60% of the entire amount paid for lots or burial spaces if the said lots or burial spaces are to be endowed with perpetual care. The Perpetual Care 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 city treasurer shall be the custodian of the Perpetual Care Fund, which shall be invested by the

Cemetery Board acting in concert with the City Council and the clerk/treasurer. The nature and character of all investments shall be reported to and known by the City Council. The income earned thereon shall be used solely for the purpose of perpetual care for the cemetery lots.

SECTION 1-1310: LOT SALES

The City Council is hereby authorized to convey lots in said cemetery by certificate signed by the mayor and countersigned by the clerk under the seal of the City, specifying that the person to whom the same is issued is the owner of the lot or lots described therein by number, as laid down on the cemetery map or plat for the purpose of interment. The certificate shall vest in the purchaser the right in fee simple to such lot for the sole purpose of interment under the regulations of the Cemetery Board, as approved by the City Council. The certificate shall be entitled to be recorded in the office of the county clerk without further acknowledgment, and such description of lots shall be deemed and recognized as sufficient description thereof. Burial lots shall not be held and used for speculation and no lot proprietor shall permit interment in or upon any lot held by him/her for compensation. The City Council deems it for the public good and welfare that all certificates issued be recorded. The grantee of each lot shall pay to the secretary a fee set by motion of the City Council for recording expense and service, whereupon said secretary shall within 30 days thereafter record grantee's certificate of ownership in the office of the county clerk, pay the recording fee therefor, and deliver said recorded certificate as directed by the purchaser. Transfers of certificates shall be made by surrender of original certificates to the secretary, who shall cancel the same, note such cancellation on the records of the Cemetery Board and issue new certificates in lieu thereof upon receipt of the recording fee as required herein.

SECTION 1-1311: MAINTENANCE ASSESSMENTS

Through the Cemetery Board the City shall care for all lots in said cemetery now platted or to be platted in the future and keep the said grounds mowed and free from weeds.

SECTION 1-1312: 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 a misdemeanor. (Ref. Neb. Rev. Stat. §28-519)

ARTICLE XIV – BOARD OF SENIOR SERVICES

(Article am. by Ord. No. 2015-02-02, 2/2/15)

SECTION 1-1401: INTENT AND PURPOSE

The intent and purpose of this article is to establish and enable the control of the Imperial Manor Nursing Home (nursing home facility), Imperial Parkview Assisted Living (assisted living facility), and Imperial Heights Retirement Center (independent retirement living facility), collectively referred to as "Senior Services Facilities" in this article, by one board, which shall be called the Board of Senior Services.

SECTION 1-1402: MEMBERS; APPOINTMENTS

1. There shall be five members of the Board of Senior Services, who shall serve without pay. The members shall be appointed by the mayor with the approval of the City Council, which may require the members of the Board to give a bond in a sum set by resolution of the Council and conditioned upon the faithful performance of their duties.

2. In addition to the five members of the Board, the mayor shall be an ex-officio member of the Board and shall serve on the Board without the ability to cast a vote in the Board's activities and may not hold a position as officer of the board.

SECTION 1-403: QUALIFICATIONS: TERM; VACANCIES

The members of the Board shall be selected from the citizens of the City, provided that one member of the Board shall also be a member of the City Council. One member of the Board may reside outside the city limits of the City but within 1 mile of said city limits. The terms of office of the Board shall be four years and shall be structured so that at least two terms shall expire each year. In the case of vacancy by resignation, removal or otherwise, the vacated seat shall be filled for the unexpected term in like manner as described above.

SECTION 1-1404: OFFICERS; DUTIES

At the time of the Board's first meeting, the members may select a chairperson and secretary and such other officers deemed necessary from among their own number. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file same with the city clerk, where they shall be available for public inspection. It shall be the duty of the chairperson, or the chairperson's designee, to present a written report of the financial status of the Senior Services Facilities, including expenditures and receipts of the Senior Services Facilities, of any reports generated by the Board regarding the Senior Services Facilities physical assets, and any other issues, requirements or other items discussed by the Board. The chairperson, or the chairperson's designee, shall present the written report at the second regular monthly meeting of the City Council and be available for any questions presented by the council members.

SECTION 1-1405: MEETINGS

The Board shall meet at least once per month or at such other times as the City Council may direct. A majority of the members, excluding ex-officio members, shall constitute a quorum for the transaction of business. Special meetings may be held upon the call of the chairperson or a majority of the members of the Board. All meetings shall comply with Nebraska public meeting laws including but not limited to the notification and open meetings requirements. A copy of each advertisement of a meeting shall be placed in the city clerk's office.

SECTION 1-1406: AUTHORITY

The Board shall have the power and authority to:

1. Manage and operate the Senior Services Facilities. This power is exclusive but subject to review and supervision of the City Council; provided, however, the Board shall not have the power to remove any person or entity hired by the City to provide daily management of the Senior Services Facilities without approval of the City Council.

2. Adopt such rules, regulations and bylaws for the operation, management and

maintenance of the said entities as in the Board's judgment may be required. A current copy of all board rules, regulations or bylaws in effect shall be kept in the office of the city clerk.

3. Direct the payment of any and all amounts provided in the annual budget passed by the City Council.

4. Direct and provide for the purchase of any non-budgeted item(s) up to an amount of $10,000.00. Any single item or expenditure exceeding $10,000.00 shall require the approval of the City Council.

SECTION 1-1407: DUTIES

The Board shall have the following duties

1. Review and be responsible for all the activities undertaken by the Senior Services Facilities.

2. Present an annual budget for all of the Senior Services Facilities for approval by the City Council in conjunction with any manager hired by the City Council for operation of the Senior Services Facilities. The annual budget must be given by the Board to the city clerk no later than June 1 of each year for approval by the City Council as part of the regular budget processes of the Council.

3. Generate any reports requested by the City Council.

ARTICLE XI – HOUSING AUTHORITY

SECTION 1-1501: MEMBERS; TERMS; COMPENSATION

The City Council shall appoint five persons who shall constitute the Housing Authority and who shall be called the commissioners. One commissioner shall be appointed each year. Each commissioner shall serve a five-year term of office or until his/her successor is duly appointed, provided that any vacancy shall be filled for the unexpired term. The City Council may appoint one of its members to serve as one of the five members of the Housing Authority for such term as the City Council may determine. No person shall serve as a commissioner unless he or she resides within the area of operation of the Housing Authority. 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/her services but shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his/her duties.

SECTION 1-1502: MEETINGS; OFFICERS; DUTIES

1. A majority of commissioners shall constitute a quorum for the purpose of conducting its business, exercising its 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 by-laws of the Authority shall require a larger number. The commissioners shall elect a chairman and vice-chairman from among the commissioners and shall have the power to employ an executive director, who shall serve as ex officio secretary of the Authority.

2. 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 1-1503: CONFLICT OF INTEREST

During his/her tenure and for one year thereafter, no commissioner, officer or employee of the Housing Authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, 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/she shall immediately disclose his/her interest in writing to the Authority. Such disclosure shall be entered upon the minutes of the Authority and he/she shall not participate in any action by the Authority relating to the property or contract in which he/she has any such interest; provided that 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.

SECTION 1-1504: REMOVAL OF COMMISSIONER

The mayor may remove a commissioner for neglect of duty or misconduct in office in the manner prescribed hereafter. The mayor shall send a notice of removal to such commissioner which shall contain a statement of the charges against him/her. Unless such commissioner files with the clerk within ten days from the receipt of such notice a request for a hearing before the City Council, the commissioner shall be deemed removed from office. If a request for a hearing is filed with the clerk, the City Council shall hold a hearing, at which the commissioner shall have the right to appear in person or by counsel and the City Council shall determine whether the removal shall be disapproved or upheld. If the removal is disapproved, the commissioner shall continue to hold his/her position.

SECTION 1-1505: REPORT TO CITY COUNCIL

The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements, and shall make an annual report to the City Council at the regular meeting in January of each year. Such report shall include all mortgages and other interests in real property held by the Authority, including options to purchase and land sale contracts; a listing of all bond issues and their essential terms and obligations; and all other financial obligations of the Housing Authority over $50,000.00. Such reports shall be considered public records. If there has been no change since the last report in the status of any of the items reported pursuant to this section, the Housing Authority may file a statement to that effect in lieu of the report. (Ref. Neb. Rev. Stat. § 71-1552)

SECTION 1-1506: CONTINUED EXISTENCE AS HOUSING AGENCY

1. 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.

2. The local housing agency shall conduct its operations consistent with the Nebraska Housing Agency 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.

3. Any resolution by the Authority and any action taken by the Authority prior to January 1, 2000, with regard to any project or program which is to be completed within or to be conducted for a 12-month period following January 1, 2000, and which resolution or action is 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 Nebraska Housing Agency Act.

4. All commissioners of the local 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 Nebraska Housing Agency Act.
(Ref. Neb. Rev. Stat. §71-1576)

SECTION 1-1507: OWNERSHIP

The Housing Authority is owned by the City and operated through the Housing Authority Commission. The Housing Authority shall constitute a 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 Authority Law. (Ref. Neb. Rev. Stat. §71-1529)

SECTION 1-1508: DEFINITIONS

Except as otherwise specifically provided, the definitions and terms set out in the Nebraska Statutes relating to Housing Authorities under the Nebraska Housing Authority Law are hereby adopted by reference as they now exist or may hereafter be amended.

SECTION 1-1509: RULES AND REGULATIONS

The Housing Authority may from time to time establish rules and regulations consistent with the purposes of this article concerning the priority of eligible applicants for occupancy. The Authority may give preferential treatment to applicants who are military personnel or veterans, relatives of military personnel or veterans, the elderly or disabled, those in urgent need of adequate housing or who have no adequate source of income, provided that in any such system of priority, displaced persons in need shall have a priority ahead of all other persons and, provided further, that no tenant in good standing then in occupancy and qualified for continued occupancy shall have his/her tenancy terminated in order to provide dwelling units for classes or categories of applicants as the Authority may establish.

SECTION 1-1510: JOINT HOUSING AUTHORITY

1. Any two or more cities, villages or counties or any combination thereof may, by resolution of their separate governing bodies, determine that there is a need for a Joint Housing Authority to provide decent, safe and sanitary housing for persons of low income living in a multi-jurisdictional area and that this need would be more efficiently served by

the establishment of such Joint Housing Authority. Such Joint Authority shall have perpetual existence, except that any city, village or county, as the case may be, may withdraw from participation in the Joint Housing Authority by resolution of its governing body only under the conditions set out in state law. The area of operation of such Joint Housing Authority would be an area equivalent to the total areas of operation which the housing authorities would have if created separately by the cities, villages or counties establishing the Joint Authority. The creation of subsequent housing authorities shall not affect the area of operation or territorial jurisdiction of any existing housing authority. Whenever a Joint Housing Authority is created, it shall bear such name as the political subdivision or subdivisions creating it shall choose, and such name shall include the words "Joint Housing Authority."

2. When it is determined by resolution of the governing bodies of two or more cities, villages or counties or any combination thereof that it is expedient to create a Joint Housing Authority and to participate therein, the governing bodies shall appoint persons who shall be residents of the area of operations of the Authority and who shall constitute the Joint Housing Authority. Such persons shall be called commissioners and they shall be appointed as follows:

A. When two political subdivisions constitute the participating members in such Joint Authority, each shall appoint two persons to act as commissioners and they shall elect a fifth person to act as a commissioner;

B. When three political subdivisions constitute the participating members in such Joint Authority, each shall appoint one person to act as a commissioner and they shall elect a fourth and fifth person to act as commissioners;

C. When four political subdivisions constitute the participating members in such Joint Authority, each shall appoint one person to act as commissioner and they shall elect a fifth person to act as a commissioner; and

D. When five or more political subdivisions constitute the participating members in the Joint Authority, each shall appoint one person to act as commissioner.

3. Each commissioner shall serve a term of five years from the date of his/her appointment. Any vacancy shall be filled for the unexpired term by the entity originally appointing such commissioner. Tenancy in a project established by a Joint Housing Authority shall not preclude the appointment of any such tenant to serve as a commissioner of such Joint Housing Authority. After a Joint Housing Authority has been created, additional political subdivisions may elect to participate as members of such Joint Authority after compliance with Neb. Rev. Stat. §71-1523, if the majority of existing commissioners in such Joint Housing Authority and all participating political subdivisions by their respective governing bodies consent to such additional member. A Joint Housing Authority having 12 or more commissioners may, by resolution, establish an Executive Committee of at least five but not more than seven commissioners. The Committee shall have such powers over the management and operation of such Joint Housing Authority as the commissioners of such Joint Authority shall specify and shall declare in the resolution. No person shall serve as a commissioner unless he or she resides within the area of operation of the Joint Housing Authority involved.
(Ref. Neb. Rev. Stat. §71-1581 to 71-1587)

ARTICLE XVI – AIRPORT AUTHORITY BOARD

SECTION 1-1601: AUTHORITY; DUTIES

The Airport Authority Board shall have the full and exclusive jurisdiction and control over all facilities owned or hereafter acquired by the City for the purposes of aviation operation, air navigation, and air safety operation. The Board is a body corporate and politic, constituting a public corporation and an agency of the City. The Board shall have such powers and duties as may be prescribed by state law.

SECTION 1-1602: MEMBERS

The Board shall consist of five members who shall be nominated and elected in the manner provided by law for the election of other elected officials and shall take office at the same time as the officers of such city. Members of the Board shall be residents of the City and shall serve a term of six years. Two members of the Board shall be elected in each municipal election year, provided that in each third election year, one member only shall be elected to the Airport Authority Board. (Ref. Neb. Rev. Stat. §3-501 through 3-514)

SECTION 1-1603: APPOINTMENT PROCEDURE

The members of the Airport Authority Board shall be appointed by the mayor by and with the advice and consent of the City Council. The Board shall consist of five members who shall be selected as follows: the mayor, by and with the consent of the City Council, shall appoint: (1) one member who shall serve until his/her successor, elected at the first general municipal election following such appointment, shall qualify and take office; (2) two members who shall serve until their successors, elected at the second general municipal election following such appointment, shall qualify and take office; (3) two members who shall serve until their successors, elected at the third general municipal election following their appointment, shall qualify and take office.

SECTION 1-1604: VACANCIES

Any vacancy on the Board resulting other than from expiration of a term of office shall be filled by temporary appointment by the mayor, with the approval of the City Council, until a successor can be elected at the next general municipal election to serve the unexpired portion of the term.

SECTION 1-1605: REMOVAL OF MEMBERS

A member of the Board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of such officer may be brought upon resolution of the City Council in the District Court of the County.

ARTICLE XVII – OTHER BOARDS AND COMMISSIONS

SECTION 1-1701: COMMUNITY CENTER COMMISSION

1. The mayor, with the approval of the City Council, shall appoint the Community Center Commission, which shall consist of five members who shall be residents of the City. The City Council may also appoint a student of the Chase County High School as an ex officio member. The members of the Community Center Commission shall serve a four-year term of office and shall serve without compensation. Members may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the City Council and conditioned upon the faithful performance of their duties.

2. At the first meeting of each year, the Commission shall organize by selecting from its membership a chairperson and a secretary. It shall be the duty of the secretary 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 at any reasonable time. A majority of the Commission members shall constitute a quorum for the purpose of doing business. The Commission shall meet at such times as the City Council or the Commission's membership may designate. Special meetings may be held upon the call of the chairperson or any three members of the Commission.

3. It shall be the duty of the Community Center Commission to develop policies and make management recommendations to the City Council relating to the supervision, maintenance, care and operation of the Community Center. All claims against the Community Center shall be presented to the Board for review. Said claims will be officially approved by the City Council at its regular meetings but will be available to Commission members for review at any time prior to the actual payment of invoices. Depending upon the scheduled meeting of the Board, checks may have already been issued in payment of invoices when the official meeting of Commission takes place. All funds will be paid by the city treasurer out of the appropriate funds. All funds received by programs under the direction of the Community Center Commission shall be maintained by the city treasurer. The Board shall develop a recommended budget for pre-sentation at the City Council budget work sessions. A member of the Commission shall be present at the work session to answer questions and discuss Community Center operations. All recommendations of the Community Center Commission shall be subject to review and approval by the City Council. The Community Center Commission shall be responsible for making such reports and performing such additional duties as the City Council may designate.

SECTION 1-1702: COMMUNITY REDEVELOPMENT AUTHORITY

1. Pursuant to the authority granted in Neb. Rev. Stat. §18-2101.01, the City created and maintains the Community Redevelopment Authority, to be legally known as the Community Redevelopment Authority of the City of Imperial (abbreviated as "Imperial CRA").

2. The Imperial CRA shall be governed by a Board consisting of five members appointed by the mayor with the approval of the City Council. The members shall serve alternating three-year terms.

3. The Imperial CRA shall exercise all powers and authority granted to a community redevelopment authority by the "Community Redevelopment Law" as set forth in Neb. Rev. Stat. §18-2101 through §18-2144, including but not limited to the specific grant of powers described in Neb. Rev. Stat. §18-2107.

4. The Imperial CRA shall prepare or cause to be prepared a Redevelopment Plan and, consistent with the sound needs of the City as a whole, shall afford maximum opportunity to the rehabilitation or redevelopment of the community redevelopment areas by private enterprises. The Imperial CRA shall give consideration to this objective in exercising its powers under the Community Development Law, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the City, the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements.
(Am. by Ord. No. 11-03-01, 4/25/11)

ARTICLE XVIII – PENAL PROVISION

SECTION 1-1801: VIOLATION; PENALTY

Anyone violating any of the terms and conditions of any of the foregoing chapter and articles shall be deemed guilty of a misdemeanor and shall be fined in a sum of not more than $500.00 for each offense, and each day's maintenance of the same shall constitute a separate offense.

CHAPTER II – MISDEMEANORS

ARTICLE I – GENERAL MISDEMEANORS

2-101 ALCOHOL CONSUMPTION IN PUBLIC PLACES; EXCEPTION
2-102 DISTURBING THE PEACE
2-103 CONTROL OF EXCESSIVE NOISE
2-104 MALICIOUS DESTRUCTION OF PROPERTY
2-105 CRIMINAL MISCHIEF
2-106 CRIMINAL TRESPASS
2-107 DISCHARGE OF SLINGSHOTS, PAINTBALL GUNS, BLOW GUNS, AIR RIFLES OR SIMILAR INSTRUMENTS
2-108 STALKING
2-109 IMPERSONATING OFFICER PROHIBITED
2-110 OBSTRUCTING OFFICER PROHIBITED
2-111 LITTERING
2-112 APPLIANCES IN YARD
2-113 POSTING
2-114 OBSTRUCTION OF PUBLIC WAYS
2-115 OBSTRUCTING WATER FLOW
2-116 INJURY TO TREES
2-117 THEFT OF TELECOMMUNICATIONS SERVICE
2-118 VIOLENCE ON OR INTERFERENCE WITH A SERVICE DOG
2-119 RAILROAD COMPANIES; OBSTRUCTING VIEW AT CROSSING PROHIBITED
2-120 RODENTS AND INSECTS; EXTERMINATION
2-121 RODENTS AND INSECTS; OCCUPANT
2-122 RODENTS AND INSECTS; OWNER
2-123 AIR POLLUTION; PROHIBITED
2-124 WATER POLLUTION; PROHIBITED

ARTICLE II – DOGS AND CATS

2-201 DEFINITIONS
2-202 ANIMAL CONTROL OFFICER; DUTY TO ENFORCE
2-203 CARE OF ANIMALS
2-204 RESPONSIBILITY OF PARENTS
2-205 DOGS RUNNING AT LARGE
2-206 DOGS RUNNING AT LARGE; PENALTY
2-207 ANIMALS IN HEAT
2-208 CATS RUNNING AT LARGE
2-209 CATS RUNNING AT LARGE; PENALTY
2-210 DESTRUCTION OF PROPERTY

2-211 EXCESSIVE ANIMAL NOISE
2-212 LIMITATION ON NUMBER OF DOGS AND CATS
2-213 (Repealed)
2-214 (Repealed)
2-215 EXCESSIVE ANIMALS WITHOUT PERMIT
2-216 (Repealed)
2-217 DANGEROUS ANIMALS; DEFINITIONS; PROHIBITED ANIMALS IN RESIDENTIAL AREA
2-218 POTENTIALLY DANGEROUS DOG; DETERMINATION OF
2-219 POTENTIALLY DANGEROUS DOG; CERTIFICATE OF REGISTRATION FOR
2-220 POTENTIALLY DANGEROUS DOG; RESTRAINT OF
2-221 DANGEROUS DOGS; PROHIBITED
2-222 DANGEROUS DOGS; EXCEPTIONS
2-223 DANGEROUS ANIMALS OR POTENTIALLY DANGEROUS DOGS; IMPOUNDMENT OF
2-224 DANGEROUS ANIMALS OR POTENTIALLY DANGEROUS DOGS; VIOLATIONS; PENALTY; DESTRUCTION OF
2-225 LICENSING
2-226 LOST LICENSE
2-227 KILLING AND POISONING
2-228 IMPOUNDING
2-229 IMPOUNDMENT FEES
2-230 ANIMAL CRUELTY
2-231 VIOLATION; PENALTY

ARTICLE III – KENNELS

2-301 DEFINITION
2-302 UNLICENSED KENNELS; NUISANCE
2-303 LICENSE REQUIRED
2-304 LICENSE; APPLICATION FOR
2-305 REGULATIONS

ARTICLE IV – ANIMALS GENERALLY

2-401 RUNNING AT LARGE
2-402 CRUELTY; DEFINITIONS
2-403 CRUELTY TO ANIMALS
2-404 CRUELTY TO ANIMALS; LAW ENFORCEMENT OFFICER; POWERS, IMMUNITY
2-405 KILLING AND POISONING
2-406 ENCLOSURES
2-407 PITTING; DEFINITIONS
2-408 PITTING; PROHIBITED
2-409 PITTING; SPECTATORS PROHIBITED
2-410 CERTAIN ANIMALS PROHIBITED IN RESIDENTIAL AREA
2-411 ANIMALS AND FOWLS BANNED FROM THE CITY
2-412 ANIMAL WASTE
2-413 ANIMAL WASTE VIOLATIONS; PENALTY

ARTICLE V – NUISANCE REGULATIONS

2-501 PURPOSE

2-502 DEFINITIONS
2-503 ABATEMENT SERVICES AND NOTICE PROCEDURE
2-504 ENFORCEMENT PROCEDURES
2-505 EXPENSES
2-506 SPECIFIC NUISANCE FINES

ARTICLE VI – SEXUAL PREDATOR RESIDENCY RESTRICTIONS

2-601 PURPOSE
2-602 DEFINITIONS FOR PURPOSES OF THIS ARTICLE
2-603 PROHIBITED LOCATION OF RESIDENCE
2-604 MEASURE OF DISTANCE
2-605 EXCEPTIONS

ARTICLE VII – PENAL PROVISION

2-701 VIOLATION; PENALTY

CHAPTER II – MISDEMEANORS

ARTICLE I – GENERAL MISDEMEANORS

SECTION 2-101: ALCOHOL CONSUMPTION IN PUBLIC PLACES; EXCEPTION

1. 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 City unless authorized by the City Council.

2. It is unlawful for any person owning, operating, managing or conducting any dance hall, restaurant, cafe or 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, cafe or 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.
(Ref. Neb. Rev. Stat. §53-186, 53-1,100)

SECTION 2-102: DISTURBING THE PEACE

It shall be unlawful for any person to disturb the peace and quiet of any person, family, neighborhood or public assembly within this city.

SECTION 2-103: CONTROL OF 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 City between the hours of 10:00 P.M. and 6:00 A.M., in such a manner as to disturb the comfort, repose, peace and quiet of residents of the City unless such activity has been approved in advance by the City Council.

SECTION 2-104: MALICIOUS DESTRUCTION OF PROPERTY

It shall be unlawful for any person, wantonly or maliciously in any manner to molest, injure or destroy any property of another in this city. Any such offender shall be liable for all damages which arise from the commission of such unlawful act, in addition to a fine as permitted by law.

SECTION 2-105: CRIMINAL MISCHIEF

1. A person commits criminal mischief if he/she: (A) damages property of another intentionally or recklessly; (B) intentionally tampers with property of another so as to endanger person or property; or (C) intentionally or maliciously causes another to suffer pecuniary loss by deception or threat.

2. Criminal mischief is an offense if (A) the actor intentionally or maliciously causes pecuniary loss of $200.00 or more but less than $500.00; or (B) the actor intentionally, maliciously or recklessly causes pecuniary loss in an amount of less than $200.00 or if his/her action results in no pecuniary loss.

SECTION 2-106: CRIMINAL TRESPASS

It shall be unlawful for any person, knowing that he/she is not licensed or privileged to do so, to enter or secretly remain in any building or occupied structure, or any separately secured or occupied portion thereof; or enter or remain in any place where 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.

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

SECTION 2-107: WEAPONS; CARRY, POSSESSION; DISCHARGE

1. No person shall carry or possess any weapon in city-owned public buildings. "Weapon" is defined as a firearm, slingshot, air gun, BB gun, paint ball gun, or the like loaded with rock or other dangerous missiles or arrows, or a revolver, pistol, Bowie knife, dirk or knife with dirk blade attachment, metal knuckles or any other deadly or dangerous weapon as defined by Nebraska statutes. This section shall not apply to any officer authorized by law of this city or of the State of Nebraska or the United States to preserve the peace or to make arrests. The City may permit certain weapons in city-owned facilities for training or educational events, and said permits shall be issued by the clerk after approval from the chief of police and City Council.

2. It shall be unlawful for any person to discharge a firearm at any time or under any circumstances within the City, provided that nothing herein shall be construed to apply to any officer authorized by law of this city or of the State of Nebraska or the United States to preserve the peace or to make arrests acting in the course of their regular law enforcement duties.

(Ord. Nos. 07-11-05, 12/10/07; 17-09-01, 10/16/17)

SECTION 2-108: 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, (1) "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 (2) "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 2-109: IMPERSONATING OFFICER PROHIBITED

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

SECTION 2-110: OBSTRUCTING OFFICER PROHIBITED

It shall be unlawful for any person to use or threaten to use violence, force, physical interference or obstacle to intentionally obstruct, impair or hinder the enforcement of the penal law or the preservation of the peace by a peace officer or judge acting pursuant to his/her official authority. (Ref. Neb. Rev. Stat. §28-906)

SECTION 2-111: LITTERING

1. The word "litter" as used in this section shall mean all waste material susceptible to being dropped, deposited, discarded or otherwise disposed of by any person upon any property in the state, but does not include wastes of primary processes of farming or manufacturing.

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

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

A. Such property is in an area designated by the City for the disposal of such material and such person is authorized by the City to so use such property; or

B. The litter is placed in a receptacle or container installed on such property for such purpose.

4. Any person who deposits any non-compostable material on a compost pile shall be guilty of littering.

5. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle in violation of this section, the operator of such motor vehicle commits the offense of littering.
(Ref. Neb. Rev. Stat. §17-123.01, 28-523)

SECTION 2-112: APPLIANCES IN YARD

It shall be unlawful for any person to permit any household appliance to be stored in the open on private or public property. (Ref. Neb. Rev. Stat. §18-1720)

SECTION 2-113: POSTING

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

SECTION 2-114: OBSTRUCTION OF PUBLIC WAYS

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

SECTION 2-115: 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 or permit the accumulation of water on any property within the City.

SECTION 2-116: INJURY TO TREES

It shall be unlawful for any person to purposely or carelessly, and without lawful authority, cut down, carry away, injure, break down or destroy any fruit, ornamental, shade or other tree standing or growing on any land belonging to another person or on any public land in the corporate limits of the City. 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 City Council in accordance with the decision to allow such an action shall constitute the only lawful authority on the part of the company to do so.

SECTION 2-117: THEFT OF TELECOMMUNICATIONS SERVICE

1. It is an offense for any person to:

   A. Knowingly make or possess any device designed 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 Neb. Rev. Stat. §28-515(1);

   B. 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

   C. 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 service fraudulently.

2. For purposes of this section, “telecommunications service” includes, but is not

limited to, telephone service and cable television services; and “device” includes, but is not limited to, any instrument, apparatus, equipment and plans or instructions for making or assembling the instrument, apparatus or equipment.
(Ref. Neb. Rev. Stat. §28-515.01)

SECTION 2-118: VIOLENCE ON A SERVICE DOG; INTERFERENCE WITH A SERVICE DOG

1. A person commits the offense of violence on a service dog when he/she (A) intentionally injures, harasses or threatens to injure or harass or (B) attempts to intentionally injure, harass or threaten a dog that he/she knows or has reason to believe is a guide dog for a blind or visually-impaired person, a hearing aid dog for a deaf or hearing-impaired person, or a service dog for a physically limited person.

2. A person commits the offense of interference with a service dog when he/she (A) intentionally impedes, interferes, or threatens to impede or interfere or (B) attempts to intentionally impede, interfere, or threaten to impede or interfere with a dog that he/she knows or has reason to believe is a guide dog for a blind or visually-impaired person, a hearing aid dog for a deaf or hearing-impaired person, or a service dog for a physically limited person.

3. Evidence that the defendant initiated or continued conduct toward a dog as described in the subsections above after being requested to avoid or discontinue such conduct by the blind, visually-impaired, deaf, hearing-impaired, or physically limited person being served or assisted by the dog shall create a rebuttable presumption that the conduct of the defendant was initiated or continued intentionally.

4. For purposes of this section:

A. “Blind person” means a person with totally impaired vision or with vision, with or without correction, which is so severely impaired that the primary means of receiving information is through other sensory input, including but not limited to Braille, mechanical reproduction, synthesized speech, or readers;

B. “Deaf person” means a person with totally impaired hearing or with hearing, with or without amplification, which is so severely impaired that the primary means of receiving spoken language is through other sensory input, including but not limited to lip reading, sign language, finger spelling, or reading;

C. “Hearing-impaired person” means a person who is unable to hear air conduction thresholds at an average of 40 decibels or greater in the person’s better ear;

D. “Physically limited person” means a person having limited ambulatory abilities, including but not limited to having a permanent impairment or condition that requires the person to use a wheelchair or to walk with difficulty or insecurity to the extent that the person is insecure or exposed to danger; and

E. “Visually-impaired person” means a person having a visual acuity of 20/200 or less in the person’s better eye with correction or having a limitation to the person’s field of vision so that the widest diameter of the visual field subtends an angular distance not greater than 20°.

(Ref. Neb. Rev. Stat. §28-1009.01)

SECTION 2-119: RAILROAD COMPANIES; OBSTRUCTING VIEW AT CROSSING PROHIBITED

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 50 feet of the crossing of any such railroad track and a public road within the corporate limits of the City; provided, however, 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/her business.

SECTION 2-120: RODENTS AND INSECTS; EXTERMINATION

It shall be the duty of the owner, lessee or occupant of any dwelling or building to be responsible for the active and continued extermination of any insects, rodents or other pests therein or on the premises. In the event that the owner, lessee or occupant of any said dwelling or building neglects, fails or otherwise refuses to control and actively exterminate the insects, rodents and other pests in and about his/her premises, the Board of Health shall issue notice for him/her to do so. (Ref. Neb. Rev. Stat. §18-1720, 28-1321)

SECTION 2-121: RODENTS AND INSECTS; OCCUPANT

It shall be the responsibility of the occupant in a single dwelling unit, whether or not the dwelling unit is located in a multiple unit structure, to exterminate the rodents and insects infesting the premises when it is found by the Board of Health that only the occupant's dwelling is so infested. (Ref. Neb. Rev. Stat. §18-1720, 28-1321)

SECTION 2-122: RODENTS AND INSECTS; OWNER

The owner of a multiple dwelling unit shall have the duty to exterminate therein for rodents and insects when infestation exists in two or more units, when infestation exists in shared or public areas of a multiple unit structure, or when the infestation is due to failure by the owner to maintain the dwelling in an insect- and rodent-proof condition. The owner of a single dwelling unit shall have the duty to exterminate therein notwithstanding the occupancy of a renter or lessee when the infestation of insects or rodents is due to the said owner's failure to construct or maintain the premises in such a manner as to make it reasonably resistant to the entrance and habitability of such pests. (Ref. Neb. Rev. Stat. §18-1720, 28-1321)

SECTION 2-123: AIR POLLUTION; PROHIBITED

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

SECTION 2-124: WATER POLLUTION; PROHIBITED

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

ARTICLE II – DOGS AND CATS

SECTION 2-201: DEFINITIONS

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

"Adequate care" means normal and prudent attention to the needs of an animal, including that care which is normally necessary to maintain good health in a specific species of animal.

"Adequate control" means that control necessary to restrain or govern an animal so that it does not injure or pose a threat to itself, any person, any other animal or property.

"Adequate food" means wholesome foodstuffs suitable for the species, provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in an animal considering its age and condition.

"Adequate health care" means the provision to each healthy animal of all immunizations and preventative care required to maintain good health, and space adequate to allow the animal rest and exercise sufficient to maintain good health, and the provision to each sick, diseased or injured animal of necessary veterinary care or humane death.

"Adequate shelter" means a structurally sound, properly ventilated, sanitary and weatherproof shelter for the species, condition and age of the animal, which provides access to shade from direct sunlight and protection from exposure to inclement weather conditions.

"Adequate water" means a constant access to or access at suitable intervals to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, condition and age of the animal in sufficient amounts to maintain good health in the animal.

"Animal" means any live vertebrate creature, domestic or wild, other than a human, including but not limited to the following:

1. "Domestic animal" means an animal which is tame, domesticated or adapted to live in intimate association with man, such as a pet.
2. "Farm animal" means an animal raised on a farm or ranch and used or intended for use in farm or ranch production or as food or fiber.
3. "Fowl" means any and all fowl, domesticated and wild, male and female, singular or plural.

4. “Large animal” means any swine, bovine, goat, sheep or beast of burden or any other domestic or wild animal of similar or larger size.
5. “Small animal” means any animal not within the definition of large animal, but including all dogs without reference to size.
6. “Wild animal” means any animal which is predominantly free-roaming as opposed to domesticated.

“Animal shelter” means the facilities operated by the City or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

“Cat” means any domestic feline animal (*Felis domesticus*), male or female, sexed or neutered.

“Commercial animal establishment” means any pet shop, grooming shop, animal exhibit, rodeo, auction, riding school, stable, carriage horse service, cattery or kennel; patrol, sentry or guard dog service; animal trainer; business keeping animals in stock for retail or wholesale trade; or any establishment performing one or more of the principal activities of such establishments.

“Cruelly mistreat” means to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise inflict harm upon any animal.

“Dog” means any domestic canine animal (*Canis familiaris*), male or female, sexed or neutered. Any cross or hybrid which is part dog and part wild animal shall be considered a wild animal for the purposes of this chapter.

“Harbor” means to feed or shelter an animal at the same location for three or more consecutive days.

“Humane killing” means the destruction of any animal accomplished by a method approved by the American Veterinary Medical Association's Committee on Euthanasia.

“Neighbor” shall mean an individual residing in a residence structure which is within 100 yards of the property on which an animal is kept or harbored and who states in writing that he will testify under oath that the animal makes excessive noise.

“Officer” means any duly appointed police officer, humane officer or animal control officer of the city.

“Owner,” in addition to its ordinary meaning, also means any person who keeps or harbors an animal or professes to own, keep or harbor an animal.

“Pest” means any bird, rabbit or rodent which damages property or has an adverse effect on the public health.

“Primary enclosure” means any structure used to immediately restrict an animal to a limited amount of space, such as a room, pen, run, cage, compartment, pool or hutch.

“Private animal shelter” means any facility which is used to house or contain dogs or cats, or both, and which is owned, operated or maintained by an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of such animals.

“Sanitary” means clean and free from infectious or deleterious influences.

“Veterinarian” means a person licensed by the state to engage in the practice of veterinary medicine.

“Veterinary medical care facility” means a facility which has the primary function of providing medical care for animals and is operated by a currently licensed veterinarian.

SECTION 2-202: ANIMAL CONTROL OFFICER; DUTY TO ENFORCE

It shall be the duty of the animal control officer of the City to enforce the provisions of this article.

SECTION 2-203: CARE OF ANIMALS

It shall be unlawful for any person owning, keeping, harboring or otherwise in possession or control of any animal to fail to provide any or all of the following to the animal: (1) adequate care; (2) adequate control; (3) adequate food; (4) adequate health care; (5) adequate shelter; and (6) adequate water.

SECTION 2-204: RESPONSIBILITY OF PARENTS

Any parent, guardian or other person having custody of a minor child is deemed legally and criminally responsible for the adequate care of any animal owned by, in the control of or harbored by that minor child.

SECTION 2-205: DOGS RUNNING AT LARGE

1. It shall be unlawful for any person owning, keeping or harboring any dog to permit, suffer or allow the dog to run at large within the City. For the purpose of this section, any dog shall be deemed to have been permitted, suffered or allowed by its owner, keeper or harborer to run at large when such animal is outside of the property of the owner, keeper or harborer and not effectively physically restrained on a chain or leash or behind a suitable fence or other proper method of physical restraint from which it cannot escape.

2. A legally blind person using a seeing-eye dog or a deaf person using a hearing dog in the customary manner shall be deemed to be in compliance with this section, and official use of dogs by a governmental unit shall be deemed in compliance with this section.

3. If an officer finds a dog running at large in violation of this section, the officer has the authority to pick up the animal and transport it to the city-designated place of impoundment. The owner or person claiming such animal shall pay an impoundment fee to the City in addition to any other fees or fines provided for in the code.

SECTION 2-206: DOGS RUNNING AT LARGE; PENALTY

1. Any person owning, keeping or harboring any dog found that is found to be in violation of Section 2-205 hereof shall be guilty of a misdemeanor and punished according to this section.

2. Each time a person owning, keeping or harboring any dog is found to be in violation of Section 2-205, the prosecutor for the case may review the number of violations

that the person was convicted of or pled guilty to in the 365 days immediately preceding the alleged violation. Penalties shall be levied based upon the number of violations of Section 2-205 that the person was found to be guilty of or pled guilty to in the 365 days preceding the date of the incident which led to conviction of Section 2-205, as follows:

A. Persons found to have no violations of Section 2-205 hereof in the preceding 365 calendar days shall be fined $25.00 upon conviction of violation of Section 2-205 hereof.

B. Persons found to have one prior violation of Section 2-205 hereof in the preceding 365 calendar days shall be fined $50.00 upon conviction of violation of Section 2-205 hereof.

C. Persons found to have two violations of Section 2-205 hereof in the preceding 365 calendar shall be fined $100.00 upon conviction of violation of Section 2-205 hereof.

3. For consideration of the number of violations in the preceding 365 calendar days in this section, the date of the issuance of the citation shall operate to be the effective date for prior violations.

4. In addition to any penalties provided in this section, if the dog is impounded at the animal shelter the dog's owner or person claiming such animal shall pay an impoundment fee to the City as provided for in Section 2-229.
(Am. by Ord. 13-10-01, 10/21/13)

SECTION 2-207: ANIMALS IN HEAT

The owner, keeper or person harboring any female dog or cat shall, during the period that such animal is in heat or in state of estrus, keep it securely confined within an area secure from access by male dogs and cats running at large, except when out upon such person's premises briefly for toilet purposes while on a leash or otherwise effectively physically restrained and under supervision.

SECTION 2-208: CATS RUNNING AT LARGE

In the case of cats, it shall be unlawful for any person owning, keeping or harboring any cat to permit, suffer or allow the said cat to run at large within the City so that it poses a nuisance to neighbors or the public welfare. A cat which poses a nuisance is one which interferes with the comfortable enjoyment of life and property or tends to depreciate the value of property of others.

SECTION 2-209: CATS RUNNING AT LARGE; PENALTY

Any person found in violation of this section shall be punished by a fine pursuant to Section 2-233 hereafter and, in addition, if a cat is impounded at the animal shelter, the owner or person claiming such animal shall pay an impoundment fee to the City as set forth hereafter.

SECTION 2-210: DESTRUCTION OF PROPERTY

It shall be unlawful for any person owning, keeping or harboring any dog or cat to allow the animal to injure or destroy any personal or real property of any description belonging

to another person. Any person found in violation of this section shall be punished as provided for in Section 2-231 hereafter. The owner, keeper or person harboring any such dog or cat, in addition to the person's usual judgment upon conviction, may be made to be liable to the person so injured in an amount equal to the value of the damage sustained.

SECTION 2-211: EXCESSIVE ANIMAL NOISE

1. It shall be unlawful for any person to (A) own or keep any animal which, by making excessive noise, disturbs a neighbor, or (B) 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, drivers, or vehicles while they are on any public sidewalks, streets, or alleys in the City.

2. The following definitions and conditions shall be applicable to enforcement of this section:

A. "Excessive noise" shall mean and include any noise produced by an animal which is so loud and continuous as to disturb the peace and quiet of a neighbor.

B. "Neighbor" shall mean an individual residing in a residential structure which is within 100 yards of the property on which the animal is kept or harbored and who states in writing that he will testify under oath that the animal makes excessive noise.

3. The provisions of this section shall not be construed to apply to the city dog shelter.

4. Nothing in this section shall be construed to prohibit an officer from filing a complaint for excessive noise based on his own observations and personal knowledge. Any person who violates this section shall be guilty of a misdemeanor and shall be punished as provided in Section 2-233 hereafter.
(Am. by Ord. No. 10-07-01, 07/12/10)

SECTION 2-212: LIMITATION ON NUMBER OF DOGS AND CATS

It shall be unlawful and a public nuisance for any person in charge of a residence to keep or allow to be kept more than two dogs or cats, or any combination of such animals exceeding three in number, over the age of 90 days at such residence unless the residence or the owner of the dogs and cats kept there is within one or more of the following exceptions: (1) The residence is licensed as a commercial animal establishment; (2) The owner of the dogs and cats over 90 days of age has applied for and received a permit to keep dogs and cats in excess of three as provided for under this section and, upon request of an officer, presents such permit for inspection.

SECTION 2-213: EXCESSIVE ANIMALS PERMIT; APPLICATION FOR

(Repealed by Ord. No. 13-10-02, 10/21/13)

SECTION 2-214: EXCESSIVE ANIMALS PERMIT; ISSUANCE OF

(Repealed by Ord. No. 13-10-02, 10/21/13)

SECTION 2-215: EXCESSIVE ANIMALS WITHOUT PERMIT

When animals in excess of the limit established in this section are found at a residence, the owner of the animals shall have 72 hours to comply with this section. Failure to comply within 72 hours shall constitute a violation of this section and shall be punished as provided for in Section 2-231 hereafter. Any combination of dogs or cats in excess of three in number shall be considered one violation of this section, but each day's continuance in violation shall constitute a separate offense.

SECTION 2-216: EXCESSIVE ANIMALS PERMIT; REVIEW OR REVOCATION

(Repealed by Ord. No. 13-10-02, 10/21/13)

SECTION 2-217: DANGEROUS ANIMALS; DEFINITIONS; PROHIBITED ANIMALS IN RESIDENTIAL AREA

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

"Potentially dangerous dog" means any dog that, when unprovoked, inflicts bites on a human or a domestic animal on either public or private property or chases or approaches a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack; or any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise threaten the safety of humans or domestic animals.

"Dangerous dog or other dangerous animal" means any dog or animal that, according to the records of the appropriate authority, has:

1. Inflicted injury on a human being without provocation on public or private property;

2. Killed a domestic animal without provocation while off the owner's property; or

3. Previously been found to be potentially dangerous, the owner having received notice of such finding, and the dog or other animal again aggressively bites, attacks or endangers the safety of humans or domestic animals.

"Injury" means any physical injury that results in broken or punctured skin, broken bones or lacerations requiring sutures.

"Proper enclosure" of a potentially dangerous dog means that, while on the owner's property, it shall be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, shall be securely embedded into the ground, and shall also provide protection from the elements for the dog.

SECTION 2-218: POTENTIALLY DANGEROUS DOG; DETERMINATION OF

1. If it is determined by the animal control officer, after investigation, that a dog is a potentially dangerous dog, he/she shall notify the owner of the dog in writing that it has been declared a potentially dangerous dog. If the owner of the dog disagrees with the animal control officer's determination, he/she may appeal such determination in writing

within 10 days of receiving the notice. Such notice of appeal shall be made to the city clerk. Upon receiving the appeal, the city clerk shall notify the mayor of such appeal and the mayor shall appoint three residents of the City to hear the appeal. Such residents shall be titled “appeal commissioners.” The appeal commissioners appointed shall elect one of their own as chairman and shall hold a hearing within ten days to examine the evidence concerning the determination previously made. The hearing shall be informal in nature and the rules of evidence shall not apply, but the appeal commission shall consider only credible and relevant evidence. The owner and animal control officer shall have the opportunity to present evidence and be heard on this matter.

2. After the appeal commission makes a determination and notifies the owner in writing, he/she shall have the right to further appeal the matter to the City Council. The appeal must be filed with the city clerk within ten days of receiving the written notification, and the Council shall hold its hearing within 30 days of such filing. The hearing shall be conducted by the mayor or his/her designated agent in the same manner as previously mentioned in this subsection and the same procedure shall apply. The determination that a dog is a potentially dangerous dog shall be made by the concurrence of a majority of all Council members. During the procedure described in this subsection, a dog declared as potentially dangerous may be impounded at the owner's expense or, if the officer is assured by the owner's signed agreement of proper confinement and safeguards, and that the dog has a current rabies vaccination, the dog may be released to its owner pending a final determination.

SECTION 2-219: POTENTIALLY DANGEROUS DOG; CERTIFICATE OF REGISTRATION FOR

The owner of a dog which has been declared as a potentially dangerous dog shall immediately apply for a certificate of registration from the animal control officer. Such certificate shall be issued if the owner presents sufficient evidence of a proper enclosure to confine a potentially dangerous dog and the posting of the premises with clearly visible warning sign that there is a dangerous dog on the property. In addition, the owner shall conspicuously display a sign with a warning symbol that informs children of the presence of a dangerous dog. A decision by the animal control officer not to issue the certificate of registration may be reviewed as provided for in this section.

SECTION 2-220: POTENTIALLY DANGEROUS DOG; RESTRAINT OF

It is unlawful for an owner of a potentially dangerous dog to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

SECTION 2-221: DANGEROUS DOGS; PROHIBITED

The owning, allowing, keeping or harboring of a dangerous dog or other dangerous animal within the corporate limits of the City of Imperial is hereby prohibited and unlawful.

SECTION 2-222: DANGEROUS DOGS; EXCEPTIONS

Dogs shall not be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by 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.

SECTION 2-223: DANGEROUS ANIMALS OR POTENTIALLY DANGEROUS DOGS; IMPOUNDMENT OF

Any potentially dangerous dog which is (1) not validly registered under this section; (2) not maintained in the proper enclosure; (3) outside the dwelling of the owner or outside of the proper enclosure and not under physical restraint of the responsible person; or (4) not covered by liability insurance coverage or a surety bond as required by this section; or any dangerous dog or any dangerous animal shall be immediately confiscated by an animal control officer and placed in quarantine at the owner's cost until ordered by the court to either return the dog to the owner or humanely kill it.

SECTION 2-224: DANGEROUS ANIMALS OR POTENTIALLY DANGEROUS DOGS; VIOLATIONS; PENALTY; DESTRUCTION OF

It shall be unlawful to violate any provision of this section, and such violation shall be punished as provided for in Section 2-231 hereafter. If the court finds that a dog is a potentially dangerous dog as defined in this section, the court may, in addition to the usual judgment of conviction, order that the dog be humanely killed. Upon a finding by the court that a dog is a dangerous dog or other dangerous animal as defined in this section, the court shall, in addition to the usual judgment of conviction, order that the dog or other animal be humanely killed. (Ref. Neb. Rev. Stat. §54-617 through 54-624).

SECTION 2-225: LICENSING

1. Any person who shall own, keep, or harbor a dog over the age of three months within the municipality shall within 30 days after acquisition of the dog acquire a license for each such dog annually by or before May 1 of each year. The tax shall be delinquent from and after May 10, provided that 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 and such tax shall be delinquent if not paid within ten days thereafter.

2. Licenses shall be issued by the city clerk upon the payment of a license fee of $5 of each male dog, each spayed female dog, and each unspayed female dog. The license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog. The owner shall state at the time the application is made and upon a printed form provided for such purpose his or her name and address and the name, breed, color, and sex of each dog owned and kept by the owner. 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.

3. An additional annual statutory fee per license shall also be charged pursuant to Nebraska statutes. The City 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.

4. Upon the payment of license fees, the person designated by the licensing authority 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 property attached to the collar or harness of any dog so

licensed and shall entitle the owner to keep or harbor the said dog or cat until April 30 following such licensing. Every dog must wear an identification tag or collar at all times when off the premises of the owner. In absence of a tag, a dog shall be regarded as a stray whenever off its owner's property.
(Ref. Neb. Rev. Stat. § 17-526, 54-603, 71-4412) (Am. by Ord. No. 10-07-02, 07/12/10)

SECTION 2-226: LOST LICENSE

In the event that a license tag is lost, and upon satisfactory evidence that the original tag was issued in accordance with the provisions herein, the 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 set by resolution of the City Council for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the city clerk to issue tags of a suitable design that are different in appearance each year. (Ref. Neb. Rev. Stat. §§ 17-526 and 54-603

SECTION 2-227: KILLING AND POISONING

It shall be unlawful to (1) kill; (2) administer or cause to be administered poison of any sort to an animal; (3) injure, maim or destroy in any manner; (4) attempt to injure, maim or destroy any animal that is the property of another person in any manner; or (5) place any poison, or poisoned food where the same is accessible to an animal; provided that this section shall not apply to animal control officers acting within their power and duty.

SECTION 2-228: IMPOUNDING

It shall be the duty of the animal control officer to capture, secure and remove in a humane manner to any animal shelter or veterinarian any animal violating any of the provisions of this chapter. The animals so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded animal shall be kept and maintained at the pound for a period of not less than five days after public notice has been given, unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identification, shall be posted at the office of the city clerk within 24 hours after impoundment as public notification of such impoundment. Any animal may be reclaimed by its owner during the period of impoundment by payment of the animal shelter's or veterinarian's daily boarding fee and a general impoundment fee as stated below. The day on which the animal was impounded shall count as one day and any part of any day during which the animal is impounded shall also count as a full day.

SECTION 2-229: IMPOUNDMENT FEES

1. The impoundment fees for any animal shall be as follows:

   A. First time in a 12-month period, $25.
   B. Second time in a 12-month period, $50.
   C. Third and subsequent times in a 12-month period, $75.

2. Unclaimed impounded animals shall be kept for no more than five days and will become the property of the city or of the humane society and shall be placed for adoption in a suitable home or humanely destroyed. Stray animals that are roaming at large, remaining on private property without consent of the owner or tenant, or remaining on or frequenting public property are deemed to be the property of the City. If the stray animal cannot be captured by conventional means, every police officer, humane officer, or other

person designated by the City Council is authorized to use any means necessary to remove the animal.

3. Before releasing the animal before or after impoundment, the owner of said animal shall pay for the cost of a rabies shot (if suggested by a veterinarian), cost of impounding the animal (including the boarding fees and impoundment fees), and cost of a license tag (if required). The owner may also be required to pay any fines and court costs imposed for violations of the ordinances, but said fines and costs will not be a requirement for release of the animal to the custody of the owner.
(Ref. Neb. Rev. Stat. §§17-548; 71-4408)

SECTION 2-230: ANIMAL CRUELTY

No person shall cruelly mistreat any animal. (Ref. Neb. Rev. Stat. §§28-1001; 28-1002)

SECTION 2-231: VIOLATION; PENALTY

1. If any section of this article provides a specific fine to be imposed upon a determination of guilt, then that fine shall supersede and take priority over this section, the language of this section notwithstanding.

2. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this article, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and shall be fined up to $500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.
(Am. Ord. No. 18-11-01, 11/5/18)

ARTICLE III – KENNELS

SECTION 2-301: DEFINITION

"Kennel" is defined for this article as any lot or parcel of land or place where more than two dogs or more than two cats over the age of 12 weeks are confined, treated, boarded, housed or cared for, but shall not 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 2-302: UNLICENSED KENNELS; NUISANCE

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

SECTION 2-303: LICENSE REQUIRED

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

SECTION 2-304: LICENSE; APPLICATION FOR

Any person or legal entity seeking a kennel license shall make written application to the

City Council. Such application shall state in detail the type, number and gender of animals to be held in such kennel, describe the kennel facility in detail, provide a letter from the City's zoning administrator to the effect that such kennel is permitted under the City's zoning ordinance, and such other information as may be required by the City Council. Such application shall also have attached thereto the consent of all property owners or occupants of lands or lots adjoining the land upon which the proposed kennel is to be located. In the event that the City Council determines that such kennel would not constitute a nuisance, it shall issue such license on such terms and conditions as it deems appropriate. Such license shall be on an annual basis and may be revoked after notice and hearing for violation of any term or condition of the issuance of the license. The annual license fee shall be in an amount set from time to time by resolution of the City Council and the license shall not be issued until such fee is paid.

SECTION 2-305: 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 IV – ANIMALS GENERALLY

SECTION 2-401: RUNNING AT LARGE

It shall be unlawful for the owner, keeper or harborer of any animal, or any person having the charge, custody or control thereof, to permit such animal to be ridden, driven or run at large upon any of the public ways or property or to be tethered or staked out in such a manner as to allow such animal to reach or pass into a public way or to be upon the property of another. (Ref. Neb. Rev. Stat. §17-547)

SECTION 2-402: CRUELTY; DEFINITIONS

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

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

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

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

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

"Law enforcement officer" shall mean any member of the Nebraska State Patrol, the county sheriff or deputy, any member of the city police force, or any other public official authorized by the City to enforce state or local animal control laws, rules, regulations and/or ordinances.
(Ref. Neb. Rev. Stat. §28-1008)

SECTION 2-403: CRUELTY TO ANIMALS

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

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

(Ref. Neb. Rev. Stat. §28-1009)

SECTION 2-404: CRUELTY TO ANIMALS; LAW ENFORCEMENT OFFICER; POWERS, IMMUNITY

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

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

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

(Ref. Neb. Rev. Stat. §28-1012)

SECTION 2-405: KILLING AND POISONING

No person shall kill or injure any animal by the use of firearms, stones, clubs, poisons or any other means unless it is vicious or dangerous and cannot be captured without danger to the persons attempting to effect its capture. (Ref. Neb. Rev. Stat. §28-1012)

SECTION 2-406: ENCLOSURES

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

SECTION 2-407: 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.

(Ref. Neb. Rev. Stat. §28-1004)

SECTION 2-408: PITTING; PROHIBITED

No person shall knowingly (1) promote, engage in or be employed at dogfighting, cock-

fighting, bearbaiting or pitting an animal against another; (2) receive money for the admission of another person to a place kept for such purpose; (3) own, use, train, sell or possess an animal for the purpose of animal pitting; nor (4) permit any act as described in this section to occur on any premises owned or controlled by him/her. (Ref. Neb. Rev. Stat. §28-1005)

SECTION 2-409: 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. (Ref. Neb. Rev. Stat. §28-1005)

SECTION 2-410: CERTAIN ANIMALS PROHIBITED IN RESIDENTIAL AREA

Within any residential area (for purposes of this subsection, defined as any area not zoned for commercial, agricultural or industrial purposes), the keeping, harboring or selling of any poisonous or venomous animal or any warm-blooded carnivorous or omnivorous animal, including but not limited to nonhuman primates, raccoons, skunks, foxes, leopards, panthers, tigers and lions, but excluding fowls, dogs, house cats, ferrets and small rodents of varieties commonly kept as household pets such as rats, mice, gerbils, guinea pigs and hamsters, is hereby prohibited. Nonpoisonous snakes shall be kept in locked, escape-proof cages except when being handled. No snake shall be permitted by the owner, keeper or handler to escape from a cage or while being handled.

SECTION 2-411: ANIMALS AND FOWLS BANNED FROM THE CITY

It shall be unlawful for any person or persons to keep or maintain within the City limits any horses, mules, sheep, cows, goats, swine or other livestock or any poultry, turkeys, geese, ducks, chickens or any other fowls unless allowed by the Imperial Zoning Ordinance. (Ord. No. 06-12-02, 12/11/06)

SECTION 2-412: ANIMAL WASTE

1. *Purpose:* To establish requirements for the proper disposal of pet solid waste in the City of Imperial so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

2. *Definitions:* For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. “Owner/keeper” shall mean any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

B. “Pet” shall mean a domesticated animal, other than a disability assistance animal, kept for amusement or companionship.

C. “Pet solid waste” shall mean waste matter expelled from the bowels of the pet; excrement.

D. “Proper disposal” shall mean placement in a designated waste receptacle or other suitable container and discarded in a refuse container which is regularly emptied by the City or some other refuse collector or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

3. *Requirements for Disposal:* All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

4. *Exemptions:* Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

5. *Enforcement*: The provisions of this article shall be enforced by the City Police Department and/or any other designated enforcement officer of the City of Imperial.
(Ord. No. 11-07-01, 7/25/11)

SECTION 2-413: ANIMAL WASTE VIOLATIONS; PENALTY

1. Anyone found to be in violation of Section 2-412 hereof shall be guilty of a misdemeanor and punished according to this section.

2. Each time a person owning, keeping or harboring any pet is found to be in violation of Section 2-412, the prosecutor for the case may review the number of violations that the person was convicted of or pled guilty to in the 365 days immediately preceding the alleged violation. Penalties shall be levied based upon the number of violations of Section 2-412 that the person was found to be guilty of or pled guilty to in the 365 days preceding the date of the incident which led to conviction of Section 2-412, as follows:

A. Persons found to have no violations of Section 2-412 hereof in the preceding 365 calendar days shall be fined $25.00 upon conviction of violation of Section 2-412 hereof.

B. Persons found to have 1 prior violation of Section 2-412 hereof in the preceding 365 calendar days shall be fined $50.00 upon conviction of violation of Section 2-412 hereof.

C. Persons found to have 2 violations of Section 2-412 hereof in the preceding 365 calendar days shall be fined $75.00 upon conviction of violation of Section 2-412 hereof.

D. Persons found to have 3 or more violations of Section 2-412 hereof in the preceding 365 calendar days shall be fined $100.00 upon conviction of violation of Section 2-412 hereof.

3. For consideration of the number of violations in the preceding 365 calendar days in this section, the date of the issuance of the citation shall operate to be the effective date for prior violations.
(Ord. No. 15-11-02, 1/4/16)

ARTICLE V – NUISANCE REGULATIONS

SECTION 2-501: PURPOSE

The City of Imperial by this Article defines its authority to define, regulate, suppress and prevent nuisances, to declare what shall be a nuisance for its jurisdiction, and to provide services to abate the same for the health and sanitation of the City. (Neb. Rev. Stat. §18-1720) (Ord. No. 09-12-01, 12/14/09)

SECTION 2-502: DEFINITIONS

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

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;
F. Essentially interferes with the comfortable enjoyment of life and property; or
G. Tends to depreciate the value of the property of others.

2. "Nuisance" includes, <u>but is not limited to</u> the maintaining, using, placing, depositing, leaving, or permitting of any of the following specific acts, omissions, places, conditions, and things of:

A. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers or vegetable matter or the whole or any part of any dead animal, fish, or fowl;

B. The emission of smoke, dust, fumes, gases, mists, odors, or polluted air from any source that is injurious or dangerous to human health and safety.

C. Privies, vaults, cesspools, dumps, pits, or like places which are not securely protected from flies or rats or other insects and rodents or which are foul or malodorous;

D. 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;

E. Dead animals or dead animals buried within the corporate limits;

F. 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;

G. Hauling any garbage, waste, or refuse matter through the streets, alleys, and public ways except when the same is loaded and conveyed in such a way that none of the contents shall be spilled;

H. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish, or any waste vegetable or animal matter in any quantity.

Nothing herein contained shall prevent the temporary retention of waste in receptacles nor the dumping of non-putrefying waste in a place and manner approved by the City;

I. 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 be kept in covered bins or galvanized iron receptacles;

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

K. Any unsafe or unsightly building, any billboard or other structure, any old, abandoned or partially destroyed building or structure, or any building or structure commenced and left unfinished, which buildings, billboards, or other structures are a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity;

L. All places used or maintained as junkyards or dumping grounds, or for the wrecking and dissembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others or which are so unsightly as to tend to depreciate property values in the vicinity thereof;

M. 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 the places in which the animals are confined or the premises on which the 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;

N. Dead or diseased trees within the right-of-way of streets within the corporate limits of the City or on private property within the one-mile zoning jurisdiction beyond the corporate limits (Neb. Rev. Stat. §17-555);

O. Undrained lots which hold or may hold stagnant water or any other nuisance;

P. Any condition which allows the perpetuating of insects and rodents;

Q. Storage, accumulating, keeping, placing, or allowing to remain garbage, trash, scrap and wrecked, worn-out, broken or inoperative, or partially destroyed or disassembled personal or real property of any kind, including any

junk or abandoned motor vehicles, tractors, trailers, machinery, and equipment;

R. Any vehicle which is not properly registered, or is inoperable, wrecked, junked, or partially dismantled and remaining 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 to 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 where said vehicle is located is not a nuisance and is maintained in a healthful and safe condition. "Vehicle" means the same as defined by Neb. Rev. Stat. §60-136: a "motor vehicle, all-terrain vehicle, mini-bike, trailer, or semitrailer. "Properly registered" means as required by Nebraska statutes;

S. Lots, pieces of ground, and the adjoining streets and alleys with growth of weeds or noxious growth as follows: (1) 12 inches, or (2) 8 inches if, within the same calendar year, the City has acted to remove weeds, grasses, or worthless vegetation exceeding 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.

T. All other things specifically designated as nuisances elsewhere in this municipal code.

(Neb. Rev. Stat. §18-1720) (Ord. Nos. 09-12-01, 12/14/09; 10-08-02, 8/9/10; 11-05-01, 5/9/11)

SECTION 2-503: ABATEMENT SERVICES AND NOTICE PROCEDURE

1. *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.

2. *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 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.

3. *Confirming, Documenting and Presenting Nuisances*. The nuisance officer shall identify and confirm that in his or her opinion a nuisance exists as defined by federal, state or city law.

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. The nuisance officer will also obtain the legal description of the

property and identify the current owners and, if possible, the occupants of the property upon which the nuisance exists.

B. The nuisance officer shall then present such information to the City Council at a regular or special meeting for its confirmation that a nuisance exists as stated in Section 2-504 of this Article.

(Ord. No. 09-12-01, 12/14/09)

SECTION 2-504: 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 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: city administrative procedures, penal prosecutions through the courts, and/or 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:

1. *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 that abatement and removal of the nuisance is to be accomplished. The notice shall also provide information as to how the interested parties may request a hearing before the City Council as described in subsection (D) below.

C. The notice shall be given to each owner or owner's duly authorized agent and 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 <u>may</u> cause a hearing to be held. This option is at the <u>sole</u> <u>discretion</u> 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 30 days from the receipt of the request for hearing. Notice of said hearing, containing the date and time, shall be served upon the agent, owner and occupant of the nuisance property by certified and regular mail. (Am. by Ord. 12-08-02, 8/6/12)

G. The hearing shall be a "show cause" hearing in which the agent, owner, or 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 enforcement 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 his or her 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 14 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 objector or designated agent fails to appear at the hearing or does not provide evidence, the nuisance shall stand. If the resolution is not rescinded, the City 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 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 but 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 the 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)

2. *Penal Court Enforcement Procedure*. If the declared nuisance, health, and/or sanitation violation are not abated within 15 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 issuance of a citation for the code violation.

A. The citation shall be prosecuted in the appropriate court by the city attorney or other designated prosecutor for the City.

B. A person or persons found guilty of these violations shall be guilty of a misdemeanor and fined up to $500.00 per each offense.

C. Each day that the nuisance, as identified in the nuisance resolution and notice, is not abated shall be a separate offense and subject to a separate fine.

3. *Civil Court Procedure*. The City Council may instruct the city attorney by resolution to file a civil action for the abatement of a nuisance. Said civil suit may commence after 15 days' notice has been served as stated in Section 2-503 of this Article, and may be filed and prosecuted at the same time any other enforcement procedure has commenced, terminated or is in progress.
(Ord. No. 09-12-01, 12/14/09)

SECTION 2-505: EXPENSES

1. 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 therefor, the actual cost thereof 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 a $25.00 administrative fee.

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

3. 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 in a civil action in the courts of the appropriate county in Nebraska.
(Ord. No. 09-12-01, 12/14/09)

SECTION 2-506: SPECIFIC NUISANCE FINES

1. The City declares it to be a nuisance to permit or maintain any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation (as defined in Section 2-502 herein) on any lot, piece of ground, adjoining streets or alleys; to litter or cause litter to be deposited or remain thereon on any lot or piece of ground, except in proper receptacles; to allow or maintain on any lot or piece of ground the accumulation of stagnant water, privies or cesspools or like places which are not securely protected from flies or rats or other insects and rodents or which are foul or malodorous; or to allow or store any unlicensed or inoperable motor vehicle on any lot or piece of ground where said vehicle is not housed in a storage or other building.

2. Any owner or occupant of any lot, piece of ground, or other site as referenced herein may be issued a citation for a city ordinance violation, and the fine shall be paid to the city office within five days according to the following schedule:

First violation in a season	$25.00
Second violation	50.00
Third violation	75.00

3. Fines within this ordinance are to be considered in addition to any costs or fees assessed and due to the City for failing to comply with an order or notice to abate and

remove such a nuisance and for violations of the municipal code within this section. Should said fine or costs remain unpaid within the five-day period stated herein, a complaint will be filed in the Chase County Court by the city attorney. The violator will be liable for prosecution in County Court for the offense or offenses charged and subject to penalty provided for a misdemeanor pursuant to Nebraska statutes and laws.
(Ord. No. 09-06-03, 6/8/09)

ARTICLE VI – SEXUAL PREDATOR RESIDENCY RESTRICTIONS

(Adopted 12/14/09 by Ord. No. 09-12-03)

SECTION 2-601: PURPOSE

The Nebraska Legislature has found that certain sex offenders present a high risk to commit repeat offenses and has enabled municipalities to restrict such persons' place of residency as provided in the Sexual Predator Residency Restriction Act. Sex offenders who prey on children and who are high risks to repeat such acts present an extreme threat to public safety. The cost of sex offender victimization to these children and to society at large, while incalculable, is exorbitant. It is the intent of this ordinance to serve the City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sex offenders cannot reside.

SECTION 2-602: DEFINITIONS FOR PURPOSES OF THIS ARTICLE

“Child care facility’ means a facility licensed pursuant to the Child Care Licensing Act;

“School” means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;

“Reside” means to sleep, live, or dwell at a place, which may include more than one location, and may be mobile or transitory;

“Residence” means a place where an individual sleeps, lives, or dwells, which may include more than one location, and may be mobile or transitory; and

“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

“Sexual predator” means an individual who is 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.

SECTION 2-603: PROHIBITED LOCATION OF RESIDENCE

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

SECTION 2-604: MEASURE OF DISTANCE

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.

SECTION 2-605: EXCEPTIONS

This ordinance shall not apply to a sexual predator who:

1. Resides within a prison or correctional or treatment facility operated by the state or a political subdivision;

2. Established a residence before July 1, 2006, and has not moved from that residence; or

3. 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 sex offender's residence at that location.

ARTICLE VII – PENAL PROVISION

SECTION 2-701: VIOLATION; PENALTY

Anyone violating any of the terms and conditions of any of the foregoing chapter and articles shall be deemed guilty of a misdemeanor and shall be fined in a sum not more than $500.00 for each offense. Each day's maintenance of the same shall constitute a separate offense.

CHAPTER III – VEHICLES AND TRAFFIC

ARTICLE I – TRAFFIC REGULATIONS

3-101 TERMS DEFINED
3-102 TRUCK ROUTES
3-103 ENGINE BRAKING
3-104 TURNING; "U" TURNS
3-105 TURNING; SIGNALS
3-106 TURNING; GENERALLY
3-107 TURNING; CAUTIOUS
3-108 RIGHT OF WAY; GENERALLY
3-109 RIGHT OF WAY; EMERGENCY VEHICLES
3-110 POSITION OF VEHICLE ON HIGHWAY; GENERALLY
3-111 POSITION OF VEHICLE ON HIGHWAY; PASSING
3-112 BACKING
3-113 DRIVING IN SIDEWALK SPACE
3-114 STOPS; MANDATORY
3-115 SIGNS, SIGNALS
3-116 STOP SIGNS
3-117 SPEED ZONES
3-118 FUNERAL PROCESSIONS
3-119 FOLLOWING DISTANCE; GENERALLY
3-120 FOLLOWING DISTANCE; FIRE APPARATUS
3-121 GLASS; POINTED OBJECTS
3-122 SIGNS; DEFACING OR INTERFERING WITH
3-123 SIGNS; UNAUTHORIZED DISPLAY

3-124 SPEED; ELECTRONIC DETECTOR
3-125 CARELESS DRIVING
3-126 RECKLESS DRIVING
3-127 RECKLESS DRIVING; WILLFUL
3-128 EMERGENCY REGULATIONS
3-129 POLICE; TRAFFIC POWERS
3-130 POLICE; REFUSAL TO OBEY
3-131 POLICE; TRAFFIC OFFICERS
3-132 DRIVING ABREAST
3-133 RIDING OUTSIDE VEHICLE
3-134 OVERLOADING FRONT SEAT OR OBSTRUCTING DRIVER'S VIEW OR DRIVING MECHANISM; PROHIBITED
3-135 MUFFLER
3-136 LOADS; PROJECTING
3-137 LOADS; SPILLING OR SHIFTING
3-138 STOP SIGNS ESTABLISHED
3-139 PARADES AND MOTORCADES; REGULATIONS AND PROCEDURES

ARTICLE II – ABANDONED VEHICLES

3-201 TERMS DEFINED
3-202 ENFORCEMENT
3-203 NOTICE
3-204 DISPOSITION
3-205 TRANSFER OF TITLE
3-206 PENAL PROVISION

ARTICLE III – PARKING

3-301 VEHICLES; BRAKES, COASTING
3-302 PARKING; GENERALLY
3-303 PARKING; AREAS
3-304 OBSTRUCTING ALLEY
3-305 ALLEYS; LOADING AND UNLOADING
3-306 CONGESTED AREA UNLOADING
3-307 UNLOADING; FREIGHT VEHICLES
3-308 FIRE HYDRANTS AND STATIONS
3-309 SCHOOLS, THEATERS
3-310 CURB INTERSECTIONS
3-311 CURBS
3-312 OBSTRUCTING TRAFFIC
3-313 CURBS, PAINTED
3-314 DISPLAY OR REPAIR OF VEHICLES
3-315 TIME LIMIT
3-316 CURRENT LICENSE; MAXIMUM TIME LIMIT
3-317 EMERGENCY VEHICLES
3-318 NO PARKING AND HANDICAP PARKING AREAS ESTABLISHED
3-319 CROSSWALKS

ARTICLE IV – RECREATIONAL AND OFF-ROAD VEHICLES

3-401 BICYCLES; OPERATION
3-402 CLINGING TO MOTOR VEHICLE
3-403 MOTORCYCLE OPERATION

3-404 MOTORCYCLE; LIGHTS
3-405 SNOWMOBILES; EQUIPMENT
3-406 SNOWMOBILES; UNLAWFUL OPERATION
3-407 SNOWMOBILES; UNLAWFUL ACTS
3-408 SNOWMOBILES; ON PUBLIC LANDS
3-409 SNOWMOBILES; ENFORCEMENT, PENALTY
3-410 ALL- TERRAIN AND UTILITY-TYPE VEHICLES; GOLF CARS; DEFINITIONS
3-411 ALL-TERRAIN VEHICLES; PROHIBITED
3-412 GOLF CARS AND UTILITY-TYPE VEHICLES; PERMITTED
3-413 GOLF CARS AND UTILITY-TYPE VEHICLES; PERMIT AND INSPECTION REQUIRED
3-414 GOLF CARS AND UTILITY-TYPE VEHICLES; REQUIREMENTS FOR PASSING CITY INSPECTION
3-415 GOLF CARS AND UTILITY-TYPE VEHICLES; CITY-ISSUED DECAL OR FLAG REQUIRED; ISSUANCE; FEE
3-416 GOLF CARS AND UTILITY-TYPE VEHICLES; ANNUAL PERMIT EXPIRATION
3-417 GOLF CARS AND UTILITY-TYPE VEHICLES; OPERATION
3-418 GOLF CARS AND UTILITY-TYPE VEHICLES; INSURANCE AND PROOF OF INSURANCE REQUIRED
3-419 GOLF CARS AND UTILITY-TYPE VEHICLES; OPERATION RESTRICTIONS
3-420 GOLF CARS AND UTILITY-TYPE VEHICLES; TRAILERS PROHIBITED
3-421 GOLF CARS AND UTILITY-TYPE VEHICLES; TIME OF OPERATION
3-422 GOLF CARS AND UTILITY-TYPE VEHICLES; MAXIMUM SPEED
3-423 UTILITY-TYPE VEHICLES; PASSENGERS AND RESTRAINTS
3-424 GOLF CARS AND UTILITY-TYPE VEHICLES; PENALTIES FOR VIOLATIONS
3-425 MOPEDS; DEFINED
3-426 MOPEDS; OPERATOR'S LICENSE REQUIRED
3-427 MOPEDS; TRAFFIC REGULATIONS APPLICABLE
3-428 MOPEDS; OPERATION
3-429 MOPEDS; USE OF TRAFFIC LANES; OPERATION ON SIDEWALKS PROHIBITED
3-430 MOPEDS; EQUIPMENT

ARTICLE V – PENAL PROVISION

3-501 VIOLATION; PENALTY

CHAPTER III – VEHICLES AND TRAFFIC

ARTICLE I – TRAFFIC REGULATIONS

SECTION 3-101: TERMS DEFINED

The words and phrases used in this ordinance pertaining to motor vehicles and traffic regulations shall be construed as defined in Neb. Rev. Stat. Chapter 60, Article 6, unless the context otherwise requires; and, if not so defined, the common meaning of such words and phrases shall prevail.

SECTION 3-102: TRUCK ROUTES

The City Council may, by resolution, designate certain streets in the City as truck routes, restricting traffic for vehicles weighing in excess of ten tons. It shall be unlawful for persons operating such vehicles to travel on streets other than those designated for such vehicles except to travel to and from their personal residence and/or to pick up or deliver goods, wares, or merchandise; and in these events, the operators of such vehicles 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 restricted routes.

SECTION 3-103: ENGINE BRAKING

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 assisting braking on any semi-tractor; provided, however, it shall be permitted to use engine brakes in an emergency situation. Proper notices shall be posted by the City notifying the public of such prohibition.

SECTION 3-104: TURNING; "U" TURNS

No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection or other designated area. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where a sign is posted indicating that U-turns are prohibited.

SECTION 3-105: TURNING; SIGNALS

A signal of intention to turn right or left shall be given continuously during not less than the last 50 feet traveled by the vehicle before turning. The signals herein required shall be given either by means of the hand and arm or by a signal device of a type approved by the Department of Roads.

SECTION 3-106: TURNING; GENERALLY

Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right hand side of the highway, and must turn the corner as near the right hand curb as possible to keep between the curb to the right and the center of the intersection of the two streets. The driver of a vehicle intending to turn to the left shall approach the center line of the highway and in turning shall pass as near as possible to the center of the intersection, passing as closely as practicable to the right thereof before turning such vehicle to the left. For the purposes of this section, the center of the intersection shall mean the meeting point of the medial lines of the highways intersecting one another.

SECTION 3-107: TURNING; CAUTIOUS

The operator of a vehicle, before stopping, turning, or changing the course of such vehicle, shall see that there is sufficient space to make such movement in safety. If any pedestrian might be affected by such movement, the operator shall give a clearly audible signal by sounding the horn, and whenever the operation of any other vehicle may be affected by such movement, he/she shall give some other unmistakable signal to the driver of all other vehicles of his/her intention to make such movement.

SECTION 3-108: RIGHT OF WAY; GENERALLY

1. 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. 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. The driver of a vehicle entering a city street from a private road or drive shall yield the right of way to all vehicles approaching on such streets.

2. 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. 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. 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.

SECTION 3-109: RIGHT OF WAY; EMERGENCY VEHICLES

Upon the approach of any authorized emergency vehicles, all vehicles within one block of the route of such emergency vehicle shall immediately stop except at the time they are on or crossing a street intersection, in which event such vehicle shall drive clear of the street intersection and then stop. Every vehicle along the route of such emergency vehicle shall immediately move to a position as near the right hand curb as possible and remain there until such authorized emergency vehicle has passed; provided said vehicle is operated on official business and the driver thereof sounds an audible signal by bell, siren or whistle.

SECTION 3-110: POSITION OF VEHICLE ON HIGHWAY; GENERALLY

Upon all highways of sufficient width, the driver of a vehicle shall drive it on the right half of the roadway. In passing or meeting other vehicles, drivers shall give each other at least one-half of the main traveled portion of the roadway.

SECTION 3-111: POSITION OF VEHICLE ON HIGHWAY; PASSING

A vehicle shall not be driven to the left of the center line of the highway in overtaking or passing another vehicle proceeding in the same direction unless such left side is clearly visible and free from oncoming traffic for a sufficient distance to permit such overtaking and passing to be made in safety.

SECTION 3-112: BACKING

Before backing, ample warning shall be given; and while backing, unceasing vigilance must be exercised not to injure those behind. The driver of a parked vehicle about to back shall give moving vehicles the right of way.

SECTION 3-113: DRIVING IN SIDEWALK SPACE

No motor vehicle, including motorcycles or scooters, except for snow removal purposes,

shall be driven on any sidewalk or within any sidewalk space except on a permanent or temporary driveway. (Ref. Neb. Rev. Stat. §60-6,178)

SECTION 3-114: STOPS; MANDATORY

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 stop and yield the right of way to all vehicles approaching on such highway.

SECTION 3-115: SIGNS, SIGNALS

The City Council may, by resolution, provide for the placing of stop signs, restricted parking or other signs, signals, standards or mechanical devices in any street or alley for the purpose of regulating or prohibiting traffic and parking. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; details of 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. It shall be unlawful for any person to fail, neglect or refuse to comply with such regulation or prohibition. The placement of such regulatory sign shall be prima facie evidence of the restricting resolution. (Am. by Ord. No. 10-11-01, 11/8/10)

SECTION 3-116: STOP SIGNS

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with ordinances prescribed heretofore, cause such vehicle to come to a complete stop with the front wheels of said vehicle parallel with said stop sign.

SECTION 3-117: SPEED ZONES

No person shall operate a motor vehicle within the city limits at a speed greater than is reasonable and proper, having regard for the traffic, use and condition of the streets or at such speeds as to endanger the life, limb or property of any person, and under no circumstances in excess of the following limits:

1. On Broadway Street from the junction of U.S. Highway 6 and State Spur 15A to 10th Street, 25 miles per hour.

2. On Broadway Street from 10th Street to 15th Street, 35 miles per hour.

3. On Broadway Street from 15th Street to the north city limits, 45 miles per hour.

4. On South Street from Champion Highway to Highway 6 intersection, 35 miles per hour.

5. Along U.S. Highway 6 from Adelaide Street to 1,100 feet east of Maple Street, 50 miles per hour.

6. Along U.S. Highway 6 from the junction of U.S. Highway 6 and State Spur 15A to Adelaide Street, 35 miles per hour.

7. Along Nebraska Highway 61 from the west junction with U.S. Highway 6 to 50 feet north of 5th Street, 50 miles per hour.

8. Along State Spur 15A from Douglas Street to 400 feet west of Golf Course Road, 50 miles per hour.

9. Along State Spur 15A from junction of U.S. Highway 6 and State Spur 15A to Douglas Street, 35 miles per hour.

10. Along 12th Street from Shorthorn Street to U.S. Highway 61, 35 miles per hour.

11. Along the street commonly known as Golf Course Road from State Spur 15A north to West 5th Street, 35 miles per hour. (Ord. No. 11-08-02, 10/3/11)

12. In all school zones, 15 miles per hour.

The speed limits above prescribed shall be plainly indicated by standard signs at or near the approaches to the corporate limits and thereafter as changes in speed limits are provided. All other streets within the corporate limits not otherwise provided with a speed limit shall have a maximum rate of speed of 25 mph.

SECTION 3-118: FUNERAL PROCESSIONS

No vehicle, except police vehicles or fire department vehicles when responding to emergency calls or orders, ambulances responding to emergency calls or vehicles carrying United States mail, shall be driven through a funeral procession or cortege except with the permission of a police officer.

SECTION 3-119: FOLLOWING DISTANCE; GENERALLY

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.

SECTION 3-120: FOLLOWING DISTANCE; 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 where said fire apparatus has stopped in answer to a fire alarm. (Ref. Neb. Rev. Stat. §60-6,183 (Reissue 1998))

SECTION 3-121: GLASS; POINTED OBJECTS

No person shall throw, cast, lay or place upon any street any thorns, nails, tacks, glass, bottles, window glass or other articles made of or containing glass. In case of an accident causing the breaking of any glass upon any street, the owner or person in charge of such glass or the person responsible for such breakage shall at once remove or cause the same to be removed from the street.

SECTION 3-122: SIGNS; DEFACING OR INTERFERING WITH

It shall be unlawful for any person to willfully deface, injure, remove, obstruct or interfere with any official traffic sign or signal. (Ref. Neb. Rev. Stat. §60-6,129, 60-6,129.01)

SECTION 3-123: 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 police officer is hereby empowered to remove the same or cause it to be removed without notice.

SECTION 3-124: SPEED; ELECTRONIC DETECTOR

1. The speed of any motor vehicle within the City may be determined by the use of radio microwaves or other electronic device. The results of such determination shall be accepted as prima facie evidence of the speed of such motor vehicle in any court or legal proceedings where the speed of the motor vehicle is at issue.

2. The driver of any such motor vehicle may be arrested without a warrant under the authority herein granted if the arresting officer is in uniform or displays his/her badge of authority; provided that such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves or other electronic device or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device.

3. In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle had been recorded, and must include a description of the vehicle and the recorded speed.
(Ref. Neb. Rev. Stat. §60-6,192)

SECTION 3-125: CARELESS DRIVING

No person shall operate a vehicle on any highway, street or alley within the City in such a manner as to endanger the safety of others, disregard the property of others and/or cause immoderate wear and damage to any city street or alley.

SECTION 3-126: RECKLESS DRIVING

Any person who drives a motor vehicle in such 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. (Ref. Neb. Rev. Stat. §60-6,213)

SECTION 3-127: RECKLESS DRIVING; WILLFUL

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 and shall be punished as provided by statute. (Ref. Neb. Rev. Stat. §60-6,214 through 6-6,218)

SECTION 3-128: EMERGENCY REGULATIONS

The city police are hereby empowered to make and enforce temporary regulations to cover emergencies.

SECTION 3-129: POLICE; TRAFFIC POWERS

The city police officers 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 and regulate, temporarily divert or exclude the movement of pedestrian, animal and vehicular traffic of every kind in streets and parks and on bridges in the interest

of public safety, health and convenience. The driver of any vehicle shall stop upon the signal of any police officer. (Ref. Neb. Rev. Stat. §60-683)

SECTION 3-130: POLICE; REFUSAL TO OBEY

It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of the city police.

SECTION 3-131: POLICE; TRAFFIC OFFICERS

The city police department 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.

SECTION 3-132: 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. (Ref. Neb. Rev. Stat. §60-6,139, 60-6,308)

SECTION 3-133: 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. Riding in the open bed of a pickup is permitted so long as the persons riding shall be seated on the floor of the pickup bed and not on the wheel well or side walls of the pickup bed.

SECTION 3-134: OVERLOADING FRONT SEAT OR OBSTRUCTING DRIVER'S VIEW OR DRIVING MECHANISM; PROHIBITED

No person shall drive a motor vehicle when there are more than three persons in the front or it is so loaded as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over such vehicle. No passenger in a vehicle shall ride in such a position as to interfere with the driver's control over such vehicle.

SECTION 3-135: MUFFLER

Every motor vehicle operated within this city shall be provided with a muffler in good working order to prevent excessive or unusual noise. 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.

SECTION 3-136: LOADS; PROJECTING

When any vehicle shall be loaded in such a manner that any portion of the load extends more than four feet beyond the rear of the bed or the body of such vehicles, a red flag by day and red light after sunset shall be affixed at the furthest project of such load.

SECTION 3-137: LOADS; SPILLING OR SHIFTING

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

2. No person shall transport any refuse, sand, gravel or rock less than two inches in diameter in any vehicle on any hard-surfaced 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.

3. No person shall drive or move a motor vehicle, trailer or semitrailer carrying cargo or any other load upon any highway unless such cargo or load is properly distributed and adequately secured to prevent it from falling 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 load carried by the motor vehicle, trailer or semitrailer shall be secured to prevent cargo or load from falling from the vehicle. The means of securing said cargo or load to the motor vehicle, trailer or semitrailer must be either 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 load will not fall from the vehicle.
(Ref. Neb. Rev. Stat. §60-6,304)

SECTION 3-138: STOP SIGNS ESTABLISHED

Stop signs shall be established at the following locations:

1. At the junction of U.S. Highway 6 and U.S. Highway Spur 15A, situated in the middle of the island at said junction.

2. At the junction of U.S. Highway 6 and Wellington Street, situated in the southwest corner of said junction.

3. At the junction of U.S. Highway 6 and Park Street, situated in the southwest corner of said junction.

4. At the junction of U.S. Highway 6 and Adelaide Street, situated in the southeast and northwest corners of said junction.

5. At the junction of East 5th Street and Holland Street, situated in the southeast corner of said junction.

6. At the junction of East 5th Street and Leech Street, situated in the southeast corner of said junction.

7. At the junction of East 5th Street and Park Street, situated in the southeast and northwest corners of said junction.

8. At the junction of East 5th Street and Wellington Street, situated in the southeast and northwest corners of said junction.

9. At the junction of West 5th Street and Court Street, situated in the southeast and northwest corners of said junction.

10. At the junction of West 5th Street and Douglas Street, situated in the southeast and northwest corners of said junction.

11. At the junction of U.S. Highway 61 and East 5th Street, situated in the northwest corner of said junction.

12. At the junction of West 6th Street and Court Street, situated in the southeast and northwest corners of said junction.

13. At the junction of West 6th Street and Douglas Street, situated in the southeast and northwest corners of said junction.

14. At the junction of West 6th Street and Grant Street, situated in the northwest corner of said junction.

15. At the junction of West 7th Street and Grant Street, situated in northeast and southwest corners of said junction.

16. At the junction of West 8th Street and Grant Street, situated in the northeast and southwest corners of said junction.

17. At the junction of West 9th Street and Grant Street, situated in the northeast and southwest corners of said junction.

18. At the junction of West 10th Street and Grant Street, situated in the southwest and northeast corners of said junction.

19. At the junction of West 11th Street and Grant Street, situated in the southwest corner of said junction.

20. At the junction of West 11th Street and Max Drive situated to stop traffic both west and eastbound on said West 11th Street.

21. At the junction of West 12th Street and Grant Street, situated in the northwest and southeast corners of said junction.

22. At the junction of West 12th Street and Max Drive, situated in the southeast corner of said junction.

23. At the junction of West 13th Street and Grant Street, situated in the northeast and southwest corners of said junction.

24. At the junction of West 14th Street and Grant Street, situated in the northeast and southwest corners of said junction.

25. At the junction of West 15th Street and Grant Street, situated in the northeast and southwest corners of said junction.

26. At the junction of West 16th Street and Grant Street, situated in the northeast and southwest corners of said junction.

27. At the junction of East 12th Street and Wellington Street, situated in northwest and southeast corners of said junction.

28. At the junction of East 12th Street and Park Street, situated in the northwest

and southeast corners of said junction.

29. At the junction of East 9th Street and Wellington Street, situated in the southeast and northwest corners of said junction.

30. At the junction of East 9th Street and Park Street, situated in the southeast and northwest corners of said junction.

31. At the junction of East 9th Street and Chase Street, situated in all corners of said junction.

32. At the junction of East 12th Street and Chase Street, situated in the southeast and northwest corners of said junction.

33. At the junction of East 12th Street and Longhorn Street, situated in the southeast corner of said junction.

34. At the junction of 16th Street and Broadway, situated in the southwest and northeast corners of said junction.

35. At the junction of 15th Street and Broadway, situated in the southwest and northeast corners of said junction.

36. At the junction of 14th Street and Broadway, situated in the southwest and northeast corners of said junction.

37. At the junction of 13th Street and Broadway, situated in the southwest and northeast corners of said junction.

38. At the junction of 12th Street and Broadway, situated in the southwest and northeast corners of said junction.

39. At the junction of 11th Street and Broadway, situated in the southwest and northeast corners of said junction.

40. At the junction of 10th Street and Broadway, situated in the southwest and northeast corners of said junction.

41. At the junction of 9th Street and Broadway, situated in the southwest and northeast corners of said junction.

42. At the junction of 8th Street and Broadway, situated in the southwest and northeast corners of said junction.

43. At the junction of 7th Street and Broadway, situated in the southwest and northeast corners of said junction.

44. At the junction of 6th Street and Broadway, situated in the southwest and northeast corners of said junction.

45. At the junction of 5th Street and Broadway, situated in the southwest and northeast corners of said junction.

46. At the junction of 4th Street and Broadway, situated in the southwest and northeast corners of said junction.

47. At the junction of 3rd Street and Broadway, situated in the southwest and northeast corners of said junction.

48. At the junction of U.S. Highway 6 and Holland Street, situated in the northwest corner of said junction.

49. At the junction of U.S. Highway 6 and U.S. Highway 61, situated in the northeast and northwest corners of said junction.

50. At the junction of U.S. Highway 6 and South Street, situated in the southeast and northwest corners of said junction.

51. At the junction of U. S. Highway 15A Spur and Douglas Street, situated in the northwest corner of said junction.

52. At the junction of U.S. Highway 15A Spur and South Street, situated in the northeast corner of said junction.

53. At the junction of U.S. Highway 15A Spur and Watt Street, situated in the southwest corner of said junction.

54. At the junction of Broadway and South Street, situated in the northeast corner of said junction.

55. At the junction of East 12th Street and Victory Street, situated in the southeast corner of said junction.

56. In Lot 67, Schroeder Addition, situated at the point where said lot is tangent to U.S. Highway 6.

57. At the junction of Sioux Street and West 12th Street situated in the northeast corner of said junction.

58. In Block 2, Burtch Addition, at the entrance of the County Shop Complex onto Grant Street.

59. At the junction of South Street and Broadway (extended South to South Street) situated in the southeast corner of said junction at the exit from State Shop Complex.

60. On West 10th Street at its junction with Kramer Street, situated at the southwest corner of Lot 63, Max Addition; provided, however, that traffic control devices require traffic proceeding South on Kramer Street at said location to yield to traffic proceeding west at said location on West 10th Street.

61. Facing south at the entrance to 12th Street from Hospital Drive.

62. Facing south at the entrance to 12th Street from Sioux Street.

63. Facing north at the entrance to 12th Street from Sage Street.

64. Facing north at the entrance to 12th Street from Buffalo Street.

65. Facing south at the entrance to East 5th Street from Longhorn Street.

66. Facing east at the entrance of East 9th Street into Longhorn Street.

67. Facing west at the entrance of Broadway from East 10th Street.

68. At the junction of West 14th Street and Grant Street, situated in the northeast corner of said junction.

69. At the junction of West 17th Street and Grant Street, situated in the northeast corner of said junction.

70. At the junction of West 12th Street and Angus Street, situated in the northeast corner of said junction.

71. At the junction of 3rd Street and Holland Street, situated in the northeast corner of said junction.
(Ref. Neb. Rev. Stat. §60-680)

SECTION 3-139: PARADES AND MOTORCADES; REGULATIONS AND PROCEDURES

1. Definitions:

A. "Parade" means any march or procession consisting of people, animals or vehicles, or combination thereof, except funeral processions, upon any public street, sidewalk or alley, which does not comply with normal and usual traffic regulations or controls.

B. "Motorcade" means an organized procession containing 25 or more vehicles except funeral processions, upon any street, sidewalk or alley.

2. It shall be unlawful for any person to conduct a parade or motorcade in or upon any public street, sidewalk or alley in the City or knowingly participate in any such parade or motorcade unless and until a permit to conduct such parade or motorcade has been obtained from the chief of police or, as hereinafter provided, from the City Council.

3. No permit shall be issued authorizing a parade or motorcade which the chief of police finds is proposed to be held for the sole purpose of advertising any product, goods, wares, merchandise or event and is designed to be held purely for private profit.

4. No person shall knowingly join or participate in any parade or motorcade conducted under permit from the chief of police in violation of any of the terms of said permit, nor knowingly join or participate in any permitted parade or motorcade without the consent and over the objection of the permittee, nor in any manner interfere with its progress or orderly conduct.

5. Any person who wants to conduct a parade or motorcade shall apply to the chief of police for a permit at least 30 days in advance of the date of the proposed parade or motorcade. The chief of police may, in his/her discretion, consider any application for a permit to conduct a parade or motorcade which is filed less than 30 days prior to the date such parade or motorcade is to be conducted. The application for permit shall be made in writing on a form approved by the chief of police. In order that adequate arrangements

may be made for proper policing of the parade or motorcade, the application shall contain the following:

A. The name of the applicant, the sponsoring organization, the parade or motorcade chairman and his/her address and telephone number.

B. The purpose of the parade or motorcade, the date when it is proposed to be conducted, the location of the assembly area, the location of the disbanding area, route to be traveled and the approximate time when the parade or motorcade will assemble, start and terminate.

C. Such other information as the chief of police may deem reasonably necessary.

6. Issuance or denial of permit:

A. *Standards for Issuance*. The chief of police shall issue a parade or motorcade permit conditioned upon the applicant's agreement to comply with the terms of such permit, unless the chief of police finds that the time, route and size of the parade will disrupt the movement of other traffic to an unreasonable extent.

B. *Standards for Denial*. The chief of police shall deny the application for a parade or motorcade permit and notify the applicant of such denial where:

i. The chief of police makes a finding contrary to the findings required to be made for issuance of a permit.
ii. The information contained in the application is found to be false or nonexistent in any material detail.
iii. The applicant refuses to agree to abide by or comply with all conditions of the permit.

7. In each permit the chief of police shall specify:

A. The assembly area and time therefor;
B. The starting time;
C. The minimum and maximum speed;
D. The route of the parade or motorcade;
E. What portions of street to be traversed may be occupied by such parade or motorcade;
F. The disbanding area, and disbanding time;
G. The number and type of vehicles, if any;
H. Such other requirements as are found necessary for the protection of persons or property.

All conditions of the permit shall be complied with so far as reasonably practicable.

8. Upon denial by the chief of police of an application made pursuant to subsection 5, the applicant may appeal the determination of the chief of police within five days thereafter to the City Council, to be considered at its next meeting. Upon such appeal, the City Council may reverse, affirm or modify in any regard the determination of the chief of police.

9. In the event an application is not filed within the required time as specified in

subsection 5, the applicant may request a waiver of such requirement by the City Council at its next regular meeting, or at a special meeting which may be called prior thereto by said City Council to consider such matter. The Council, if it finds unusual circumstances, may waive such requirement in its discretion.

ARTICLE II – ABANDONED VEHICLES

SECTION 3-201: TERMS DEFINED

1. No person, firm, partnership, association, corporation or organization of any kind shall abandon any vehicle, as defined by Neb. Rev. Stat. §60-301(1), within the City. A motor vehicle shall be deemed to be an abandoned vehicle if left unattended:

A. With no number plates affixed thereto, for more than six hours on any public property;

B. For more than 24 hours on any public property, except any portion thereof on which parking is legally permitted;

C. For more than 48 hours after the parking of such vehicle shall have become illegal if left on a portion of public property on which parking is legally permitted;

D. For more than seven days on private property if left initially without the permission of the owner or after permission of the owner shall be terminated.

2. No person in charge or control of any private property, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than seven continuous days. Any vehicle described in this paragraph shall be deemed to be an abandoned vehicle for purposes of this article.

3. For purposes of this article, "public property" shall mean (A) any public right of way, street, highway, alley, park or other city-owned property, and (B) any privately owned property which is not included within the definition of public property.

4. Vehicles in an enclosed building, appropriate storage pound or depository licensed by the City of owned and being restored or repaired, with satisfactory progress being shown by the controller of the real property where said vehicle is located, are specifically excluded from this section. This article shall not apply to (A) premises for which a permit to operate a junkyard has been obtained; (B) premises where a licensed motor vehicle dealer or a farm implement dealer conducts a business; (C) vehicles that are being used for specific business purposes of an active business, provided said business obtains prior approval from the City Council; and (D) racing vehicles which are stored on licensed trailers.
(Am. by Ord. No. 09-08-01, 8/24/09)

SECTION 3-202: ENFORCEMENT

The city police shall remove or cause to be removed any abandoned vehicle. Such vehicle shall be impounded until lawfully claimed or disposed of as provided in Section 3-204 hereafter; provided, any such abandoned vehicle which is located on private property shall not be removed or impounded until the city police have given written notice of intent

to remove said abandoned vehicle ten days prior thereto to the property owner upon whose property said abandoned vehicle is located. The city police may enter upon private property at all reasonable hours for the purpose of inspecting such abandoned vehicle, posting notice thereon and/or removing or impounding such abandoned vehicle. It shall be unlawful for any person to prevent the city police from entering on private property for the purpose of carrying out their duties. Neither the owner, lessee, occupant of the premises from which any abandoned vehicle shall be removed, nor the City, shall be liable for any loss or damage to such abandoned vehicle which occurs during its removal, while in the possession of the City or as a result of any subsequent disposition.

SECTION 3-203: NOTICE

1. Except for vehicles automatically becoming the property of the City as set forth in Section 3-205 hereunder, the City shall make an inquiry concerning the last registered owner of such abandoned vehicle as follows:

A. Abandoned vehicles with numbered plates affixed: to the jurisdiction which issued said plates; or
B. Abandoned vehicles with no numbered plates affixed: to the Department of Motor Vehicles.

2. The city police shall notify the last registered owner, if any, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, it will be sold at public auction after five days from the date that such notice was mailed. If the agency described in Subsection (A) or (B) of this section also notifies the city police that a lien or mortgage exists, such notice shall also be sent to the lien holder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of its removal and storage. In the event the owner does not appear within the time prescribed herein, or in the event that the owner cannot be determined, such abandoned vehicle shall be disposed of as hereinafter provided.

SECTION 3-204: DISPOSITION

The city police shall sell said abandoned vehicle at public auction to the highest bidder within 60 days from the date that title to such abandoned vehicle is vested in the City as provided for in Section 3-205 hereafter. Such sale and the time and place thereof shall be advertised for one week in a newspaper of general circulation in the City. Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the City, shall be held by the City without interest for the benefit of the owner of such abandoned vehicle for a period of two years. If not claimed within such two-year period, such proceeds shall be paid into the General Fund of the City.

SECTION 3-205: TRANSFER OF TITLE

If an abandoned vehicle at the time of abandonment has no numbered plates of the current year affixed and is of a wholesale value of $250.00 or less, taking into consideration the vehicle's condition as determined by the city police, title shall immediately vest in the City and the city police are not required to follow Section 3-203 herein. With respect to those abandoned vehicles governed by Section 3-203 herein, title to such vehicles, if unclaimed, shall vest in the City five days from the date the notice referred to therein is mailed or, if the last registered owner cannot be determined, when notice of that fact is received by the city police. Upon the sale of an abandoned vehicle at auction, the City shall furnish the purchaser with the requisite affidavit to provide to the county clerk where the vehicle was last registered that said vehicle was abandoned and became the property

of the City prior to the sale.

SECTION 3-206: PENAL PROVISION

Any person who violates any of the prohibitions or provisions of this article shall be deemed guilty of a misdemeanor. Penalties for such violation shall not exceed $500.00 and/or imprisonment for a time not to exceed three months, in the discretion of the court. (Ref. Neb. Rev. Stat. §60-1901 through 60-1911)

ARTICLE III – PARKING

SECTION 3-301: VEHICLES; BRAKES, COASTING

No person having control of a motor vehicle shall allow such vehicle to stand unattended without first effectively setting the brakes thereon and, when standing upon any grade, without turning the front wheels of such vehicle to the curb or side of the street. The driver of a motor vehicle shall not coast with the gears of the vehicle in neutral when traveling upon a downgrade upon any street. (Ref. Neb. Rev. Stat. §60-6,168)

SECTION 3-302: PARKING; GENERALLY

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. Vehicles, when parked, shall stand parallel with and adjacent to the curb in such manner as to have both right wheels within 12 inches of the curb and so as to leave at least four feet between the vehicle so parked and any other parked vehicle. Where parking spaces are designated either on the curb or pavement, vehicles shall be parked within such spaces. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. No person shall park a vehicle so as to obstruct a private driveway, or drive, for any period of time. No person shall park a vehicle, or permit it to stand, within 20 feet in either direction from the entrance of any fire station. (Ref. Neb. Rev. Stat. §60-6,167, 60-680)

SECTION 3-303: PARKING; AREAS

The City Council, may, by ordinance, set aside and post any street, alley, public way or portion thereof for the parking of any particular kind or class of vehicle. Where the parking of vehicles has been prohibited by ordinance, 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. The placement of “no parking” or “restricted parking” signs shall be prima facie evidence of the restricting ordinance. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-304: OBSTRUCTING ALLEY

No vehicle shall have any portion thereof projecting into any alley entrance while parked. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-305: ALLEYS; LOADING AND UNLOADING

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 to cause the least obstruction possible to traffic in such alley. (Ref. Neb.

Rev. Stat. §60-680)

SECTION 3-306: CONGESTED AREA 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 any street in the central business district of the City except to load or unload, and then only when loading or unloading in an alley is impossible. Such vehicles may stop or stand for a period of time not to exceed 60 minutes, but only after the operator of said truck has obtained written permission from the city police to do so. 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 central 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. No truck, including oil tankers, shall park or stop for any period of time within the limits of any street outside the central business district except for the purpose of loading or unloading the cargo thereof in the ordinary course of business, except in the area provided for by the City Council.

SECTION 3-307: UNLOADING; FREIGHT VEHICLES

Vehicles of an overall length of less than 20 feet, including load, while discharging freight may back to the curb but shall occupy as little of the street as possible. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-308: FIRE HYDRANTS AND STATIONS

No vehicle shall be parked within 15 feet in either direction of any fire hydrant nor within 20 feet of the driveway entrance to any fire station. The curb space within such area of 15 feet in either direction of such fire hydrant shall be painted red to indicate such prohibition. (Ref. Neb. Rev. Stat. §60-6,166)

SECTION 3-309: SCHOOLS, THEATERS

The City Council may, by resolution, prohibit the parking or stopping of vehicles at the curb on streets directly in front of any entrance to a school house, school building, fire station or theater, and such curbs adjacent to the entrance of said school house, school building, fire station or theater shall be painted red or yellow to indicate such prohibition.

SECTION 3-310: CURB INTERSECTIONS

Except in compliance with traffic control devices, no vehicle shall be parked or left standing for any purpose, except momentarily to load or discharge passengers, within 25 feet of the intersection of curb lines or if none, then within 15 feet of the intersection of property lines nor where said curb lines are painted red to indicate such prohibition. (Ref. Neb. Rev. Stat. §60-6,166)

SECTION 3-311: CURBS

No vehicle shall park on any street with its left side to the curb unless said street has been designated a one-way street by the City Council. Further, 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. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-312: OBSTRUCTING TRAFFIC

Except in case of an accident or emergency, no vehicle shall stop within any street intersection, alley entrance or any such location as to obstruct any street, crosswalk or alley entrance. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-313: CURBS, PAINTED

It shall be the duty of the City Council to cause the curbs to be painted and keep the same painted as provided in this article. 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. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-314: DISPLAY OR REPAIR OF VEHICLES

It shall be unlawful for any person to park a vehicle displayed for sale on any street, alley, or public place. No person shall adjust or repair any automobile or motorcycle or race its motor while it is standing on a public street or alley except in case of breakdown or other emergency. No person or employee of 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. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-315: TIME LIMIT

The City Council may, by resolution, entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street or district designated by such resolution, and the parking or stopping of any vehicle in any such street or district for a period of time longer than fixed in such resolution shall constitute a violation of this article.

SECTION 3-316: CURRENT LICENSE; MAXIMUM TIME LIMIT

It shall be unlawful to park or place on the streets, alleys, or other public property any motor vehicle or other vehicle, boat, trailer or recreational vehicle of any description without first securing a current license as provided by law, and no such licensed motor vehicle or other vehicle, boat, trailer or recreation vehicle of any description shall be allowed to stand for a longer period than 24 hours. (Ref. Neb. Rev. Stat. §60-680) (Ord. No. 07-05-02, 5/14/07)

SECTION 3-317: EMERGENCY VEHICLES

The provisions of this article regulating the movement, parking and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this article, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties.

SECTION 3-318: NO PARKING AND HANDICAP PARKING AREAS ESTABLISHED

1. Areas of no parking, as designated by sign, painted curb or other means, shall be established at the following locations:

A. Between 15th Street and 3rd Street on Broadway from 1:00 A.M. to 7:00 A.M. on Mondays.

B. Between Park Street and Wellington Street on the north side of 9th Street from 7:00 A.M. to 7:00 P.M.

C. Between Broadway Street and Longhorn Street on the south side of 9th Street.

D. At the junction of Park Street and 7th Street in the area duly designated by sign, painted curb or other means, during the week of the Chase County Fair.

E. On the east side of Holland Street between 3rd Street and Cape Street.

F. On that side of 6th Street which is by the baseball dugouts at Campbell Park.

2. Parking shall be limited to vehicles of or transporting handicapped persons, which such vehicles are properly designated as such, in the areas duly designated by sign, painted curb or other means located:

A. At the north parking stall on the east side of Broadway in the 300 block in front of the First State Bank.

B. On the east side of Broadway in the 500 block in front of Adams Lumber where the curb is now cut out.

C. On the west side of Broadway in the 600 block in front of the Imperial Police Office.

D. On 6th Street by Campbell Ball Field near the bleacher area.

E. On East 9th Street in the 500 block on the south side of 9th Street, west of the farthest west driveway into the Chase County Schools parking lot.

3. Vehicular traffic shall not park in the areas designated as “no parking” areas at the locations, hours, and other limitations as established herein, unless specifically permitted in this section.

4. "Park" or "parking," for the purposes of this section, shall mean the standing of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading cargo or passengers.
(Ref. Neb. Rev. Stat. §39-697, 60-680) (Am. 12/3/12, Ord. No. 12-12-01)

SECTION 3-319: CROSSWALKS

Crosswalks, which may be designated by signs, markers, devices, lines painted upon the street or other such means, shall be established in the following location: At the intersection of Shorthorn Street and East 10th Street, running diagonally across said intersection from the northwest to the southeast. (Ref. Neb. Rev. Stat. §60-680) (Ord. No. 12-12-01, 12/3/12)

ARTICLE IV – RECREATIONAL AND OFF-ROAD VEHICLES

SECTION 3-401: BICYCLES; OPERATION

1. No person shall ride or propel a bicycle on a street or other public highway of

this city with another person on the handlebars or in any position in front of the operator.

2. No bicycle shall be operated 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.

3. Persons riding bicycles shall observe all traffic signs and stop at all stop signs.

4. Any person who operates a bicycle upon a street or highway shall not ride more than single file, except on parts of streets or highways set aside for the exclusive use of bicycles.

5. 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 righthand curb or righthand edge of the roadway as practicable except when:

A. Overtaking and passing another bicycle or vehicle proceeding in the same direction;

B. Preparing for a left turn onto a private road or driveway or at an intersection;

C. Reasonably necessary to avoid conditions that make it unsafe to continue along the righthand curb or righthand edge of the roadway, including fixed or moving objects, stopped or moving vehicles, bicycles, pedestrians, animals or surface hazards;

D. Riding upon a lane of substandard width which is too narrow for a bicycle and vehicle to travel safely by side within the lane; or

E. 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.

6. 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 lefthand curb or lefthand 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.

7. No person shall park a bicycle on any sidewalk unless a bicycle stand is located on said sidewalk.

8. No person shall operate a bicycle on the sidewalks within the business district. (Ref. Neb. Rev. Stat. §60-6,315, 60-6,317, 60-6,318)

SECTION 3-402: CLINGING TO MOTOR VEHICLE

No person riding upon any bicycle, coaster, roller skates, sled, skis or toy vehicle shall attach the same or himself/herself to any moving vehicle upon any 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 to or attach himself/her-self or his/her bicycle, coaster, roller skates, sled, skis or toy vehicle to such vehicle so driven and operated by him/her. (Ref. Neb. Rev. Stat. §60-6,316)

SECTION 3-403: MOTORCYCLE OPERATION

1. 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.

2. Any person who operates a motorcycle shall ride only upon a permanent and 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 and regular seat if designed for two persons, or upon another seat firmly attached to the motorcycle to the rear or side of the operator.

3. Any person shall ride upon a motorcycle only while sitting astride the seat facing forward.

4. No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him/her from keeping both hands on the handlebars.

5. 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.

6. 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.

7. The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

8. No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

9. Motorcycles shall not be operated more than two abreast in a single lane.

10. Subsections 7 and 8 of this section shall not apply to police officers in the performance of their official duties.
(Ref. Neb. Rev. Stat. §60-6,306 through 60-6,308)

SECTION 3-404: MOTORCYCLE; 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 with 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 lamps shall comply with the requirements and limitations of the statutes of the State of Nebraska.

SECTION 3-405: SNOWMOBILES; EQUIPMENT

1. 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 headlight, one taillight, 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 Department of Motor Vehicles.

2. 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.
(Ref. Neb. Rev. Stat. §60-6,335)

SECTION 3-406: SNOWMOBILES; UNLAWFUL OPERATION

It shall be unlawful for any person to operate a snowmobile upon any street or highway within the corporate limits of the City, except that snowmobiles may be operated within the City when, due to severe weather conditions, they provide the only practical method of safe vehicular travel. When such conditions do exist, the snowmobile shall be operated only in a manner and at a speed that is reasonable or proper under the surrounding circumstances.

SECTION 3-407: SNOWMOBILES; UNLAWFUL ACTS

It shall be deemed a misdemeanor for any person to allow a snowmobile, either owned or operated by him/her, to be operated:

1. Within the congested area of the City unless said snowmobile is engaged in responding to an emergency.

2. At a rate of speed greater than reasonable or proper under the surrounding circumstances.

3. In a careless, reckless or negligent manner so as to endanger person or property.

4. Without a lighted headlight and taillight when such would be required by conditions.

5. In any tree nursery or planting in a manner which damages or destroys growing stock.

6. Upon any private lands without first having obtained permission of the owner, lessee or operator of such lands.
(Ref. Neb. Rev. Stat. §60-6,337)

SECTION 3-408: SNOWMOBILES; ON PUBLIC LANDS

Snowmobiles shall be prohibited upon the public lands owned by the City except where allowed by resolution of the City Council. (Ref. Neb. Rev. Stat. §60-6,338)

SECTION 3-409: SNOWMOBILES; ENFORCEMENT; PENALTY

Any law enforcement officer, including a conservation officer, may enforce the provisions relating to snowmobiles. Any person convicted of violating any rule or regulation dealing with snowmobiles shall be punished by a fine of not more than $500.00. (Ref. Neb. Rev. Stat. §60-6,343)

SECTION 3-410: ALL- TERRAIN AND UTILITY-TYPE VEHICLES; GOLF CARS; DEFINITIONS

The following definitions shall apply to this article of the Municipal Code:

1. “Street” means any street, road, avenue, boulevard or way which is publicly owned and/or maintained by the City when any part thereof is open to the use of the public for purposes of vehicular travel, except it shall not include a highway or controlled-access highway, as defined in this article.

2. “Highway” means any roadway designated as being within the Nebraska State Highway System and any roadways owned and/or maintained by the Nebraska Department of Roads which is open to the public for vehicular travel.

3. “Controlled-access highway” means any highway, as defined in this section, having more than two traffic lanes.

4. “All-terrain vehicle” is defined as provided in Neb. Rev. Stat. §60-6,355.

5. “Utility-type vehicle (UTV)” is defined as provided in Neb. Rev. Stat. §60-6,355.

6. “Golf car” is defined as provided in Neb. Reb. Stat. §60-116.01.
(Am. by Ord. No. 18-06-01, 6/18/18)

SECTION 3-411: ALL- TERRAIN VEHICLES; PROHIBITED

All-terrain vehicles shall be prohibited on all streets and highways within the jurisdiction of the City. (Am. by Ord. No. 18-06-01, 6/18/18)

SECTION 3-412: GOLF CARS AND UTILITY-TYPE VEHICLES; PERMITTED

1. UTVs may be operated on streets and highways other than controlled-access highways within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this article of the Municipal Code and applicable Nebraska law.

2. Golf cars may be operated on streets within the corporate limits of the City only if the operator and the vehicle comply with the provisions of this article of the Municipal Code and applicable Nebraska law.
(Ord. No. 18-06-01, 6/18/18)

SECTION 3-413: GOLF CARS AND UTILITY-TYPE VEHICLES; PERMIT AND INSPECTION REQUIRED

1. All golf cars and UTVs operated on streets or highways within the jurisdiction of the City must be inspected by the Imperial Police Department prior to operation on such streets or highways. Upon determination that any golf car or UTV meets all the requirements of this article, the Police Department shall issue to the owner of the golf car or UTV a permit specific to the inspected golf car or UTV which shall permit that specific golf car or UTV to be operated in the City.

2. The owner of the golf car or UTV shall present the permit issued by the Imperial Police Department to the city clerk for issuance of a decal or flag, as provided in this article.
(Ord. No. 18-06-01, 6/18/18)

SECTION 3-414: GOLF CARS AND UTILITY-TYPE VEHICLES; REQUIREMENTS FOR PASSING CITY INSPECTION

1. All golf cars presented for inspection by the Imperial Police Department shall be required to have the following to obtain a permit for operation on streets within the jurisdiction of the City:

A. Liability insurance as provided by this article;

B. A brake system maintained in good operating condition.

2. All UTVs presented for inspection by the Imperial Police Department shall be required to have the following to obtain a permit for operation on streets or highways within the jurisdiction of the City:

A. A brake system maintained in good operating condition, including functioning brake light(s); and

B. Operable headlights; and

C. An original equipment manufacturer (OEM) exhaust muffler system in good working condition; and

D. A United States Forest Service-qualified spark arrester; and

E. Liability insurance as provided by this article.

(Ord. No. 18-06-01, 6/18/18)

SECTION 3-415: GOLF CARS AND UTILITY-TYPE VEHICLES; CITY-ISSUED DECAL OR FLAG REQUIRED; ISSUANCE; FEE

1. All golf cars and utility-type vehicles operating on streets or highways within the jurisdiction of the City of Imperial shall be required to:

A. Have been inspected by the Imperial Police Department for compliance with this ordinance and Nebraska law; and

B. Have been issued a permit for operation by the Imperial Police Department; and

C. Have prominently displayed a city-issued decal or flag issued by the city clerk as provided in this article; and

D. Obey all the provisions of this article; obey all city laws or regulations regarding motor vehicles, and obey all applicable Nebraska laws.

2. The City will charge a fee as set by resolution of the City Council for issuance of the flag or decal required by this article. A copy of the said resolution shall be kept on file at the office of the city clerk and shall be available for inspection during office hours.

(Ord. No. 18-06-01, 6/18/18)

SECTION 3-416: GOLF CARS AND UTILITY-TYPE VEHICLES; ANNUAL PERMIT EXPIRATION

All permits, decals and/or flags issued prior to April 1 of each year by the Imperial Police Department or the city clerk for operation of a golf car or UTV shall expire on April 1 of each calendar year. (Ord. No. 18-06-01, 6/18/18)

SECTION 3-417: GOLF CARS AND UTILITY-TYPE VEHICLES; OPERATION

Operators of all UTVs and golf cars within the City shall be required to:

1. Possess a valid Class O operator's license or provisional operator's license as provided in Neb. Rev. Stat. §60-4,126.

2. Operate all UTVs with the headlight(s) and taillight(s) of the vehicle on and illumined at all times.

3. Have a bicycle safety flag extending not less than 5 feet above the ground attached to the UTV.

4. Properly secure all cargo in such a manner that the cargo remains secured without any assistance of the operator.

5. Operate the UTV or golf car in compliance with all applicable city and state traffic regulations.

(Ord. No. 18-06-01, 6/18/18)

SECTION 3-418: GOLF CARS AND UTILITY-TYPE VEHICLES; INSURANCE AND PROOF OF INSURANCE REQUIRED

Any person operating a golf car or UTV shall have liability insurance coverage for the vehicle while operating it within the City. The liability insurance coverage required herein shall be provided by policies of liability insurance consistent with the requirements of the Motor Vehicle Safety Responsibility Act, Neb. Rev. Stat. §60-501 *et. seq*., to the same extent as if a UTV were defined as a motor vehicle therein. For these purposes, the Motor Vehicle Safety Responsibility Act is expressly incorporated herein by this reference. The person operating the golf car or UTV shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such request. (Ord. No. 18-06-01, 6/18/18)

SECTION 3-419: GOLF CARS AND UTILITY-TYPE VEHICLES; OPERATION RESTRICTIONS

1. UTVs are prohibited from operation on any controlled-access highway.

2. UTVs may cross a controlled access highway as provided by Neb. Rev. Stat. §60-6,356.

3. Golf cars are prohibited from operation on any controlled-access highway and from any Highways.

4. Golf cars may cross a highway as provided in Neb. Rev. Stat. §60-6,381(3).

(Ord. No. 18-06-01, 6/18/18)

SECTION 3-420: GOLF CARS AND UTILITY-TYPE VEHICLES; TRAILERS PROHIBITED

No operator of any golf car or UTV shall be permitted to pull or be attached to any trailer while operating the vehicle on any street or highway within the City. (Ord. No. 18-06-01, 6/18/18)

SECTION 3-421: GOLF CARS AND UTILITY-TYPE VEHICLES; TIME OF OPERATION

Golf cars and UTVs may be operated on streets or highways in the City beginning at sunrise and ending at sunset of each day. (Ord. No. 18-06-01, 6/18/18)

SECTION 3-422: GOLF CARS AND UTILITY-TYPE VEHICLES; MAXIMUM SPEED

1. UTVs must obey all posted speed limits for all streets and highways within the City; provided, however, no operator of any UTV shall exceed the maximum speed of 30 miles per hour even if the posted speed limit where the utility-type vehicle is being operated is more than 30 miles per hour.

2. Golf cars must obey all posted speed limits for all streets within the City; provided, however, no operator of any golf car shall exceed the maximum speed of 20 miles per hour even if the posted speed limit where the golf car is being operated is more than 20 miles per hour.
(Ord. No. 18-06-01, 6/18/18)

SECTION 3-423: UTILITY-TYPE VEHICLES; PASSENGERS AND RESTRAINTS

No driver of a UTV that is manufactured with occupant protection systems shall operate the vehicle within the City unless the driver and each occupant in the UTV are wearing occupant protection systems and all occupant protection systems worn are properly adjusted and fastened in compliance with Neb. Rev. Stat. §60-6,270. (Ord. No. 18-06-01, 6/18/18)

SECTION 3-424: GOLF CARS AND UTILITY-TYPE VEHICLES; PENALTIES FOR VIOLATIONS

Any person who violates any provision of this article shall be punished as provided in Section 3-501 of the Imperial Municipal Code, unless otherwise provided for in this ordinance. In addition to any penalties for violation hereof, the Imperial Police Department may impound any all-terrain vehicle, golf car or utility-type vehicle when operated in violation of Nebraska law or city ordinance, in the same situation as any violation in connection with a motor vehicle. (Ord. No. 18-06-01, 6/18/18)

SECTION 3-425: MOPEDS; DEFINED

For the purposes of this article, "moped" shall mean a bicycle 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 vehicle 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 Neb. Rev. Stat. Chapter 60, Article 4, but shall be exempt from the requirements of Neb. Rev. Stat. Chapter 60, Articles 1, 3, and 5. (Ref. Neb. Rev. Stat. §60-6,309)

SECTION 3-426: MOPEDS; OPERATOR'S LICENSE REQUIRED

No person shall operate a moped upon the streets, alleys or public highways of the City unless such person has a valid motor vehicle operator's license or a valid school or learner's permit. (Ref. Neb. Rev. Stat. §60-6,310)

SECTION 3-427: MOPEDS; TRAFFIC REGULATIONS APPLICABLE

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 Chapter III of this code and Neb. Rev. Stat. §39-601 to 39-6,122, except for those provisions of such sections which by their nature can have no application. Such regulations applicable to mopeds shall apply whenever a moped shall be operated upon any street, alley or public highway within the City or upon any path set aside by the Department of Roads or local authority for the use of mopeds. Notwithstanding any established maximum speed limits in excess of 25 miles per hour, no person shall operate any moped at a speed in excess of 30 miles per hour. (Ref. Neb. Rev. Stat. §60-6,311)

SECTION 3-428: MOPEDS; OPERATION

1. Any person who operates a moped shall ride only upon a permanent and regular seat attached thereto and shall not carry any other person, nor shall any other person ride on a moped unless such moped is designed by the manufacturer to carry more than one person.

2. Any person shall ride a moped only while sitting astride the seat, facing forward. Further, no person shall operate a moped while carrying any package, bundle or other article which prevents him/her from keeping both hands on the handlebars. No operator shall carry any person in a position that will interfere with the operation or control of the moped or the view of the operator, nor shall any person ride in a position that will interfere with the operation or control of the moped or the view of the operator. Any moped which carries a passenger shall be equipped with footrests for such passenger.
(Ref. Neb. Rev. Stat. §60-6,312)

SECTION 3-429: MOPEDS; USE OF TRAFFIC LANES; OPERATION ON SIDEWALKS PROHIBITED

A moped shall be entitled to full use of a traffic lane of any street or 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. This section shall not apply to mopeds or motorcycles operated two abreast in a single lane. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles. Mopeds shall not be operated more than two abreast in a single lane. 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. No person who rides upon a moped shall attach himself/herself or the moped to any other vehicle on a roadway. Mopeds shall not be operated on sidewalks. (Ref. Neb. Rev. Stat. §60-6,313)

SECTION 3-430: MOPEDS; EQUIPMENT

Any moped which carries a passenger shall be equipped with footrests for such passenger. No person shall operate any moped with handlebars more than 15 inches above the mounting point of the handlebars. (Ref. Neb. Rev. Stat. §60-6,312)

ARTICLE V – PENAL PROVISION

SECTION 3-501: VIOLATION; PENALTY

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

CHAPTER IV – BUSINESS REGULATIONS

ARTICLE I – OCCUPATION TAX

4-101 PURPOSE
4-102 INTERSTATE OR GOVERNMENT BUSINESS
4-103 CERTIFICATES
4-104 DUTIES OF PARTIES LIABLE
4-105 PAID TO TREASURER; NOT ASSIGNABLE
4-106 NO REFUND
4-107 VIOLATION; PENALTY

ARTICLE II – LIQUOR REGULATIONS

4-201 TERMS DEFINED
4-202 LICENSE REQUIRED
4-203 LICENSE APPLICATION; LICENSING STANDARDS
4-204 SALE TO MINORS AND INCOMPETENTS PROHIBITED
4-205 HOURS OF SALE
4-206 RESTRICTIONS ON PLACE OF CONSUMPTION
4-207 OCCUPATION TAX
4-208 ENTRY OF PREMISES FOR INSPECTION
4-209 FORM FOR CITIZEN COMPLAINT
4-210 FORMS, CONTINUED; PROCEDURE
4-211 COMPLAINT INITIATED BY CITY COUNCIL
4-212 PREREQUISITES TO DELIVERY OF LICENSE
4-213 ACTION ON APPLICATION FOR LICENSE
4-214 RENEWAL OF LICENSE
4-215 PROTESTS AGAINST RENEWAL
4-216 SPIKING BEER
4-217 CHANGE OF PREMISES
4-218 GAMBLING
4-219 SALE FOR RESALE
4-220 TRANSPORTATION OF LIQUOR OF RETAIL LICENSEES
4-221 NO DELIVERY AFTER CLOSING HOURS
4-222 RESTRICTIONS ON CONDUCT OF OTHER BUSINESS
4-223 CONDUCT PROHIBITED ON LICENSED PREMISES
4-224 ADVERTISEMENTS AND SALES
4-225 SANITATION
4-226 SALES FOR CASH ONLY
4-227 DISPLAY OF LICENSE
4-228 REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY

4-229 KEG SALES; REGISTRATION; KEG IDENTIFICATION NUMBERS; PROHIBITED ACTS

ARTICLE III – SOLICITORS

4-301 DEFINITIONS APPLICABLE TO THIS ARTICLE
4-302 LICENSE REQUIRED
4-303 LICENSE FEES
4-304 APPLICATION; INFORMATION REQUIRED
4-305 INVESTIGATION OF APPLICANT
4-306 LICENSE ISSUANCE
4-307 SOLICITING RESTRICTIONS
4-308 PENALTIES
4-309 APPEAL PROCEDURE
4-310 SEVERABILITY

ARTICLE IV – TOBACCO SALES

4-401 LICENSE FOR SALE; APPLICATION; CONTENTS; FEE
4-402 SALE TO MINORS

ARTICLE V – AMUSEMENTS

4-501 PUBLIC DANCE; DEFINED
4-502 PUBLIC DANCE; SUPERVISION
4-503 PUBLIC DANCE; RESPONSIBILITY OF SPONSOR
4-504 PUBLIC DANCE; PREMISES
4-505 BINGO; REGULATION
4-506 BINGO; INCORPORATED REGULATIONS

ARTICLE VI – HOUSING CODE

4-601 APPLICATION
4-602 DEFINITIONS
4-603 OCCUPANT'S DUTIES
4-604 DWELLING REGULATIONS
4-605 MAINTENANCE
4-606 NUISANCE
4-607 VIOLATION
4-608 EMERGENCY
4-609 INSPECTIONS
4-610 NOTICE
4-611 RULES AND REGULATIONS
4-612 ENFORCEMENT AND APPEALS

ARTICLE VII – NATURAL GAS PIPELINE OCCUPATION TAX

4-701 OCCUPATION TAX; BASIS; AMOUNT; GOVERNMENTAL BODIES EXEMPT
4-702 PAYMENT PERIOD AND DUE DATE
4-703 TO WHOM PAYABLE; RECEIPT; DISPOSITION
4-704 INTEREST AND PENALTY
4-705 QUARTERLY REPORT OF GAS USAGE
4-706 ADJUSTMENTS

4-707 RIGHT OF CITY TO INSPECT RECORDS
4-708 AMOUNT OF TAX WHEN REPORT NOT FILED OR INSPECTION REFUSED
4-709 RIGHT OF CITY TO SUE WHEN PAYMENT IN DEFAULT

ARTICLE VIII – PENAL PROVISION

4-801 VIOLATION; PENALTY

CHAPTER IV – BUSINESS REGULATIONS

ARTICLE I – OCCUPATION TAX

SECTION 4-101: 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 in such amounts as set by ordinance and 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 of said city; 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 4-102: 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 4-103: CERTIFICATES

The receipt issued after payment of any occupation tax shall be the Occupation Tax Certificate. The said certificate shall specify the amount of the tax and the name of the person and/or 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 4-104: DUTIES OF PARTIES LIABLE

It is hereby made the duty of each and every person, firm, association or corporation to pay the tax levied against him, her, them or it at the time the same becomes due as provided in Section 4-103.

SECTION 4-105: PAID TO TREASURER; NOT ASSIGNABLE

The tax herein levied shall be paid in cash to the city treasurer or other person designated by resolution of the mayor and City Council who, upon the payment thereof, shall issue receipt therefor to the person, persons, partnership, firm or corporation paying the same, properly dated and specifying on behalf of whom and for what the sum is paid. The city treasurer's receipt shall be the warrant and proper authority of any person to carry on and

conduct the business specified in said receipt and for which the money has been paid. Said receipt shall not be assignable.

SECTION 4-106: NO REFUND

No person paying occupation tax shall be entitled to a refund of any part of the tax so paid.

SECTION 4-107: VIOLATION; PENALTY

Any person, firm, association or corporation who shall refuse or neglect to pay the occupation tax or taxes herein levied or who shall transact any such business or engage in any such occupation without having complied with the provisions of this article shall, upon conviction thereof, be fined in a sum not less than $5.00 nor more than $500.00 and assessed the court costs of prosecution; provided that every suit brought under this section shall be in the name of this city and may be commenced by a warrant and arrest of the person or persons against whom the suit is brought, or that suit may be commenced by a common summons; and provided further, whenever any of the above-enumerated businesses or occupations shall be conducted by an agent for a corporation or a non-resident, such agent shall be subject to arrest and punishment under the provisions of this section if his/her principal shall not have complied with the provisions of this ordinance.

ARTICLE II – LIQUOR REGULATIONS

SECTION 4-201: TERMS DEFINED

Unless the context otherwise requires, the words and phrases defined in Neb. Rev. Stat. §53-103, or as hereafter amended or revised, shall be adopted for the purpose of construing this article; and said words and phrases are hereby incorporated by reference the same as though copied at full length herein.

SECTION 4-202: LICENSE REQUIRED

No persons shall manufacture for sale, sell, keep for sale, barter, or exchange under any pretext any alcoholic liquor within this city unless said person shall have in full force and effect a license therefor as provided by the Nebraska Liquor Control Act as amended. A violation of this section shall constitute a misdemeanor; any persons convicted of such shall be fined in any sum not to exceed that permitted by Nebraska law and assessed the court costs of prosecution. (Ref. Neb. Rev. Stat. §53-168.06)

SECTION 4-203: LICENSE APPLICATION; LICENSING STANDARDS

The City Council adopts the following licensing standards and criteria for consideration by the Liquor Control Commission of any applicant for a retail alcoholic liquor license, for the upgrading of a license to sell alcoholic liquor, or for the expansion or change in location of the premises, in accordance with the Nebraska Liquor Control Act, Neb. Rev. Stat. §53-132 (3) (a) and Section 7 of LB 911, 89th Legislature, Second Session, 1986:

1. The adequacy of existing law enforcement resources and services in the area.

2. Existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises, potential traffic and parking problems, and the proximity and availability of on- street and off-street parking.

3. Zoning restrictions.

4. Sanitation or sanitary conditions on or about the proposed licensed premises.

5. The existing population and projected growth, both city-wide and within the area to be served.

6. Existing liquor licenses, the class of such licenses and the distance and time of travel to such licenses.

7. The nature and needs of the neighborhood or community where the proposed premises is located as well as its projected growth.

8. Whether the type of business or activity proposed to be operated in conjunction with the proposed license is and will be consistent with the public interest.
(Ref. Neb. Rev. Stat. §53-134)

SECTION 4-204: SALE TO MINORS AND INCOMPETENTS PROHIBITED

1. No persons within this city shall sell, give away, dispose of, exchange or deliver or permit the sale, gift or procuring of any alcoholic liquors to or for any person who is physically or mentally incapacitated by the consumption of such liquors.

2. No minor shall have alcoholic liquor in his/her possession in any tavern, public place, street or alley in this city or inside a vehicle while upon any street, alley or public place in this city.

3. No minor shall obtain or attempt to obtain alcoholic liquor, by misrepresentation of age or any other method, in any tavern or other public place where liquor is sold in this city.
(Ref. Neb. Rev. Stat. §53-180)

SECTION 4-205: HOURS OF SALE

1. For the purposes of this section, (A) "on-sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment; (B) "off-sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

2. It shall be lawful for any licensed person or persons or their agents to sell any alcoholic beverages within the City only during the hours provided herein:

Alcoholic Liquors (including Beer and Wine)	
Monday through Sunday	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 1:00 A.M.

3. No person(s) shall consume any alcoholic beverages on licensed premises for a period of time longer than 15 minutes after the time fixed herein for stopping the sale of alcoholic beverages on said premises.

4. Nothing in this section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.
(Ref. Neb. Rev. Stat. §53-179) (Am. 5/11/09, Ord. No. 09-05-01)

SECTION 4-206: RESTRICTIONS ON PLACE OF CONSUMPTION

No person shall drink or consume alcoholic liquors on any street or alley, inside any vehicle on any street or alley or in any place open to the general public, other than a premises having an on-sale liquor license. (Ref. Neb. Rev. Stat. §53-186, 53-186.01)

SECTION 4-207: OCCUPATION TAX

1. Occupation taxes for retail establishments shall be an amount payable each year equal to the amount of the annual State of Nebraska license fee, except that the occupation tax for a Class I and Class D license combined is the same as the occupation tax for a Class C license.

2. The amount of such liquor license fee and occupation tax set forth above shall be paid to the city treasurer at the time the license is issued. The occupation tax year shall commence on May 1 of each year and shall end on April 30 the next succeeding year, except that the license year for a Class C license shall commence on November 1 of each year and shall end on the following October 31; provided, during any license year no license shall be issued unless the occupation tax for the full license year has been deposited with the city treasurer as herein above provided, regardless of the time when the application for license shall be made; and no reduction shall be made in the amount of the occupation tax, regardless of the time when the application for license shall have been made and regardless of the time when such license is issued.

3. The city treasurer shall credit such occupation tax fees to the General Fund of the City. Upon the failure of any such applicant to pay such occupation tax as provided for by this section, it shall be mandatory upon the mayor and City Council to pass a resolution denying the application for a license or requesting the Liquor Control Commission to deny such application. In that event, such resolution shall state the reason therefor and shall be forwarded to the Nebraska Liquor Control Commission.
(Ref. Neb. Rev Stat §17-525) (Am. 4/26/10, Ord. No. 10-04-03)

SECTION 4-208: ENTRY OF PREMISES FOR INSPECTION

The mayor, any member of the City Council, the chief of police, any police officer or the city attorney shall have the right to enter any licensed premises at any time for the purpose of determining whether or not the licensee is violating any provision of the Nebraska Liquor Control Act or of this article and for that purpose to examine and inspect said premises.

SECTION 4-209: FORM FOR CITIZEN COMPLAINT

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 Imperial, Nebraska.

The undersigned respectfully state:

1. That they are each residents of the City of Imperial, 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 Imperial, 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 CHASE)

Subscribed in my presence and sworn to before me by _____, _____, _____, _____ and _____, this _____ day of _____, 20___.

My commission expires _____.

_____
Notary Public

(Ref. Neb. Rev. Stat. §53-134.04)

SECTION 4-210: FORMS, CONTINUED; PROCEDURE

1. The city clerk shall supply the forms prescribed herein and shall, on request, supply one to any resident of this city desirous of initiating a complaint. Any complaint duly executed on the aforesaid form by five residents of this city and filed with the city clerk shall be presented by the clerk to the mayor and City Council at their next meeting. If the mayor and the City Council are satisfied that the complaint substantially charges a violation and there is a reasonable cause for such belief based upon the facts alleged, they shall, by resolution, set the matter for hearing within ten days from the filing of the complaint.

2. Said resolution shall state the time and place of said hearing and shall direct the city police chief to serve the same on the licensee by delivering to him/her personally a true and certified copy thereof at least 72 hours prior to the time of hearing. Said resolution shall also state the section or sections of the Nebraska Liquor Control Act, the regulations prescribed by the Nebraska Liquor Control Commission or this code alleged to have been violated and the facts on which said allegations are based as stated in the

complaint. Present at said hearing shall be the city attorney and the licensee, who may be represented by counsel employed by him/her. The complainants shall be present and may be represented by counsel employed by them. The mayor and the City Council shall, within 30 days from the date the complaint is filed, by resolution, dispose of the complaint. Such resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission.
(Ref. Neb. Rev. Stat. §53-134.04)

SECTION 4-211: COMPLAINT INITIATED BY CITY COUNCIL

The mayor and City Council may, on their own motion, by resolution, fix the time and place for a hearing on whether or not a licensee has violated any section of the Nebraska Liquor Control Act, the regulations of the Nebraska Liquor Control Commission or this code. Such resolution shall state the section(s) in question and shall be served in the same manner and within the same time as the initial resolution mentioned in Section 4-209 of this code. Insofar as possible the procedure shall be the same as is provided in that section.

SECTION 4-212: PREREQUISITES TO DELIVERY OF LICENSE

Any retail license issued or renewed by the Nebraska Liquor Control Commission for a licensee within this city shall be delivered to said licensee by the city clerk, but any such license shall not be delivered to a licensee who does not exhibit receipts showing payment of the occupation tax levied under Section 4-207 of this code, payment of the license fee, payment of the publication fee for giving notice of the hearing before the City Council on any application for license and, if a renewal, payment of the publication fee of the automatic renewal notice provided for in this code.

SECTION 4-213: ACTION ON APPLICATION FOR LICENSE

1. Upon receipt from the Nebraska Liquor Control Commission of the notice and copy of the application provided for in Neb. Rev. Stat. §53-131, the city clerk shall present it at the next meeting of the mayor and the City Council, who shall, by resolution, fix a time and place at which a hearing will be had and evidence taken under oath from any person desiring to be heard on the propriety of the issuance of the license in question.

2. Notice of the time and place of such hearing shall be published in a legal newspaper in this city one time, not less than three nor more than seven days before the time of hearing. The hearing shall be held not more than 21 days after the date of receipt of the notice and copy of the application by the city clerk. After said hearing, the mayor and City Council shall, by resolution, spread at large in the minute record of their proceedings, recommend either the issuance or the refusal of said license. The city clerk shall thereupon mail to the Nebraska Liquor Control Commission by first class mail, postage prepaid, a copy of the resolution, which shall state the cost of the published notice.
(Ref. Neb. Rev. Stat. §53-131, 53-132, 53-134)

SECTION 4-214: RENEWAL OF LICENSE

1. The city clerk shall cause to be published in a legal newspaper in this city, one time between January 10th and January 30th of each year, individual notice of the right of automatic renewal of each retail liquor and beer license for which provisions are made in Neb. Rev. Stat. §53-124(5), R.R.S. Neb. 1943 in the following form:

NOTICE OF RENEWAL OF RETAIL LIQUOR LICENSE

Notice is hereby given that pursuant to Section 53-135.01, the liquor license may be automatically renewed for one year from May 1, 20____, for the following retail liquor licensee, to-wit:

(Name of Licensee)
(Address of licensed premises)

Notice is hereby given that a written protest to the issuance of automatic renewal of license may be filed by any resident of the City of Imperial on or before February 10, 20___, in the office of the city clerk; that in the event protests are filed by three or more such persons, hearing will be had to determine whether continuation of said license should be allowed.

(NAME)
City Clerk

2. The city clerk shall file or cause to be filed with the Nebraska Liquor Control Commission proof of publication of said notices on or before February 6th of each year.

SECTION 4-215: PROTESTS AGAINST RENEWAL

In the event written protests are filed with the city clerk by three or more residents of this city against the automatic renewal of a license, the city clerk shall present the same to the mayor and City Council at their next meeting and they shall thereupon, by resolution, direct the licensee to submit an application in the same manner as he/she would be required to do for an original license. The city police chief shall forthwith serve said resolution on said licensee by delivering to him/her personally a true and certified copy thereof. Upon receipt by the city clerk from the Nebraska Liquor Control Commission of the notice and copy of application, the same procedure shall be followed as is provided for in the case of an application for an original license.

SECTION 4-216: SPIKING BEER

It shall be unlawful for any person(s) who own, manage or lease any premises in which the sale of alcoholic beverages is licensed to serve or offer for sale any beer to which any alcohol has been added or permit any person to add alcohol to any beer on the licensed premises of such licensee. (Ref. Neb. Rev. Stat. §53-174)

SECTION 4-217: CHANGE OF PREMISES

Any retailer licensee desiring to transfer his/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 complies with all respects with the requirements of the Nebraska Liquor Control Act as amended. The city clerk shall present said application and statement to the mayor and City Council at their next meeting and they shall, by resolution, approve or disapprove the transfer. If they approve the transfer and all appropriate fees have been paid, the approval thereof shall be endorsed on the license by the mayor, attested by the city clerk and delivered to the applicant to enable him/her to obtain the approval of the Nebraska Liquor Control Commission for such transfer. (Ref. Neb. Rev. Stat. §53-129)

SECTION 4-218: GAMBLING

Unless sanctioned by Nebraska law, no licensee in this city holding a license covering any premises open to the public for the sale of intoxicating liquor or beer shall directly or indirectly permit gambling on or in the licensed premises; nor shall he/she permit the operation or possession of any payoff gambling device, slot machine or punchboard, mechanical or otherwise, whether payoff is in cash or merchandise, in, on or about the licensed premises.

SECTION 4-219: SALE FOR RESALE

No retail licensee in this city shall engage, directly or indirectly, in any transaction including or conspiring as to the resale of any liquors owned by him/her as a licensee, nor shall such licensee so permit the sale or delivery of any such liquors in such quantities as would place a reasonable-minded person on notice that such liquor might be intended for resale.

SECTION 4-220: TRANSPORTATION OF LIQUOR OF RETAIL LICENSEES

No retail licensee in this city shall permit the transportation of alcoholic liquor from his/her licensed premises for storage purposes in any manner for any purpose or to any location other than has been expressly authorized in writing by the Commission.

SECTION 4-221: NO DELIVERY AFTER CLOSING HOURS

No retail licensee in this city operating any premises open to the public shall act as retainer or keeper of liquor for customers or other persons for the purpose of delivering or disposing of such liquor after closing hours as provided by state law, ordinance or resolution or on days when sales are prohibited.

SECTION 4-222: RESTRICTIONS ON CONDUCT OF OTHER BUSINESS

Retail licensees in this city shall not maintain in their licensed premises any door opening into or access leading into any premises owned, used or occupied by other persons; nor shall any retail licensee permit any other person to use his/her licensed premises for the purpose of carrying on within such licensed premises any business activity of such other persons in any of its phases, such as solicitation, sale, service, delivery, storage or otherwise.

SECTION 4-223: 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 4-224: ADVERTISEMENTS AND SALES

Advertising by licensees in this city shall not contain misrepresentations or misleading statements, and no sales shall be promoted or made by any licensee by unlawful means. Alcoholic liquors shall not be offered, delivered or disposed of by any licensee as a prize.

SECTION 4-225: SANITATION

Sanitary conditions conducive to public health and welfare must be maintained at all times in or about any licensed premises in this city. (Ref. Neb. Rev. Stat. §53-118)

SECTION 4-226: SALES FOR CASH ONLY

No person shall, in this city, sell or furnish alcoholic liquor at retail: (1) on credit or on a passbook, (2) order on a store, (3) in exchange for any goods, wares or merchandise, or (4) in payment for any services rendered. (Ref. Neb. Rev. Stat. §53-183)

SECTION 4-227: DISPLAY OF LICENSE

Every licensee in this city shall cause his/her license to be framed and hung in plain view in a conspicuous place on the licensed premises. (Ref. Neb. Rev. Stat. §53-148)

SECTION 4-228: REMOVAL OF INTOXICATED PERSONS FROM PUBLIC OR QUASI-PUBLIC PROPERTY

1. Any law enforcement officer with the power of 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 semi-public property. Any officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take such intoxicated person to his/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 placement shall be deemed reasonable if the officer contacts those facilities or doctors who have previously represented a willingness to accept and treat such individuals and who 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 such custody shall be used only as long as is necessary to preserve life or to prevent injury and under no circumstances longer than 24 hours. The placement of such person in civil protective custody shall be recorded at the facility or jail to which he/she is delivered and then communicated to his/her family or next of kin, if they can be located, or to such person designated by that person taken into civil protective custody.

2. The law enforcement officer who acts in compliance with this section shall be deemed to be acting in the course of his/her official duty and shall not be criminally or civilly liable for such actions. 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.

3. For purposes of this section, (1) "public property" shall mean any public right-of-way, street, highway, alley, park or other state, county or city-owned property; (2) "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. (Ref. Neb. Rev. Stat. §53-1,121)

SECTION 4-229: KEG SALES; REGISTRATION; KEG IDENTIFICATION NUMBERS; PROHIBITED ACTS

1. When any person licensed to sell alcoholic liquor at retail sells beer for consumption off the premises in a container with a liquid capacity of five or more gallons or 18 and 92/100ths or more liters, the seller shall record (A) the date of sale, (B) the keg

identification number, (C) the purchaser's name and address and (D) the number of the purchaser's motor vehicle operator's license, state identification card, or military identification, if such military identification contains a picture of the purchaser, together with (E) the purchaser's signature. Such record shall be on a form prescribed by the Liquor Control Commission and shall be kept by the licensee at the retail establishment where the purchase was made for not less than six months. Such records kept pursuant to this section shall be available for inspection by any law enforcement officer during normal business hours or at any other reasonable time. Any person violating this section shall be guilty of an offense.

2. Licensees shall place a label bearing a keg identification number on each keg at the time of retail sale. Any person who unlawfully tampers with, alters, or removes the keg identification number from a beer container after such container has been taken from the licensed premises pursuant to a retail sale and before its return to such licensed premises or other place where returned kegs are accepted shall be guilty of an offense.
(Ref. Neb. Rev. Stat. §53-167.02, 53-167.03)

ARTICLE III – SOLICITORS

(Article am. by Ord. No. 12-09-02, 9/17/12)

SECTION 4-301: DEFINITIONS APPLICABLE TO THIS ARTICLE

"Solicitor" means any person who sells, attempts to sell or offers to sell or who shall trade, deal or traffic in any goods or services in the City of Imperial by going from house to house or by indiscriminately approaching individuals.

A. Sales by sample or for future delivery and executory contracts of sale by solicitors are included in this definition.

B. Notwithstanding the foregoing, the following are not included in the definition of solicitor and not subject to the licensing requirements for solicitors:

1. Individuals who regularly conduct sales in the City by personal contact with individual customers more than four times per year.

2. Individuals who solicit trade solely from wholesale or retail dealers or stores within the City.

3. Individuals who are enlisting or attempting to enlist support for or against a particular religion, philosophy, ideology, political party, political issue, political candidate, even if incidental to such purpose the individual accepts donation of money for or against such cause.

4. Individuals who distribute handbills or flyers advertising or promoting noncommercial events, services other noncommercial activities.

5. Individuals calling on or contacting residents who have made a specific appointment to meet with the individual by a prior appointment or invitation for the purpose of attempting to sell a service, goods or commercial event.

6. Individuals who operate from a stationary location and do not make any attempt to contact or attempt to sell to residents other than passers-by in a

public forum.

7. Solicitation by individuals enrolled in public schools located in Chase County, Nebraska and soliciting for the benefit of an organization or entity recognized by the public school.

8. Newspaper carriers.

9. Persons selling fruits, vegetables, berries, eggs or other farm produce raised, gathered or manufactured by the person acting as solicitor.

C. The exemptions provided in this section apply only to the need for a solicitor's license from the City. Individuals must be in compliance with any other applicable city ordinances, Nebraska statutes or federal law or other regulation.

SECTION 4-302: LICENSE REQUIRED

A. It shall be unlawful for any person to act as solicitor within the meaning and application of this article unless that person and his/her employer shall have first secured a license in the manner provided in this article.

B. Any person soliciting without first obtaining a license shall be guilty of a misdemeanor and fined a sum not exceeding $500.00.

C. Any person soliciting without first obtaining a license shall not be issued a solicitor's license for a period of two years from the date of the offense.

D. For the purposes of this section, each calendar day's violation shall constitute a separate offense.

SECTION 4-303: LICENSE FEES

The license fees for solicitors shall be as follows:

A. *Investigation Fee*. New applications for a solicitor’s license shall be accompanied by a nonrefundable investigation fee of $25.00. A separate $25.00 fee must be posted for each person seeking to be licensed as a solicitor. Such investigation fee shall be tendered only with the initial application of any individual; provided, however, an applicant may only be charged an investigation fee one time in a 365-day period. Applicants who have paid the investigation fee and have been issued a solicitor's license in the past 365-day period shall not be required undergo an investigation or pay an investigation fee.

B. *Daily Solicitor's Fee*. Each solicitor's license shall be granted for a specific period of days. A fee of $25.00 shall be due each day that the permit is valid.

C. *Additional Solicitors*. In the event a solicitor desires to operate with more than one individual, the additional solicitor must pay $5.00 per day for an additional solicitor’s license fee. Additional solicitors must be selling the same goods and/or services from the same source as the co-applicant to obtain the lower license fee.

SECTION 4-304: APPLICATION; INFORMATION REQUIRED

Any person desiring to secure a solicitor's license shall apply therefor in writing to the city clerk on forms provided by the City for that purpose. Such application shall set forth as to

each solicitor the following information:

A. The name, address and telephone number of the firm, organization, individual or other entity which is to provide the goods or services being sold by the solicitor.

B. In the event the name and address of the individual or entity identified in the preceding subsection (A) has changed within the past two years, each name and address of the last two-year period preceding the most recent address.

C. The nature or character of the goods, wares, merchandise or services to the offered by the solicitor.

D. The name, address and telephone number of the individual seeking to be licensed as a solicitor.

E. A copy of an identification card, driver's license, United States passport or other state or federally issued identification bearing a photo of the person desiring to be licensed as a solicitor.

SECTION 4-305: INVESTIGATION OF APPLICANT

A. The city clerk shall review the application to ensure that all the information and the investigation fees required have been provided by the applicant for the solicitor's license. Upon determining that the application is complete, the clerk shall refer it to the chief of police.

B. The chief of police, upon receiving an application for a solicitor's license as provided in subsection (A) of this section, shall make a criminal history background investigation of the applicant. The investigation shall be conducted within two business days of the chief of police receiving the completed application. Business days do not include weekends or holidays recognized by the City. The chief of police shall forward the results of the investigation to the city clerk. The chief of police shall determine, after the investigation, the following:

1. The genuineness of the credentials presented by the applicant.
2. The truth of the facts set forth in the application.
3. If the applicant proposes to engage in lawful and legitimate commercial or professional enterprise.

C. If the applicant for a solicitor's license is found not to have committed any of the acts requiring denial as listed in this subsection, the city clerk shall, upon payment of the prescribed fee, issue the solicitor's license to the applicant. The city clerk shall deny the applicant the solicitor's license if the applicant has:

1. Been convicted of any act in any jurisdiction, either felony or misdemeanor, within the seven years prior to the application being filed with the city clerk that directly related to the applicant's fitness to engage in the occupation of a solicitor. Convictions that shall make an applicant ineligible include but are not limited to the following:

    a. Felony or misdemeanor involving burglary, theft or larceny.
    b. Felony or misdemeanor involving fraud, misrepresentation or false pretenses.
    c. Felony or misdemeanor involving wrongful entry into a residence;

2. Been charged with a misdemeanor or felony of the type defined in subsection (C)(1) of this section and the disposition of that charge is still pending; or

3. Made any false or misleading statements in the application for a solicitor's license.

D. Applicants who have paid the investigation fee and been issued a solicitor's license in the past 365-day period shall not be required undergo an investigation or pay an investigation fee. In instances where the applicant has passed the investigation required by his section in the previous year, the city clerk shall issue the solicitor's license to the applicant without requiring an investigation.

SECTION 4-306: LICENSE ISSUANCE

Upon determining that the applicant is eligible for a solicitor's license, the city clerk shall issue such license to the applicant. The license shall bear the following information:

A. The name, address and phone number of the solicitor.

B. The name, address and phone number of the entity that is to provide the service or goods in question.

C. The expiration date of the license.

D. The nature of the goods or services the solicitor stated on his/her application that the solicitor is attempting to sell.

E. The following statement: "The City of Imperial, Nebraska has issued this solicitor's license. In issuing this license, the City of Imperial, Nebraska makes no representations or assurances regarding the solicitor who was issued this license."

SECTION 4-307: SOLICITING RESTRICTIONS

All solicitor's licenses issued pursuant to this article shall be subject to the following time and location restrictions:

A. No solicitor shall engage in or attempt to engage in the business of soliciting or selling at any home, residence, apartment complex or business that prominently displays a "No Solicitors" or "No Solicitation" sign.

1. Signs must be visible and legible from a distance of 20 feet.
2. Signs must bear the "No Solicitors" or "No Solicitation" language. Signs that refer to "No Trespassing" or "No Visitors" or similar language shall not be considered notice to solicitors.

B. No solicitor shall engage in the business of solicitation or sales between the hours of 9:00 p.m. and 7:00 a.m. unless the solicitor has a specific appointment with a resident for the purpose of meeting with that resident for the purpose of soliciting business or sales from the resident.

C. Every solicitor shall carry his/her solicitor's license on his/her person while soliciting or attempting to sell the goods and services. The license shall be provided, upon request, to any police officer or any person solicited.

D. For all orders taken by an individual with a solicitor's license to be executed or filled at a later time, the following shall be required of all orders:

1. The order must be in writing. The writing is to describe the name of the solicitor; the goods and services to be provided pursuant to the order; the amount paid in advance; and the amount to be paid at the time of delivery of the goods and/or services, if any.

2. At least one copy of the writing described in subsection (D)(1) shall be left with the resident after the solicitation is complete.

SECTION 4-308: PENALTIES

A. Any solicitor's license issued by the City of Imperial may be revoked by the City for the violation by any solicitor of any of city ordinances.

B. Any solicitor found to be in violation of the requirements of this article shall not be issued a solicitor's license for a period of three years following the violation in addition to any other penalties prescribed by this article.

C. Each violation of this article is punishable by a fine of up to $500.00. Each calendar day that an individual violates this article shall be considered a separate offense.

SECTION 4-309: APPEAL PROCEDURE

A. Whenever the city clerk determines there is cause for denying any solicitor's license application or for revoking any license issued pursuant to this article, the clerk shall notify the person holding the license, using at least one of the following methods:

1. Registered or certified mail to the address provided on the solicitor's application. Notice shall be presumed to be obtained three days after service by mail to the address provided by the solicitor on the application.

2. Personal service on the individual who holds or sought to hold a solicitor's license.

B. The applicant or licensee may appeal the decision of the city clerk to deny or revoke a license by filing a written notice of appeal with the clerk. Notice of appeal must be filed or postmarked within five business days of the notice of the city clerk's notice of revocation or denial.

C. Upon timely receipt of the notice of appeal, the city clerk shall set a date for hearing the appeal. Appeals shall be heard at the next regular meeting of the governing body which can properly consider the matter in compliance with the requirements of the Nebraska Open Meetings Act. Notice of the date of hearing shall be provided to the person requesting a hearing within one business day of the filing of the notice of appeal.

D. The hearing shall be de novo. The governing body may affirm, reverse or modify the city clerk's decision. The applicant licensee shall have the right to present testimony and evidence at the hearing. The hearing shall not be subject to the Nebraska Rules of Evidence. The city clerk may provide testimony and evidence regarding the matter being appealed.

E. The decision of the governing body is final. Any person desiring to appeal the

decision of the governing body must file an appropriate action in Chase County District Court within 14 days of the governing body's decision.

SECTION 4-310: SEVERABILITY

Should any section, clause, subsection or provision of this article be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the article as a whole or any part thereof, other than the part specifically declared to be invalid or unconstitutional.

ARTICLE IV – TOBACCO SALES

SECTION 4-401: LICENSE FOR SALE; APPLICATION; CONTENTS; FEE

Every person, partnership, limited liability company or corporation desiring a license to sell tobacco at retail shall file with the city clerk a written application on a form provided by the City, stating the name of the person, partnership, limited liability company or corporation for whom the license is desired and the exact location of the place of business, and shall deposit with the application a licensee's fee in the amount of $10.00. If the applicant is an individual, the application shall include the applicant's social security number. (Ref. Neb. Rev. Stat. §28-1422, 28-1423)

SECTION 4-402: SALE TO MINORS

It shall be unlawful for any person to sell cigars, cigarettes, cigarette material or other tobacco in any form to any person under the age of 18 years. (Ref. Neb. Rev. Stat. §28-1021)

ARTICLE V – AMUSEMENTS

SECTION 4-501: PUBLIC DANCE; DEFINED

The term "public dance" as used herein shall include any dance, masquerade, rock festival, concert or ball given or conducted for which a fee, contribution or collection for purposes of admission is charged. The term "public dance" shall not be construed to include dances, music festivals, masquerades or balls to which admission is limited strictly to persons expressly invited by the person, organization or society giving or holding such dance, masquerade or ball and which is not given or conducted specifically for profit or gain to such person, organization or society giving or conducting the same. The provisions herein shall not apply to any dance conducted under the supervision and direction of the administration of any college or school district within the City.

SECTION 4-502: PUBLIC DANCE; SUPERVISION

1. The city police shall be permitted to enter any public dance for the purpose of inspection at any time. The City Council is hereby empowered to appoint or designate a matron or inspector to be present at any and all public dances conducted within the City. The matron or inspector shall take the oath required of the city police and shall have all the powers and duties conferred upon regular police officers. It shall be the duty of said matron or inspector to enforce the provisions herein.

2. Said matron or inspector may call upon any policeman or the person or persons conducting the said dance for assistance in ejecting any person from the dance if that

person is offending against the decent and peaceful proprieties of a social gathering. The matron or inspector so appointed shall be entitled to charge for his/her services at each dance and shall receive such fee as the City Council shall designate. Said fee shall be paid by the person or persons conducting the public dance prior to the opening of said public dance. It shall be unlawful for any person or persons conducting a public dance to begin the said dance until a matron or inspector is present unless the City Council waives its right to make such an appointment. The said matron or inspector shall make a written report to the City Council concerning each dance attended. The City Council may, in its discretion, designate one or more additional police officers to work with the matron or inspector during the hours of the public dance, and the compensation of any additional officer so appointed shall be equal to and paid in the same manner as the matron's or inspector's compensation.

SECTION 4-503: PUBLIC DANCE; RESPONSIBILITY OF SPONSOR

Any person or persons who sponsor or manage a public dance are hereby charged with the knowledge and notice of all the provisions herein as well as the responsibility of enforcing all municipal and state laws. Any person or persons who fail to manage and control a dance in a lawful and peaceful manner shall be guilty of a misdemeanor.

SECTION 4-504: PUBLIC DANCE; PREMISES

It shall be unlawful to conduct a public dance in any hall or place which is not equipped with sufficient and adequate exits, and no hall or building which is not equipped with at least two such exits shall be used for the purpose of conducting a public dance.

SECTION 4-505: BINGO; REGULATION

1. Games of bingo shall be conducted within the City in accordance with all laws of the City and the State of Nebraska if the said game of bingo is played for or involves profit or gain. Any association duly licensed by the State of Nebraska to conduct the game of bingo shall obtain a written permit from the City Council before commencing operation of said game. Application shall be made to the city clerk for such permit. Said application form shall contain such information and documents or copies thereof as the City Council deems necessary to determine whether to grant or reject the application.

2. Upon the determination that granting the application would be proper, the City Council shall immediately direct the city clerk to issue the said license to the applicant upon the payment of an annual permit fee of $10.00. Said license shall be subject to revocation at any time for good cause. Any person or persons so licensed shall be subject to any other fees, rules and regulations which the City Council may designate. All permits so issued will automatically expire on September 30th following their issuance or renewal. The fee for each renewal shall be in the sum of $10.00 unless otherwise prescribed. Said fee shall be credited to the General Fund. The permit shall be on display at any place where a game of bingo is conducted.
(Ref. Neb. Rev. Stat. §9-166)

SECTION 4-506: BINGO; INCORPORATED REGULATION

All applicable state statutes as they now exist or may hereafter be amended shall be, and will constitute, a part of this article as if repeated verbatim herein, and violation of any state statute will be a distinct and separate offense against the City as well as against the State. Violators thereof shall be separately prosecuted by the City for each of such offenses and, if convicted, shall be deemed to be guilty of a misdemeanor. (Ref. Neb. Rev.

ARTICLE VI – HOUSING CODE

(Article am. by Ord. No. 11-04-01, 4/11/11)

SECTION 4-601: APPLICATION

Every dwelling used in whole or in part as the residence of a single family or person and every building used in whole or in part as the residence of two or more persons or families living in separate apartments shall conform to the requirements of this article, irrespective of when such building was constructed. (Ref. Neb. Rev. Stat. §19-901)

SECTION 4-602: DEFINITIONS

1. "Owner" shall mean any person, firm or corporation who shall be in actual possession of or have control of any dwelling or dwelling unit as owner, employee or agent of the owner or as trustee or guardian of the estate or person of the owner; such person shall be deemed and taken to be the owner or owners of such property and shall be bound to comply with the provisions of this article to the same extent as the record owner. Notice to any such person of any order or decision of the enforcing official shall be deemed and taken to be a good and sufficient notice as if such person or persons were actually the record owner of such property.

2. "Dwelling" shall mean any building which is wholly or partly used for living or sleeping by human occupants; provided, any tent, trailer or other structure used for human shelter which is designed to be transported and which is not permanently attached to the ground, to another structure or to any utility system on the same premises for more than 30 consecutive days shall be specifically excluded from such definition.

3. "Dwelling unit" shall mean any room or group of rooms with facilities for regular cooking and occupied by a person or family as a home and where they sleep, except buildings used strictly for commercial purposes where the occupant is the custodian of the building.

4. "Enforcing official" for the purpose of this article means, collectively, the Imperial City Board of Health, Imperial building inspector, city nuisance officer, Imperial police chief and deputies and/or other duly authorized city officials.

5. "Habitable building" shall mean any structure or part thereof that may be used as a home or place of abode by one or more persons.

6. "Habitable room" shall mean a room in any building in which persons sleep, eat or carry on their usual domestic vocations but shall not include private laundry, bathroom, toilet rooms, dressing rooms, pantries, storerooms, corridors or other similar places not used by persons frequently or for extended periods.

7. "Basement" shall mean that portion of a building which is partly or wholly below grade, the ceiling of which is less than 4 feet, 6 inches above grade.

SECTION 4-603: OCCUPANT'S DUTIES

Every dwelling, including all yards, lawns and courts, shall be kept clean and free from any accumulation of dirt, filth, rubbish, garbage or similar matter and shall be kept free from vermin or rodent infestation. It shall be the duty of each occupant of a dwelling unit to (1) keep in clean condition that portion of the property which he/she occupies and over which he/she has exclusive control, (2) comply with the rules and regulations on the number of persons occupying a room, (3) place all garbage and refuse in proper containers, (4) eliminate all infestations by extermination methods, and (5) maintain the plumbing fixtures in a sanitary condition. If receptacles are not provided by the owner, then the occupant shall provide receptacles as may be necessary to contain all garbage, rubbish and ashes. It shall be unlawful for any person willfully and maliciously to deposit any material in any plumbing fixture which may result in the obstruction of any sanitary sewer. If the occupant shall fail to keep his/her portion of the property clean or shall violate any of the provisions of this article, the nuisance abatement officer shall send a written notice to the occupant to abate such nuisance within the time specified in the notice.

SECTION 4-604: DWELLING REGULATIONS

It shall be unlawful for any person to occupy or for any owner or person deemed to be the owner, as herein defined, to permit any dwelling or dwelling unit to be occupied as a place for human habitation unless the same complies with the following rules and regulations. Any such dwelling which shall fail to conform to the requirements set forth herein shall be deemed a nuisance.

1. *Basement*. The basement of any dwelling shall be dry and ventilated and shall be kept free from rubbish accumulation and rodent infestation.

2. *Heating*. Every dwelling and dwelling unit located therein shall contain permanent heating facilities which are properly installed, maintained in good working condition, and capable of adequately heating all habitable rooms to a temperature of at least 68° F at a distance 3 feet above floor level under ordinary winter conditions.

3. *Dampness*. The floors, ceilings and walls of every dwelling and dwelling unit shall be kept free from excessive dampness.

4. *Ventilation*.

A. Every habitable room in a dwelling or dwelling unit shall contain a window or windows opening directly to the outside air and the total area of such window or windows shall be not less than 10% of the floor area of such room. All window sashes shall be glazed and provided with suitable hardware and shall be made to open to the extent of not less than 4% of the floor area of such room.

B. During that portion of each year when the enforcing official deems it necessary for protection against insects, every door opening directly from a dwelling unit to outdoor space shall be supplied with a screen and a self-closing device. All windows or other devices with openings to outdoor space shall likewise be supplied with screens; provided, such screens shall not be required during such period in rooms deemed by the enforcing official to be located high enough as to be free from such insects and in rooms located in areas which are deemed by the enforcing official to have so few of such insects as to render screens unnecessary. Every basement window used or

intended to be used for ventilation and every other opening to a basement which might provide an entry for rodents shall be covered with a screen or other such device that will effectively prevent their entrance.

5. *Electricity*. Every habitable room shall have a central electric outlet or at least two wall, floor or duplex outlets in the wall or floor.

6. *Basement Dwelling Units*. The use of basements for dwelling units is prohibited except where 50% or more of the unit is above grade level or where occupancy is permitted as provided in the Building Code.

7. *Sleeping Rooms*. No room shall be used for sleeping purposes unless the ceiling height is at least 7 feet and there are at least 400 cubic feet of air space for each occupant over six years of age. No room used for sleeping purposes shall have an area less than 60 square feet. In sleeping rooms with sloping ceilings, the ceiling height shall be at least 7 feet over at least 50% of the required 60 square feet floor area and only that portion of the room with a ceiling height of 5 feet or more shall be counted in computing the minimum floor area. No dwelling or dwelling unit containing two or more sleeping rooms shall have a room arrangement such that access to the bathroom or toilet compartment intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room. Nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room, bathroom or toilet compartment.

8. *Overcrowding*. Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof. The floor space shall be calculated on the basis of total habitable room area.

9. *Kitchen Sink*. Every dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water and sewer system approved by the enforcing official.

10. *Bathroom Facilities*.

A. Every dwelling unit except as otherwise permitted hereinafter shall contain within a room which affords privacy to a person within said room a bathtub or shower in good working condition and properly connected to a water and sewer system approved by the enforcing official.

B. Every dwelling unit except as otherwise permitted hereinafter shall contain a room which affords privacy to a person within said room and which is equipped with a flush toilet and a lavatory basin in good working condition and properly connected to a water and sewer system approved by the enforcing official.

C. The occupants of not more than two dwelling units may share a single flush toilet, a single lavatory basin and a single bathtub or shower if:

i. Neither of the two dwelling units contains more than two rooms. For the purposes of this subsection, a kitchenette or a kitchen with not more than 60 square feet of floor area shall not be counted as a room.

ii. The habitable area of each such dwelling unit shall equal not more than

250 square feet of floor area.

iii. The toilet, lavatory basin, and bathtub or shower shall be in good working condition and properly connected to a water and sewer system approved by the enforcing official.

iv. Every kitchen sink, lavatory basin, and bathtub or shower required under the provisions of subsections (9) and (10) shall be properly connected with both hot and cold water lines.

11. *Garbage Facilities*. Every dwelling unit shall be supplied with adequate storage and disposal facilities of the type approved by the enforcing official.

12. *Water Heating Facilities*. Every dwelling shall have water-heating facilities which are (A) in safe and good working condition with hot water lines required under the provisions of Subsection 10 and (B) capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required outlet at a temperature of not less than 120° F, independent of any other heating facility.

13. *Electricity and Ventilation of Bathrooms*. Every bathroom in a dwelling shall have at least one electric outlet in either the ceiling or wall and shall have adequate ventilation.

14. *Entrances*. Every dwelling unit shall have two safe, unobstructed exterior doors leading to open space at ground level.

15. *Drainage*. The premises of any dwelling shall be properly graded and drained.

16. *Plumbing*. Every plumbing fixture and pipe shall be properly installed in accordance with the requirements of the Plumbing Code and maintained in good sanitary working condition, free from defects, leaks and obstructions.

17. *General*. Every dwelling moved into the City or built on a private lot shall meet minimum federal housing codes and shall have exterior walls of 2 x 4 construction with 16- inch centers, covered by an exterior sheeting which shall be covered with a conventional-type siding. Floor joists shall be at least 2 x 8s on 16-inch centers unless a laminating system with the floor is used, then 2 x 6s are permissible. The roof shall be covered with shingles or tar and gravel. Minimum width of floor area structure shall be at least 22½ feet. Poured footings around the exterior of the structure and or block foundation shall be required. A masonry-type structure may have brick and block or block exterior walls or brick and frame exterior.

SECTION 4-605: MAINTENANCE

Every dwelling shall be maintained in good repair by the owner or agent and shall be fit for human habitation. The roof shall be maintained so as not to leak and all rainwater shall be drained therefrom so as not to cause dampness in the walls or ceilings or be a nuisance to adjacent buildings.

SECTION 4-606: NUISANCE

Any dwelling in violation of this code is hereby declared to be a nuisance and shall be abated in accordance with the orders of the enforcing official.

SECTION 4-607: VIOLATION

1. Whenever it shall be found by the enforcing official that a dwelling is unfit for human habitation or dangerous to life or health by reason of (A) want of repair, (B) deterioration or defects in the drainage, plumbing, lighting, ventilation or construction of the same, (C) existence on the premises of a nuisance likely to cause sickness or injury among the occupants of said dwelling, or (D) any other cause affecting the public health or safety, the enforcing official may issue an order to the party or parties responsible that the condition be abated as may be specified.

2. If any such order issued by the enforcing official is not complied with within the time specified, he/she may order the premises vacated by posting a notice on the front of the building. Such notice shall state that the order of the enforcing official was not complied with; that the building is hereby declared unfit for human occupancy; and that occupancy is prohibited after the date stated therein, which date shall be not less than five days nor more than 60 days from the date the notice is posted. A copy of such notice shall be sent to the record owner of the property or his/her agent and to the occupants of the dwelling.

3. A dwelling so ordered to be vacated shall not again be occupied until a written statement shall have been secured from the enforcing official that the dwelling has been made to comply with all applicable ordinances. It shall be unlawful for anyone to let, lease, occupy, or permit the occupancy of any dwelling so posted, whether for a consideration or not.

SECTION 4-608: EMERGENCY

Whenever the Board of Health finds that an emergency exists which requires immediate action to protect the public health it may, without notice or hearing, issue an order reciting the existence of such emergency and requiring that such action be taken as it deems necessary to meet the emergency. Such order shall be effective immediately. All persons to whom such order is directed shall comply therewith immediately but upon petition to the city clerk shall be afforded a hearing in front of the City Council as soon as possible. After such hearing, depending upon the findings of the Council as to whether the provisions of this code and of the rules and regulations adopted pursuant thereto have been complied with and as to whether an emergency exists, the City Council shall continue such order in effect or modify or revoke it.

SECTION 4-609: INSPECTIONS

The enforcing official may enter upon the premises of any habitable building for the purpose of making inspections and is authorized to make such inspections and surveys by blocks or areas. Entry into a dwelling is made after permission is granted by the owner or occupant or notice is given as stated in Section 4-610, or search warrant issued.

SECTION 4-610: NOTICE

Notice for this article is given when the Board of Health, enforcing official, city building inspector, Police Department or other duly authorized city official causes notice to be served on the owner or occupant by certified mail, personal service, or by posting on the main entrance of the dwelling door (as determined by the serving official), three days prior to entrance a notice that identifies this article.

SECTION 4-611: RULES AND REGULATIONS

The Board of Health or City Council may make such rules and regulations as may from time to time be necessary to carry out the purposes of this article. All such rules and regulations shall become effective when filed with the city clerk and approved by the City Council.

SECTION 4-612: ENFORCEMENT AND APPEALS

Enforcement and appeals for this article will follow the same process and procedures stated in Article 2, Section 504 of the Imperial Code. If language conflicts between this article and Section 2-504, the language in this article prevails for its enforcement.

ARTICLE VII – NATURAL GAS PIPELINE OCCUPATION TAX

SECTION 4-701: OCCUPATION TAX; BASIS; AMOUNT; GOVERNMENTAL BODIES EXEMPT

All natural gas companies operating a natural gas pipeline distribution system in the City are required to collect and pay an occupation tax to the City based on the therms of use for the residential (commonly known as domestic) and commercial customers within the City of Imperial. The amount of the occupation tax shall be in a range from 0.000 to 0.015 per therm, with a rate of .008 per therm beginning June 1, 1998. The City of Imperial shall advise the natural gas companies of the amount of the occupation tax set or changed by ordinance annually, prior to October 1, with the change to be effective with the first billing after the following January 1. All natural gas consumption by governmental agencies, departments, or other bodies whether they are federal, state or local shall be excepted from the provisions of this article.

SECTION 4-702: PAYMENT PERIOD AND DUE DATE

The payment of the occupation tax levied pursuant to this article shall be in quarterly payments, using the calendar quarter year as a basis for determining and computing the amount of tax payable. Each quarterly payment shall be due 30 days after the termination of each calendar quarter year.

SECTION 4-703: TO WHOM PAYABLE; RECEIPT; DISPOSITION

The occupation tax levied pursuant to this article shall be paid to the city clerk at the time provided by this article. The clerk shall issue and deliver a receipt therefor upon the payment thereof and the amount of payment shall be credited to the General Fund.

SECTION 4-704: INTEREST AND PENALTY

All payments of the occupation tax levied pursuant to this article which are made after the due date thereof shall draw interest at the rate of 1% per month and, after payment thereof has been in default for six months, a penalty of 5% shall be added thereto in addition to such interest charges, which shall be paid by any company subject to this occupation tax.

SECTION 4-705: QUARTERLY REPORT OF GAS USAGE

At the time that each natural gas company makes its quarterly payments of the occupation tax levied pursuant to this article, it shall file with the city clerk a full, complete and detailed

statement of the natural gas usage subject to such occupation tax. Such statement shall be duly verified and sworn to by the local manager in charge of the business of such company in the City or by a higher managerial employee of such company.

SECTION 4-706: ADJUSTMENTS

Each succeeding quarterly payment of the occupation tax levied pursuant to this article may include any adjustment shown on the report provided for by Section 4-705, which may be necessary for the consideration of uncollectables or any other matters which may have resulted in either an excess or a deficiency in the amount of tax paid in any previous quarter.

SECTION 4-707: RIGHT OF CITY TO INSPECT RECORDS

Upon request and during business hours, through its officers, agents or representatives, the City shall have the right to inspect the books and records of any natural gas company for the purpose of verifying any report submitted pursuant to the requirements of Section 4-705.

SECTION 4-708: AMOUNT OF TAX WHEN REPORT NOT FILED OR INSPECTION REFUSED

In case any gas company shall refuse, fail, or neglect to furnish or file any report required by Section 4-705 at the time required for such filing or shall fail or refuse to permit the City to inspect the books and records of such company for the purpose of verifying such report, then the occupation tax for the preceding quarter shall be the sum of $20,000.00. Such amount shall be paid within 30 days following the end of the calendar quarter as required by Section 4-702, and such amount shall draw interest and be subject to penalties as provided by Section 4-704.

SECTION 4-709: RIGHT OF CITY TO SUE WHEN PAYMENT IN DEFAULT

In case any natural gas company shall fail to make payment of the occupation tax provided for by this article at the time specified for such payment, the City shall have the right to sue any such company in any court of competent jurisdiction for the amount of such occupation tax due and payable under the terms and provisions of this article. The City may recover judgment against any such company for such amount due, together with interest and penalties, and may have execution thereon.

ARTICLE VIII – PENAL PROVISION

SECTION 4-801: VIOLATION; PENALTY

Any and all persons violating any of the provisions of the several articles of this chapter for which penalty is not therein provided shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum of not more than $500.00 for each offense. Each day's maintenance of the same shall constitute a separate offense.

CHAPTER V – PUBLIC WAYS AND PROPERTY

ARTICLE I – PUBLIC PROPERTY REGULATIONS

5-101 MAINTENANCE AND CONTROL
5-102 OBSTRUCTIONS
5-103 PERMITTED OBSTRUCTIONS
5-104 REAL PROPERTY; SALE AND CONVEYANCE
5-105 ACQUISITION OF REAL PROPERTY
5-106 ACQUISITION OF REAL PROPERTY; APPRAISAL
5-107 ACQUISITION OF REAL PROPERTY; CONSTRUCTION; ELECTIONS, WHEN REQUIRED
5-108 SALE OF PERSONAL PROPERTY
5-109 SPECIAL IMPROVEMENT DISTRICT; ASSESSMENT AND CREATION PROCESS
5-110 IMPROVEMENT DISTRICT; LAND ADJACENT
5-111 PUBLIC WORKS INVOLVING ARCHITECTURE OR ENGINEERING; REQUIREMENTS
5-112 WEAPONS PROHIBITED IN PUBLIC BUILDINGS

ARTICLE II – STREETS

5-201 NAMES AND NUMBERS
5-202 CROSSINGS
5-203 EXCAVATION
5-204 DRIVING STAKES
5-205 MIXING CONCRETE
5-206 HARMFUL LIQUIDS
5-207 EAVE AND GUTTER SPOUTS
5-208 HEAVY EQUIPMENT
5-209 WIDENING, OPENING, VACATING
5-210 UTILITY LINES, WIRES, ETC.
5-211 CONSTRUCTION ASSESSMENT
5-212 IMPROVEMENT DISTRICTS, OBJECTIONS
5-213 IMPROVEMENT OF STREETS ON CORPORATE LIMITS
5-214 IMPROVEMENT OF MAIN THOROUGHFARES
5-215 PETITION FOR IMPROVEMENTS
5-216 DEFERRAL FROM SPECIAL ASSESSMENTS
5-217 VACATING PUBLIC WAYS
5-218 CUTTING CURB; PERMIT AND BOND REQUIRED

ARTICLE III – SIDEWALKS

5-301 DUTY OF PROPERTY OWNERS; LIABILITY
5-302 NEW SIDEWALK; NOTICE
5-303 REPAIRING SIDEWALK; NOTICE
5-304 RECONSTRUCTING SIDEWALKS; NOTICE
5-305 FAILURE TO CONSTRUCT, RECONSTRUCT OR REPAIR
5-306 CONSTRUCTION BY PETITION
5-307 CONSTRUCTION BY OWNER
5-308 DUTY TO REMOVE SNOW, SLEET AND ICE; PENALTY
5-309 DUTY TO REMOVE BRANCHES AND SHRUBBERY; PENALTY

ARTICLE IV – CONSTRUCTION OF PRIVATE DRIVES

5-401 APPLICATION FOR CONSTRUCTION OF PRIVATE DRIVE
5-402 APPLICATION REQUIREMENTS
5-403 ISSUANCE OF PERMIT

5-404 PENALTIES

ARTICLE V – PENAL PROVISIONS

5-501 VIOLATION; PENALTY

CHAPTER V – PUBLIC WAYS AND PROPERTY

ARTICLE I – PUBLIC PROPERTY REGULATIONS

SECTION 5-101: MAINTENANCE AND CONTROL

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 and in repair and free from nuisances. (Ref. Neb. Rev. Stat. §17-567)

SECTION 5-102: OBSTRUCTIONS

Trees and shrubs growing upon or near a lot line or upon public ground and interfering with the use or construction of any public improvements shall be deemed an obstruction under this article. Shrubbery located near a traffic intersection or pedestrian crosswalk must be trimmed and not exceed 30 inches in height as well as be located 20 feet back from said intersection or crosswalk. Should the owner fail or neglect, after notice, to remove said trees, shrubs and their roots, they may be removed by the director of public works at the expense of the owner of the property upon which the tree or shrub is located. It shall be unlawful for any person, firm or corporation to obstruct or encumber by fences, gates, buildings, structures or otherwise, any of the streets, alleys or sidewalks. (Ref. Neb. Rev. Stat. §17-557.01)

SECTION 5-103: PERMITTED OBSTRUCTIONS

Persons engaged in the erection, construction, reconstruction, wrecking or repair 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 as long as is necessary, if such person shall make written application to do so. However, no permit for the occupancy of the sidewalk space or 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 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 City Council.

SECTION 5-104: REAL PROPERTY; SALE AND CONVEYANCE

1. Except as provided in subsection 4 of this section, 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 at public auction or by sealed bid of such real property and the manner and terms thereof, except that such real property shall not be sold at public auction or by sealed bid when (A) such property is being sold in compliance with the requirements of federal or state grants or programs; (B) such property is being conveyed to another public agency, or (C) such property consists of streets and alleys. The City Council may establish a minimum price for such real property at which bidding shall begin or shall serve as a minimum for a sealed bid.

2. After the passage of the resolution directing the sale, notice of all proposed sales of real 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. However, if a remonstrance against such sale, signed by registered voters thereof equal in number to 30% of the registered voters of the City voting at the last regular municipal election held therein, be filed with the City Council within 30 days after the third publication of the notice, such 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 next 30-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day. Real estate 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, such property shall be conveyed strictly in accordance with the conditions of Neb. Rev. Stat. §18-1001 to 18-1006.

3. Following (A) passage of the resolution directing a sale, (B) publishing of the notice of the proposed sale, and (C) 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. Upon passage of such ordinance the city clerk shall certify the name of the purchaser to the county register of deeds.

4. 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 which have 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. Confirmation of the sale by passage of an ordinance may be required.
(Ref. Neb. Rev. Stat. §17-503, 17-503.01)

SECTION 5-105: ACQUISITION OF REAL PROPERTY; 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. (Ref. Neb. Rev. Stat. §18-1755)

SECTION 5-106: ACQUISITION OF REAL PROPERTY; 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. (Ref. Neb. Rev. Stat. §13-403)

SECTION 5-107: ACQUISITION OF REAL PROPERTY; CONSTRUCTION; ELECTIONS, WHEN REQUIRED

1. The City is authorized and empowered to (A) purchase, (B) accept by gift or devise, (C) purchase real estate upon which to erect, and (D) erect a building or buildings for an auditorium, fire station, municipal building, or community building for housing city enterprises and social and recreation purposes and other public buildings and (E) maintain, manage and operate the same for the benefit of the inhabitants of the City.

2. 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 municipal 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.

3. If the funds to be used to finance the purchase or construction of a building under this section are available other than through a bond issue, then either:

A. 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 registered voters of the City equal in number to 15% of the registered voters of the City voting at the last regular municipal 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 collected within the 30-day period, but the filing 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 municipal 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

B. The City Council may proceed without providing the notice and right of remonstrance required in subdivision A of this section 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 City Council after notice and public hearing as provided in Neb. Rev. Stat. §18-1755.

(Ref. Neb. Rev. Stat. §17-953 and 17-953.01)

SECTION 5-108: SALE OF PERSONAL PROPERTY

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 (a) sold in compliance with the requirements of federal or state grants or programs or (b) conveyed to another public agency, the notice procedure set forth above may be dispensed with. (Ord. No. 07-12-01, 12/10/07)

SECTION 5-109: SPECIAL IMPROVEMENT DISTRICT; ASSESSMENT AND CREATION PROCESS

The City Council may, by ordinance, create a special improvement district for the purpose of replacing, reconstructing or repairing an existing street, alley, water line, sewer line, or any other such improvement. Except as provided in Neb. Rev. Stat. §19-2428 to 19-2431, the City Council shall have the power to assess, to the extent of such benefits, the costs of such improvements upon the properties found especially benefited thereby, whether or not such properties were previously assessed for the same general purpose. In creating such special improvement districts, the City Council shall follow procedures applicable to the creation and assessment of the same type of improvement district as otherwise provided by law.

SECTION 5-110: IMPROVEMENT DISTRICT; LAND ADJACENT

Supplemental to any existing law on the subject, a city may include land adjacent to such city when creating an improvement district, such as a sewer, paving, water, water extension or sanitary sewer extension district. The City Council shall have the power to assess, to the extent of special benefits, the costs of such improvements upon the properties found especially benefited thereby, except as provided in Neb. Rev. Stat. §19-2428 to 19-2431.

SECTION 5-111: PUBLIC WORKS INVOLVING ARCHITECTURE OR ENGINEERING; REQUIREMENTS

1. Except as provided in subsection 2 of this section, the City shall not engage in the construction of any public works involving architecture or engineering unless the plans, specifications and estimates have been prepared and the construction has been observed by an architect, a professional engineer or a person under the direct supervision of an architect, professional engineer or those under the direct supervision of an architect or professional engineer.

2. Subsection 1 of this section shall not apply to the following activities:

A. Any public works project with contemplated expenditures for the completed project that do not exceed $80,000. (Ref. Neb. Rev. Stat. §81-3445, 81-3449[3], and 81-3453[3])

B. Any alteration, renovation or remodeling of a building if the alteration, renovation or remodeling does not affect architectural or engineering safety features of the building. (Ref. Neb. Rev. Stat. §81-3449[4] and 81-3453[4])

C. Performance of professional services for itself if the City appoints a municipal engineer or employs a full-time person licensed under the Engineers and Architects Regulation Act who is in responsible charge of architectural or engineering work. (Ref. Neb. Rev. Stat. §81-3423, 81-3449[9], and 81-3453[6])

D. The practice of any other certified trade or legally recognized profession. (Ref. Neb. Rev. Stat. §81-3449[11] and 81-3453[7])

E. Earthmoving and related work associated with soil and water conservation practices performed on any land owned by the City that is not subject to a permit from the Department of Natural Resources. (Ref. Neb. Rev. Stat. §81-3449[13] and 81-3453[12])

F. The work of employees and agents of the City performing, in accordance with other requirements of law, their customary duties in the administration and enforcement of codes, permit programs and land use regulations and their customary duties in utility and public works construction, operation and maintenance. (Ref. Neb. Rev. Stat. §81-3449[14] and 81-3453[13])

G. Those services ordinarily performed by subordinates under direct supervision of a professional engineer or those commonly designated as locomotive, stationary, marine operating engineers, power plant operating engineers or manufacturers who supervise the operation of or operate machinery or equipment or who supervise construction within their own plant. (Ref. Neb. Rev. Stat. §81-3453[10])

H. The construction of municipal water wells as defined in Neb. Rev. Stat. §46-1212, the installation of pumps and pumping equipment into municipal water wells and the decommissioning of municipal water wells, unless such construction, installation or decommissioning is required by the City to be designed or supervised by an engineer or unless legal requirements are imposed upon the City as a part of a public water supply. (Ref. Neb. Rev. Stat. §81-3453[15])

I. Any other activities described in Neb. Rev. Stat. §81-3449 to 81-3453.

SECTION 5-112: WEAPONS PROHIBITED IN PUBLIC BUILDINGS

1. No person shall carry or possess any weapon in City public buildings. "Weapon" is defined as firearm, slingshot, air gun, BB gun, paint ball gun, or the like loaded with rock or other dangerous missiles or arrows, revolver, pistol, Bowie knife, dirk, or knife with a dirk blade attachment, metal knuckles or any other deadly and dangerous weapon as defined by the Nebraska statutes.

2. This section shall not apply to any officer authorized by law of this City or of the State or United States to preserve the peace or to make arrests, or to any person whose employment authorizes the use of said weapon. The City may permit certain weapons in a designated facility for training or educational events. Said permits shall be issued by the clerk after approval from the chief of police and City Council.
(Ord. No. 07-11-05, 12/10/07)

ARTICLE II – STREETS

SECTION 5-201: NAMES AND NUMBERS

The City Council may at any time, by ordinance, rename any street or provide a name for a new street. Upon the erection of any new building, it shall be the duty of the director of public works to assign the proper number to said building and give notice to the owner or occupant that such building has had a number assigned to it.

SECTION 5-202: CROSSINGS

The City Council may order and cause to be constructed any street, avenue and alley crossing under the supervision of the director of public works and the same shall be constructed of such materials as the City Council shall deem appropriate. When a petition for the construction of any such crossing is filed in the office of the city clerk by an interested resident, he/she shall refer such application to the director of public works, who shall investigate and recommend to the City Council allowance or rejection as final action by the City Council on such application.

SECTION 5-203: EXCAVATION

It shall be unlawful for any person to make an excavation in any street for any purpose whatsoever unless the director of public works authorizes such excavation and issues written permission. Any excavations in streets and alleys shall be made in such a manner as to impede travel as little as possible. Warning lights or reflective signs shall be maintained on all unfinished work at night from dark until sunrise, and sufficient barricades shall be in place at all times until the work is completed in order to prevent any persons

from injury. After completion of any job or work, all surplus material must be removed at once from the streets and alleys.

SECTION 5-204: 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 first procuring the written consent of the director of public works.

SECTION 5-205: 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 and using said pavement as a mixing board for said material.

SECTION 5-206: HARMFUL LIQUIDS

It shall be unlawful for any person to place or permit to leak in the gutter of any street waste gasoline, kerosene or high lubricating oils, which damage or act as a solvent upon said streets.

SECTION 5-207: EAVE AND GUTTER SPOUTS

It is hereby declared unlawful for any person to erect or maintain any dwelling house or business building where it abuts on any sidewalk or street without providing proper guttering and eave spouts to receive the waste waters that collect on the said sidewalks and streets. All eave spouts erected on any dwelling house 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 5-208: HEAVY EQUIPMENT

1. 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; 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.

2. 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 the moving of such vehicles, structures or machines will be permitted and allowed.

3. It shall be permissible (A) for school buses and emergency vehicles to use metal or metal-type studs any time of the year; (B) to use farm machinery with tires having protuberances which will not damage the streets; and (C) 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.
(Ref. Neb. Rev. Stat. §60-6,250)

SECTION 5-209: WIDENING, OPENING, VACATING

The City shall have power to (1) open, widen, extend or otherwise improve or vacate any street, avenue, alley, lane, off-street parking area or other public way, (2) annul, vacate or discontinue the same; and (3) create, open and improve any new street, avenue, alley or lane. All damages sustained by the citizens of the City or by the owners of the property therein shall be ascertained in such manner as shall be provided by ordinance. Whenever any street or alley 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. 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. When the City vacates all or any portion of a street, avenue, alley or lane, the City shall, within thirty 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. (Ref. Neb. Rev. Stat. §17-558, 17-559, 76-704 through 76-724)

SECTION 5-210: UTILITY LINES, WIRES, ETC.

1. Before poles, wires, gas mains, pipe lines and other appurtenances of public service companies shall be located or erected over, upon or under the streets, alleys and common grounds, a proper application shall have been made to the city clerk in writing and permission in writing shall have been given by the director of public works. Permission for underground construction shall not be given until evidence is presented to the director of public works that notification has been properly given to Digger's Hot Line. Public service companies heretofore or hereafter granted right of way for the erection and maintenance of poles, conduits, gas mains, pipe lines and wires for the purpose of transacting their business upon, under or over the streets, alleys and public grounds shall at all times, when requested by the City Council, erect, locate or relocate their poles, wires, gas mains, pipe lines and other appurtenances to such places and in such manner as shall be designated by the Council.

2. Such poles, wires, gas mains, pipe lines 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 City Council to request such relocation for the public safety and convenience, the Council shall order said relocation by resolution and the city clerk shall notify any company or companies affected. Said companies shall, within 5 working days after receiving notice, at their own expense, cause the poles, wires, gas mains, pipe lines or other appurtenances to be removed. The City Council shall designate another location as close as possible where said poles, wires, gas mains, pipe lines or other appurtenances may be reset or placed. All poles, wires, gas mains, pipe lines or other appurtenances shall be reset, placed or erected in such manner that they will not interfere with the water system, sewer system or poles, wires and mains of any public utility located on the same street or alley or with travel, buildings constructed or hereafter to be constructed. Whenever possible, all pole lines, wires, gas mains, pipe lines or appurtenances shall be confined to the alleys of the City.

3. No water pipe, underground electric line or telephone conduit shall be laid in the same trench with sewer pipe in any street, alley or public grounds in the City or nearer than three feet to any sewer pipe. No underground electric line shall be laid in the same trench with any water pipe, sewer pipe or telephone conduit in any street, alley or public grounds or nearer than three feet to any such pipes or conduit.

SECTION 5-211: CONSTRUCTION ASSESSMENT

1. To defray the costs and expenses of street improvements as may be authorized by law, the City Council shall have power and authority to levy and collect special taxes and assessments upon the lots and pieces of ground adjacent to, abutting upon or especially benefiting from the street, avenue, alley or sidewalk in whole or in part opened, widened, curbed, curbed and guttered, graded, paved, repaired, graveled, macadamized, parked, extended, constructed or otherwise improved or repaired. The City Council, sitting as the Board of Equalization, shall review all such improvements in accordance with the procedure provided by law. All special assessments shall be made by the City Council at a regular or special meeting, by resolution, taking into account the benefits derived or injuries sustained in consequence of such improvements and the amount charged against the same. The vote shall be recorded in the minutes.

2. Notice of the time of holding such meeting and the purpose for which it is to be held shall be published in a legal newspaper published or of general circulation in the City at least four weeks before the same shall be held. In lieu of such aforementioned notice, personal service may be had upon the persons owning or occupying the property to be assessed. Such assessments shall be known as "special assessments for improvements" and, with the cost of notice, shall be levied and collected as a special tax in addition to the taxes for general revenue purposes. Said assessments shall be subject to the same penalties and collected in like manner as other municipal taxes and shall be certified by the city clerk to the county clerk forthwith after the date of levy for collection by the county treasurer unless otherwise specified.

3. After it has become delinquent, said assessment shall draw interest at the legal interest rate per annum. 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. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.
(Ref. Neb. Rev. Stat. §17-511, 17-524, 19-2428 through 19-2431, 45-104.01)

SECTION 5-212: IMPROVEMENT DISTRICTS, OBJECTIONS

1. Whenever the City Council shall deem it necessary to make any improvements allowed by statute, it shall, by ordinance, create a paving, graveling or other improvement district or districts, 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 the same be a weekly newspaper.

2. If the owners of record representing more than 50% of the front footage of the property directly abutting on any street or alley to be improved shall file written objections to the creation of such district(s) with the city clerk within 20 days after the first publication of said notice, said improvements shall not be made as provided in said ordinance but it shall be repealed. If said objections are not filed against the district in the time and manner aforesaid, the City Council shall forthwith cause such work to be done or such improvement to be made and shall contract therefor and 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.
(Ref. Neb. Rev. Stat. §17-511)

SECTION 5-213: IMPROVEMENT OF STREETS ON CORPORATE LIMITS

The mayor and City Council shall have the power to improve any street or part thereof which divides the city corporate area and the land adjoining the City. When creating an improvement district including land adjacent to the City, the Council shall have power to assess, to the extent of special benefits, the costs of such improvements upon the properties found especially benefited thereby. (Ref. Neb. Rev. Stat. §17-509)

SECTION 5-214: IMPROVEMENT OF MAIN THOROUGHFARES

The mayor and City Council shall have the power by a 3/4 vote to create by ordinance a paving, graveling or other improvement district and to order such work done upon any federal or state highway in the City or upon a street or route designated by the mayor and City Council as a main thoroughfare that connects on both ends to either a federal or state highway or a county road. The City Council shall contract therefor and shall have the power to assess, to the extent of special benefits, the costs of such improvements upon the properties found especially benefited thereby. (Ref. Neb. Rev. Stat. §17-512)

SECTION 5-215: 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 any street, alley, public way or public grounds proposed to be improved shall be presented and filed with the city clerk, the City Council shall by ordinance create a paving, graveling, or other improvement district and shall cause such work to be done or such improvement to be made and shall contract therefor and 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. The City 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 City Council should deny a requested Improvement District formation, it shall state the grounds for such denial in a written letter to interested parties. (Ref. Neb. Rev. Stat. §17-510)

SECTION 5-216: DEFERRAL FROM SPECIAL ASSESSMENTS

1. Whenever the City Council creates an Improvement District which includes land adjacent to the City within an agricultural use zone and is used exclusively for agricultural use, the owners of record of such adjacent land may apply for a deferral from special assessments. For purposes of this section, the terms "agricultural use" and "agricultural use zone" shall have the meaning specified in Neb. Rev. Stat. §77-1343.

2. Any owner of record eligible for the deferral granted by this section shall make application to the City Council within 90 days after creation of an Improvement District. Any owner of record who makes application for the deferral provided by this section shall notify the county register of deeds of such application in writing prior to approval by the City Council. The Council shall approve the application of any owner of record upon determination that the property (A) is within an agricultural use zone and is used exclusively for agricultural use, and (B) the owner has met the requirements of this section.

3. The deferral provided for in this section shall be terminated upon any of the following events:

A. Notification by the owner of record to the City Council to remove such deferral;

B. Sale or transfer to a new owner who does not make a new application within 60 days of the sale or transfer, except as provided in subdivision 3 of this section;

C. Transfer by reason of death of a former owner to a new owner who does not make application within 125 days of the transfer;

D. Use of land is no longer agricultural; or

E. Change of zoning to other than an agricultural zone.

4. Whenever property which has received a deferral pursuant to this section becomes disqualified for such deferral, the owner of record of such property shall pay to the City an amount equal to:

A. The total amount of special assessments which would have been assessed against such property, to the extent of special benefits, had such deferral not been granted; and

B. Interest upon the special assessments not paid each year at the rate of 6% from the dates at which such assessments would have been payable if no deferral had been granted.

5. In cases where the deferral provided by this section is terminated as the result of a sale or transfer described in subdivision 2 or 3 of this section, the lien for assessments and interest shall attach as of the day preceding such sale or transfer.
(Ref. Neb. Rev. Stat. §19-2428 through 19-2431)

SECTION 5-217: VACATING PUBLIC WAYS

1. "Special damages" shall mean only those losses, damages or injuries which a property owner suffers that are peculiar, special or unique to his/her property and which result from vacating such street, avenue, alley, lane or similar public ways by the City Council. “Special damages” shall not mean those losses, damages or injuries that a property owner suffers that are in common with the rest of the City or public at large, even though those losses, damages or injuries are greater in degree than the rest of the City or public at large.

2. Whenever the City Council decides that it would be in the best interests of the City to vacate a street, avenue, alley, lane or similar public way, the Council shall comply with the following procedure:

A. Notice shall be given to all abutting property owners either by first class mail to their last known address or, if there is no known address then by publishing the notice in a newspaper that is of general circulation in the City. The content of the notice will advise the abutting property owners that the City Council will consider vacating such street, avenue, alley, lane or similar public way at its next regular meeting, or if a special meeting is scheduled for such discussion, then the date, time and place of such meeting.

B. The City Council may have all the abutting property owners sign a form stating that they consent to the action being taken by the City Council and waive their right of access. The signing of such form has no effect on claims for

special damages, as defined herein, by the abutting property owners, but does create the presumption that the City Council's action was proper. However, if all the abutting property owners do not sign the consent/waiver form, the City Council may proceed with vacating such street, avenue, alley, lane or similar public way under the authority granted by Neb. Rev. Stat. 17-558 and 17-559.

C. The City Council shall pass an ordinance stating and declaring essentially the following: (i) that the action is expedient for the public good or in the best interest of the City; (ii) that the City shall have an easement for maintaining all utilities; (iii) a method or procedure for ascertaining special damages to abutting property owners.

D. The clerk shall file a copy of the ordinance with the county register of deeds within 30 days to gain title to the share of the vacated street, avenue, alley, lane or similar public way and so that such land will be drawn to the attention of the county assessor.

E. The City Council shall ascertain the amount of special damages that the abutting property owners are entitled to receive and which resulted from the Council's vacating of such street, avenue, alley, lane or similar public way. Only special damages, as herein defined, shall be awarded to the abutting property owners.

F. In determining the amount of compensation to award the abutting property owners as special damages, the City Council shall use the following rule:

The abutting property owner is entitled to recover as compensation the difference between the value of such property immediately before and immediately after the vacating of such street. However, if no difference in value exists, the abutting property owner is entitled to no compensation.

(Ref. Neb. Rev. Stat. §17-558, 17-559) (Am. by Ord. No. 08-09-04, 9/8/08)

SECTION 5-218: CUTTING CURB; PERMIT AND BOND REQUIRED

1. 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 whatsoever without first obtaining a written permit from the director of public works. Before any person shall obtain a permit, the applicant shall inform the city clerk of the place and time such cutting shall be done and it shall be the duty of the director of public works to inspect the place of entry into the paving, sidewalk or curb before the same is cut. When cutting into any paving, it shall be the duty of the party to cut the paving under such rules and regulations as may be prescribed by the City Council or the director of public works. When the applicant is ready to close the opening made, the applicant shall inform the director of public works, who shall supervise and inspect the work done enclosing the opening. Unless specifically authorized by the director of public works, all closing shall be done in concrete. It shall be the discretion of the director of public works to do the work of cutting and closing the paving and charge the costs thereof to the party who obtained such permit.

2. Before any permit is issued by the City Council, the applicant shall deposit with the city treasurer a sum set by resolution of the City Council. The deposit shall be retained by the City for the purpose of replacing the paving, curb or sidewalk until the work is

completed to the satisfaction of the director of public works. In the event of a disagreement of proper closing between the applicant and the director of public works, the City Council shall be the final authority on all matters under this ordinance. In addition to making the deposit set forth above, 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 the City Council.

ARTICLE III – SIDEWALKS

SECTION 5-301: DUTY OF PROPERTY OWNERS; LIABILITY

Every owner of any lot, lots or piece of land within the limits of this city shall keep and maintain the sidewalks along and contiguous to said lot, lots or pieces of land, as the case may be, in good and proper repair and in a condition reasonably safe for all travelers thereon. In case the owner or owners of any lot, lots or land abutting on any street or avenue or part thereof shall fail to construct or repair any sidewalk in front of his/her or their lot, lots or land within the time and in the manner as directed and required by this article after having received due notice to do so, they shall be liable for all damages and injury occasioned by reason of the defective or dangerous condition of any sidewalk, and the mayor and City Council shall have power to cause such sidewalks to be constructed or repaired and assess the cost thereof against such property. (Ref. Neb. Rev. Stat. §17-557.01)

SECTION 5-302: NEW SIDEWALK; NOTICE

1. The City Council may, by resolution, order the construction of a side-walk on any lot or piece of ground. Notice of the Council's intention to construct said sidewalk shall be given by the city clerk by publication of notice one time in a legal newspaper of general circulation in the City. A copy of said notice shall be personally served upon the occupant in possession of such property or, when personal service is not possible, shall be sent by first class mail to such premises ten days prior to the commencement of construction. Such service shall include a form of return evidencing personal service or mailing as herein required.

2. The notice required in this section shall be prepared by the city attorney in accordance with the provisions of this section. Said notice shall notify the owner of the premises of the passage of the resolution ordering him/her to construct or cause to be constructed a sidewalk within 30 days after the date of publication, and further, that if he/she fails to construct the sidewalk or cause the same to be done within the time allowed, the City will cause the sidewalk to be constructed and the cost thereof shall be levied and assessed as a special tax against the premises; provided, the notice shall contain the official estimate of the cost of said construction and no special assessment in excess of this estimate shall be assessed against the property.

3. 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 such property, send to the last known address of the non-resident property owner by certified mail, return receipt requested, a copy of any notice required by law to be published. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.
(Ref. Neb. Rev. Stat. §17-552, 17-523)

SECTION 5-303: REPAIRING SIDEWALK; NOTICE

Whenever the director of public works shall deem it necessary that any sidewalk shall be repaired, or it shall be required by the City Council or committee on streets and walks, he/she/they shall notify the owner of the lot or piece of land along and contiguous to which such sidewalk is situated to repair the same within 24 hours from and after the giving of such notice. Oral notice to the owner shall be deemed sufficient. If the owner is not found by the director of public works, then a written notice left in the house situated on such lot or piece of ground, or posted upon said premises, shall be sufficient, and the 24 hours shall begin to run from the leaving or posting of such notice.

SECTION 5-304: RECONSTRUCTING SIDEWALKS; NOTICE

Whenever the City Council shall deem it necessary that an old sidewalk be replaced or reconstructed, it shall order the same to be done and the director of public works shall give notice in the manner and form provided in Section 5-303 of this article, to replace or reconstruct the same within 30 days from and after such notice.

SECTION 5-305: FAILURE TO CONSTRUCT, RECONSTRUCT OR REPAIR

If any such owner shall neglect or refuse or shall have failed, after notice has been given as provided in this article, to construct, repair, replace or reconstruct any sidewalk within the time limit in the notice given in such case and whose duty it is made by this article to construct, repair or rebuild such walks, the director of public works or other officer empowered herein to act shall proceed at once to have such sidewalks constructed, repaired, rebuilt or reconstructed, as the case may be, without further notice to such owner or person; and the expense of such work shall be assessed to such lot or piece of land and collected as provided by law.

SECTION 5-306: CONSTRUCTION BY PETITION

1. If the owners of record representing more than 60% of the front footage of the directly abutting property subject to assessment for sidewalk improvements petition the City Council to make such improvements, the City Council shall proceed as though such construction had been ordered by it. Upon the petition of any freeholder 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 freeholder's making, executing and delivering to the City an agreement to the effect that (1) the petitioning freeholder will pay the engineering service fee; all other incidental construction costs until paid shall be a perpetual lien upon the real estate along which the freeholder desires such sidewalk to be constructed and (2) the petitioner gives and grants to the City the right to assess and levy the costs of such construction against the freeholder'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.

2. In the event the property owner is a non-resident of the county, the City shall, before levying any special assessment against such property, send to the last known address of the non-resident property owner by certified mail, return receipt requested, a copy of any notice required by law to be published. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.

SECTION 5-307: CONSTRUCTION BY OWNER

Any person desiring to construct, or cause to be constructed, any sidewalk shall do so only as herein provided. It shall be unlawful for any person to construct any sidewalk without first having obtained a permit. Said owner shall make application in writing for a permit and file such application in the office of the city clerk. The application shall give a description of the lot or piece of land along which the sidewalk is to be constructed. The City's director of public works shall issue the desired permit unless good cause shall appear why said permit should be denied; provided, if it is desired to construct the sidewalk at any other than the regularly prescribed location, grade or elevation, the director of public works shall submit the application to the City Council, which shall determine whether the permit should be granted or denied. It shall be unlawful for any person to construct, or cause to be constructed, said sidewalk at any other location, grade or elevation than so designated by the City. 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 director of public works.

SECTION 5-308: DUTY TO REMOVE SNOW, SLEET AND ICE; PENALTY

It shall be unlawful for the occupant of any lot or the owner of any vacant lot within the corporate limits to allow snow, sleet, mud, ice or other substance to accumulate or remain upon the sidewalks. In the event that the mayor, director of public works or city administrator declares that emergency conditions exist and prohibits parking along snow emergency routes, property owners or occupants of lots abutting such snow emergency routes or within the business district may scoop the snow from the sidewalks under their control into the street. All sidewalks shall be cleaned within 24 hours after the cessation of a storm. (Ref. Neb. Rev. Stat. §17-557)

SECTION 5-309: DUTY TO REMOVE BRANCHES AND SHRUBBERY; PENALTY

It shall be the duty of the occupant of each lot or parcel of ground in said city to keep the sidewalk adjacent thereto free from overhanging branches and limbs to a height of seven and one-half feet, and to keep such sidewalk free from encroaching hedges or shrubbery; and no tree, shrubbery or hedge shall be permitted closer than 18 inches to the sidewalk. It shall be the duty of the occupant of each lot or parcel of ground abutting on any intersection to trim and or remove any shrubbery or other obstacle which obstructs the view for a distance of ten feet from such intersection. Any such occupant or owner who fails to remove the overhanging branches and limbs or other encroachments within three days after receiving written notice to do so, upon conviction shall be fined in any sum not exceeding $500.00 and shall pay the costs of prosecution and the costs of the removal of such encroachments. (Ref. Neb. Rev. Stat. §17-557.01)

ARTICLE IV – CONSTRUCTION OF PRIVATE DRIVES

SECTION 5-401: APPLICATION FOR CONSTRUCTION OF PRIVATE DRIVE

Before any person, firm or corporation constructs a private drive onto any public street or alley, an application shall first be made to the city building inspector for a permit therefor. Such application shall be accompanied by a fee of $25.00 and shall be acted upon by the city building inspector as soon as practicable.

SECTION 5-402: APPLICATION REQUIREMENTS

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.

SECTION 5-403: ISSUANCE OF PERMIT

In the event that the city building inspector determines that such application is in due and proper form and that the same complies with this article, he/she shall issue a permit for construction of such requested driveway.

SECTION 5-404: PENALTIES

Any person, firm or corporation violating the terms of this article and who constructs a driveway onto a city street or alley without first securing a permit therefor shall be deemed guilty of a misdemeanor and shall be fined in a sum not to exceed $500.00, and each day's maintenance of the same shall constitute a separate offense.

ARTICLE V – PENAL PROVISION

SECTION 5-501: VIOLATION; PENALTY

Any and all persons violating any of the provisions of the several articles of this chapter for which penalty is not therein provided shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum of not more than $500.00 for each offense. Each day’s maintenance of the same shall constitute a separate offense.

CHAPTER VI – PUBLIC UTILITIES

ARTICLE I – UTILITIES GENERALLY

6-101 BILLING
6-102 DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE
6-103 LIEN
6-104 DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE
6-105 DIVERSION OF SERVICES; PENALTY

ARTICLE II – WATER DEPARTMENT

6-201 OPERATIONS AND FUNDING
6-202 TERMS DEFINED
6-203 CONSUMER'S APPLICATION
6-204 WATER CONTRACT
6-205 INSTALLATION PROCEDURE
6-206 INSTALLATION EXPENSE

6-207 MAINTENANCE AND REPAIRS
6-208 RATES
6-209 METER READING
6-210 OPTION FOR NON-USE
6-211 PROHIBITION OF LEAD PIPES, SOLDER AND FLUX
6-212 SINGLE PREMISES
6-213 RESTRICTED USE
6-214 FIRE HYDRANTS
6-215 WATER SERVICE CONTRACTS; NOT TRANSFERABLE
6-216 INSPECTION
6-217 DESTRUCTION OF PROPERTY
6-218 POLLUTION
6-219 MANDATORY HOOKUP
6-220 WELLHEAD PROTECTION AREA; DEFINITIONS
6-221 WELLHEAD PROTECTION AREA; DESIGNATION
6-222 WELLHEAD PROTECTION; DISTANCE OF CERTAIN STRUCTURES AND ACTIVITIES FROM WELLS
6-223 WELLHEAD PROTECTION; DEFINITION OF WATER WELL
6-224 WELLHEAD PROTECTION; AUTHORITY IN RELATION TO OTHER REGULATIONS OR ORDINANCES
6-225 WELLHEAD PROTECTION; EXISTING WELLS
6-226 WELLHEAD PROTECTION; PENALTIES AND ABATEMENT PROCEDURE
6-227 BACKFLOW REGULATIONS; DEFINITIONS
6-228 BACKFLOW REGULATIONS; RESPONSIBILITY
6-229 BACKFLOW REGULATIONS; PROHIBITED ACTS
6-230 BACKFLOW REGULATIONS; SURVEYS AND INVESTIGATIONS
6-231 BACKFLOW REGULATIONS; WHERE PROTECTION IS REQUIRED
6-232 BACKFLOW REGULATIONS; TYPE OF PROTECTION REQUIRED
6-233 BACKFLOW REGULATIONS; BACKFLOW PREVENTION DEVICES
6-234 BACKFLOW REGULATIONS; BOOSTER PUMPS
6-235 BACKFLOW REGULATIONS; YARD HYDRANTS
6-236 BACKFLOW REGULATIONS; FIRE SUPPRESSION SYSTEMS
6-237 BACKFLOW REGULATIONS; VIOLATIONS
6-238 BACKFLOW REGULATIONS; APPROVAL STANDARDS
6-239 BACKFLOW REGULATIONS; VIOLATION, PENALTY
6-240 BACKFLOW REGULATIONS; ABATEMENT OF NUISANCE
6-241 LICENSED PLUMBER
6-242 FIRE MAINS

ARTICLE III – SEWER DEPARTMENT

6-301 OPERATION AND FUNDING
6-302 SEWER CONTRACT
6-303 SEWER USE RATES; COLLECTION
6-304 SERVICE CONTRACTS
6-305 UNLAWFUL DEPOSIT OF WASTES
6-306 UNLAWFUL DISCHARGE OF WASTES
6-307 UNLAWFUL USE
6-308 PRIVIES, CESSPOOLS, SEPTIC TANKS
6-309 MANDATORY HOOKUP

6-310 INSTALLATION EXPENSE
6-311 AIR CONDITIONING UNITS, COOLING SYSTEMS; DISCHARGE FROM
6-312 INSTALLATION; PERMIT REQUIRED
6-313 SINGLE PREMISES
6-314 UNLAWFUL CONNECTION
6-315 INSPECTIONS
6-316 EXCAVATIONS
6-317 DESTRUCTION OF PROPERTY
6-318 SERVICE TO NON-RESIDENTS
6-319 REPAIR AND REPLACEMENT
6-320 LICENSED PLUMBER
6-321 PLUMBER'S LIABILITY

ARTICLE IV – SOLID WASTE

6-401 DEFINITIONS
6-402 COLLECTION SERVICE; FEES
6-403 PROHIBITED ACCUMULATION AND DISPOSAL
6-404 CONTAINERS
6-405 ADDITIONAL CONTAINERS
6-406 DEAD ANIMALS
6-407 TRANSFER STATION GROUNDS; MUNICIPAL DUMPSTERS

ARTICLE V -– ELECTRICAL SYSTEM

6-501 OWNERSHIP
6-502 CONSUMER'S APPLICATION
6-503 LICENSED ELECTRICIAN
6-504 INSTALLATION EXPENSE
6-505 METERS
6-506 FEES AND COLLECTIONS
6-507 MINIMUM RATES
6-508 CLASSIFICATION
6-509 RESTRICTED USE
6-510 ELECTRICAL SERVICE CONTRACTS
6-511 POSTING SIGNS
6-512 TRIMMING TREES
6-513 INSPECTIONS
6-514 DESTRUCTION OF PROPERTY

ARTICLE VI – PENAL PROVISION

6-601 VIOLATION; PENALTY

CHAPTER VI – PUBLIC UTILITIES

ARTICLE I – UTILITIES GENERALLY

SECTION 6-101: BILLING

Utility bills shall be a joint bill for all utilities and shall be due and payable monthly at the office of the city clerk. It shall be the duty of the city clerk to compute or cause to be computed a joint utility bill by the end of each month based on the current utility rates

established by the City Council. Such joint bills shall be mailed as close to the first day of each month as possible. Bills shall be due upon receipt and shall be deemed delinquent if not paid by the 15th day of the month. If a joint bill is not paid by the 15th day of the month, a delinquent penalty charge of 10% of the bill, not to exceed $50.00, shall be assessed in addition to the billed charge. (Ref. Neb. Rev. Stat. §17-537, 18-503, 19-1404)

SECTION 6-102: DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE

1. The City shall have the right to discontinue services and remove its meters and other appurtenances if the charges for such services are not paid within 7 business days after the 15th of each month. The city clerk shall send by first class mail a notice of disconnection of service to the utility user on the first business day after the 15th of the month by registered mail. Service shall not be discontinued for at least seven days, weekends and holidays excluded, after such notice of disconnect is sent to the utility user. As to any subscriber who has previously been identified to the City as a client of the Nebraska Department of Social Services, such notice shall be by first class mail and notice of such proposed termination shall be given to Social Services.

2. The notice shall contain the following information:

A. The reason for the proposed disconnection.

B. 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.

C. The date upon which service will be disconnected if the domestic subscriber does not take appropriate action.

D. The name, address and telephone number of the employee or department to whom the domestic subscriber may address an inquiry or complaint.

E. The domestic subscriber's right, prior to the disconnection date, to request a conference regarding any dispute over such proposed disconnection.

F. A statement that the City may not disconnect service pending the conclusion of the conference.

G. A statement to the effect that disconnection may be postponed or prevented upon presentation of a duly licensed physician's certificate certifying 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's service to that household. Such certificate shall be filed with the city clerk within five days of receiving notice under this section and will prevent the disconnection of the utility services for a period of 30 days from such filing. Only one postponement of disconnection shall be allowed under this subsection for each incidence of non-payment of any due account.

H. The cost that will be borne by the domestic subscriber for a restoration of service.

I. A statement that the domestic subscriber may arrange with the City for an installment payment plan.

J. A statement to the effect that any domestic subscriber who is a client of Social Services may qualify for assistance in payment of the utility bill and that the subscriber should contact his/her caseworker in that regard.

K. Any additional information not inconsistent with this section which has received prior approval from the City Council.

3. A domestic subscriber may dispute the proposed discontinuance of service by notifying the city clerk 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 utility may discontinue services. The mayor, city administrator/clerk and director of public works shall constitute a committee to hear such dispute. Such conference shall be conducted at the council meeting room and minutes shall be kept of such resolution conference. At the conclusion of the conference, the committee shall render its decision and shall so notify the utility customer. In the event the utility customer is dissatisfied with such decision, he/she shall have the right to appeal such decision to a court of competent jurisdiction for further review.

4. This section shall not apply to any disconnection or interruptions of service made necessary by the utility for reasons of repair or maintenance or to protect the health or safety of any domestic subscriber or of the general public.
(Ref. Neb. Rev. Stat. §7-1605 et seq.)

SECTION 6-103: LIEN

In addition to all other remedies, if a consumer shall for any reason remain indebted to the City for utility 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 used. 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 30 days or more delinquent in the payment of utility rent. It shall be the duty of the city clerk on July 1 of each year to report to the City Council a list of all unpaid accounts due for utilities, together with a description of the premises upon which the same was used. The report shall be examined, and if approved by the City 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.

SECTION 6-104: DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE

1. Any person who connects any pipe or conduit supplying water, without the knowledge and consent of the City, in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without passing through the meter provided for measuring or registering the amount or quantity passing through it, and any person who knowingly uses or knowingly permits the use of water obtained in the above-mentioned unauthorized ways, shall be deemed guilty of an offense.

2. 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 of water passing through it without the knowledge and consent of the City shall be deemed guilty of an offense.

3. When water service has been disconnected pursuant to Neb. Rev. Stat. §70-1601 to 70-1615 or Section 6-102 of this Code, any person who reconnects such service without the knowledge and consent of the City shall be deemed guilty of an offense.

4. Proof of the existence of any pipe or conduit connection or reconnection or of any injury, alteration or obstruction of a meter, as provided in this section, shall be taken as prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration or obstruction is proved to exist.
(Ref. Neb. Rev. Stat. §86-329 through 86-331)

SECTION 6-105: DIVERSION OF SERVICES; PENALTY

1. The City may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets or attempts (A) bypassing, (B) tampering or (C) unauthorized metering when any 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.

2. 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:

A. The amount of actual damage or loss if the amount of the damage or loss is susceptible to reasonable calculation; or

B. Liquidated damages or $750.00 if the amount of actual damage or loss is not susceptible to reasonable calculation.

3. In addition to damage or loss under subdivision 1 or 2 of this section, 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 fees in cases within the scope of Neb. Rev. Stat. §25-1801.

4. 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 (A) 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 (B) 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.

5. 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.

6. 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.
(Ref. Neb. Rev. Stat. §86-331.01 through 86-331.04)

ARTICLE II – WATER DEPARTMENT

SECTION 6-201: OPERATIONS AND FUNDING

The City owns and operates the Water Department through the director of public works. The City Council, for the purpose of defraying the cost, 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. The director of public works shall have the direct management and control of the Water Department and shall have the authority to make rules and regulations for the sanitary and efficient management of the said Department, subject to the supervision and review of the 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 at any reasonable time. (Ref. Neb. Rev. Stat. §17-531, 17-534, 19-1305)

SECTION 6-202: TERMS DEFINED

The following definitions shall be applied throughout this article. 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 disbursing the same, in the City.

"Separate premises" is hereby defined to mean that only one consumer shall procure water from the same service or supply pipe. Any other property using the same service or supply pipe is to be a considered a separate premises for billing and installation of a separate water meter.

"Service pipes" shall mean 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 disbursed.

"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 6-203: CONSUMER'S APPLICATION

Every person desiring a supply of water must make application therefor to the city clerk upon the form to be furnished by him/her for that purpose. The applicant shall be required to accompany his/her application with a fee which shall be set from time to time by resolution of the City Council. Water may not be supplied to any house or private service pipe except upon the order of the director of public works. The City shall not supply water service to any person outside the corporate limits without special permission from the City Council; provided, the entire cost of laying mains, service pipe and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the City to provide water service to non-residents.

SECTION 6-204: WATER CONTRACT

1. The City, through its water system, 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. The City may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a city commercial main is now or may hereafter be laid, and may also furnish water to persons whose premises are situated outside the corporate limits of the City as and when, according to law, the City Council may see fit to do so.

2. The rules, regulations and water rates hereinafter named in this article shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant, or the use of water by any present consumer and the furnishing of water 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 director of public works or his/her agent may cut off or disconnect the water service form the building or premises or place of such violation. No further connection for water service to said building, premises or place shall again be made, save or except by order of said director of public works or his/her agent.
(Ref. Neb. Rev. Stat. §17-537)

SECTION 6-205: INSTALLATION PROCEDURE

1. In making excavations in streets, alleys or sidewalks for the purpose of installing pipe or making repairs, the paving, stones and earth must be removed and deposited in a manner that will occasion the least inconvenience 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. 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 director of public works shall have the duty to finish or correct the work and all expenses so incurred shall be charged to the consumer.

2. All installations or repairs of pipes require two inspections by the director of public works. The first inspection shall be made when connections or repairs are completed and before the pipes are covered. The second inspection shall be made after the dirt work is completed and the service is restored. It is the consumer's responsibility to notify the director of public works 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 by the director of public works, provided that said rules, regulations and specifications have been reviewed and approved by the City Council.
(Ref. Neb. Rev. Stat. §17-537)

SECTION 6-206: INSTALLATION EXPENSE

1. The expense of digging all trenches from the water main to the point of distribution shall be paid by the consumer. The City shall tap the main and charge the consumer a hookup charge according to the type and size of the pipe installed. Such fee shall be set by resolution of the City Council and on file at the office of the clerk. It shall be unlawful for any other person to tap a water main. The City shall then provide and install pipe to the meter pit. The City shall provide the meter at the customer’s expense and shall require the consumer to pay a deposit which shall be credited to the Water Meter Deposit Fund. Said fund shall be managed, invested and disbursed as a trust fund by the city treasurer. If a water meter becomes defective, the City will replace such meter at no cost to the

consumer.

2. If commercial mains are not laid along the street abutting applicant's property, applicant at his/her own expense shall install pipe, trenching and attachments to bring water service from a point in the street where the commercial main is laid to and upon applicant's premises, subject to the 150 ft. clause as set forth below. Commercial mains may be extended into unsupplied territory within the corporate limits by means of water extension districts. No permit shall be granted to any person to make connections with a water main of the City, other than a water main within a water district in which the property proposed to be connected is situated, until the owner or owners of said property shall have filed a written petition for such privilege with the City Council, platting and describing the piece of land for which such connection and water privilege is desired and designating the point in the water main at and with which such connection is desired. The City Council, by a two-thirds vote and with the approval of the mayor, may authorize such connection and fix the amount of money to be paid by said applicant to the city clerk for such privilege. Said fee shall be determined in each case by the City Council upon the basis of the probable cost and special assessment to be apportioned to and assessed against the real property described in the petition for the construction of a water main within the water district created to include and accommodate the said property.

3. The water main shall be on such lines and levels and have such capacity and equipment as may be found necessary to conform to the general plans and purposes of the water system of the City. No connection with any of the mains or pipes within said tract shall be permitted with any property outside thereof without further application and further action of the City Council in the same manner as above described and set out; provided that any part of such real properties extending beyond a depth of 150 ft. from the street line of the street in which such abutting water main is situated shall not be included in this exemption, but shall be subject of the operation of the foregoing assessment provisions for water extension districts; and provided further, that water privileges extended under the foregoing provisions shall be exercised and enjoyed on payment of the same rates for water consumed and under the same rules and regulations as are provided generally for any consumer of water furnished by the City.

4. The fee as determined by the City Council shall be paid into the city treasury to the credit and for the use of the Water Fund. The clerk shall issue a certificate therefor, describing the real property for which the same was issued, which said certificate shall thereafter be receivable at its face value by the city clerk for any special water district assessment which may be assessed against the real property described therein, for the payment of the cost of constructing any water main in any water district which may be created to include said real property. If the face value of said certificate shall exceed the amount of such special tax when so determined and levied against the property therein described, the City Council, on a proper showing of the facts, may allow and pay a properly verified claim for such excess to the party entitled to receive the same.

SECTION 6-207: MAINTENANCE AND REPAIRS

The director of public works or his/her agents shall have the exclusive power to repair and test all meters, and all said tests shall be made by the director of public works or his/her agents at the expense of the City. If the meter is beyond repair, the director of public works shall replace said meter on the same terms and conditions as when the meter was first installed. Upon the refusal of the owner to pay for any repairs or install a new meter, the water shall be shut off and not turned on again until all charges and penalties are paid. The consumer shall have the right to have his/her water meter tested by the director of public works any reasonable number of times if the consumer has reason

to believe that his/her meter is registering inaccurately. If any leak or break occurs in a water pipe, the director of public works shall shut off the water on the premises until said leak or break is repaired by the consumer at the consumer's expense.

SECTION 6-208: RATES

All property upon which any building has been or may be hereafter erected having a connection with any mains or pipes which are or may be hereafter constructed and used in connection with the city waterworks system shall pay such rates and service fees as the mayor and City Council may from time to time set by resolution. (Am. by Ord. No. 11-07-03, 11/12/07)

SECTION 6-209: METER READING

All water meters shall be read at least one time each month. The director of public works shall read, or cause to be read, the said meters between the 20th day of the month and the first day of the succeeding month. In the event that a meter is broken or otherwise fails to register accurately the use of water by any consumer, the clerk shall use the monthly consumption during the same month of the preceding year; provided, if no such basis for comparison exists, then the consumer shall be charged such amount as may be reasonably fixed by the clerk and the director of public works.

SECTION 6-210: OPTION FOR NON-USE

Should any consumer choose not to use the water service offered by the City, he/she shall, by written order, direct the director of public works to shut off the water at the stop box, in which case he/she shall not be liable thereafter for water rental until the water is turned on again by written order. (Am. by Ord. No. 11-07-04, 11/12/07)

SECTION 6-211: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

1. Any pipe, solders or flux used in the installation or repair of any residential or non-residential facility 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 8% lead.

2. All new lines shall have check valves installed, and such installation shall be inspected and approved by the director of public works, who shall have the authority to refuse to turn on the city water on any premises until the plumbing has been made to comply with all statutory sections.
(Ref. Neb. Rev. Stat. §71-5301)

SECTION 6-212: SINGLE PREMISES

No consumer shall supply water to other families or allow them to take water from his premises, nor shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premises for alteration, extension or attachment after water is supplied into a building without the written permission of the director of public works.

SECTION 6-213: RESTRICTED USE

The City Council or the director of public works 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 or other

good and sufficient cause. The City shall not 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 when there is a shortage of water due to circumstances over which the City has no control. (Ref. Neb. Rev. Stat. §17-537)

SECTION 6-214: FIRE HYDRANTS

All hydrants for the purpose of extinguishing fires, other than those identified in the following subsection, are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the Fire Department or the city Water Department to open or attempt to open any public or private hydrant and draw water from the same or in any manner to interfere with the hydrants. Any person doing so or attempting to do so may be prosecuted as provided by law.

SECTION 6-215: WATER SERVICE CONTRACTS, NOT TRANSFERABLE

Contracts for water 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 is destroyed by fire or other casualty, he/she shall at once inform the director of public works, who shall cause the water service to be shut off from the said premises. If the consumer should fail to give such notice, he/she shall be charged for all water used on the said premises until the director of public works is otherwise advised of such circumstances.

SECTION 6-216: INSPECTION

The director of public works or his/her duly authorized agents shall have free access at any reasonable time to all parts of each premises and building to or in which water is delivered for the purpose of examining the pipes, fixtures and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water. (Ref. Neb. Rev. Stat. §17-537)

SECTION 6-217: DESTRUCTION OF PROPERTY

It shall be unlawful for any person to willfully or carelessly break, injure or deface any building, machinery, apparatus, fixture, attachment or appurtenance of the Water Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above-mentioned property without the written permission of the director of public works.

SECTION 6-218: POLLUTION

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Water Department.

SECTION 6-219: MANDATORY HOOKUP

All persons whose property is within 300 feet of a water main shall be required, upon notice of the City Council, to hook up with the city water system.

SECTION 6-220: WELLHEAD PROTECTION AREA; DEFINITIONS

“Wellhead Protection Area” means the surface and subsurface area surrounding a water

well or wellfield supplying a public water system through which contaminants are reasonably likely to move toward and reach such water or wellfield.

SECTION 6-221: WELLHEAD PROTECTION AREA; DESIGNATION

The City designates a Wellhead Protection Area for the purpose of protecting the public water supply system. The territory within the Wellhead Protection Area is all the land described below:

1. All of Sections 3, 4, 5, 6, 7, 8, 9, 10, 15, 16, 17 and 18, Township 6 North, Range 38 West of the 6th P.M.;

2. All of Sections 1, 12 and 13, Township 6 North, Range 39 West of the 6th P.M.;

3. All of Sections 19, 20, 21, 28, 29, 30, 31, 32, and 33, Township 7 North, Range 38 West of the 6th P.M.;

4. All of Sections 24, 25, and 36, Township 7 North, Range 39 West of the 6th P.M.;

all in Chase County, Nebraska.

SECTION 6-222: WELLHEAD PROTECTION; DISTANCE OF CERTAIN STRUCTURES AND ACTIVITIES FROM WELLS

1. It shall be unlawful to place, maintain, construct, or replace any of the following structures or conduct any of the following activities within the distances specified below from an existing municipal water well:

Potable water well	1,000 feet
Sewage lagoon	1,000 feet
Cesspool	500 feet
Dump	500 feet
Feedlot or feedlot runoff	500 feet
Livestock pasture or corral	500 feet
Chemical product storage facility	500 feet
Petroleum product storage facility	500 feet
Pit toilet	500 feet
Sanitary landfill	500 feet
Septic tank	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet
Absorption or disposal field for waste	500 feet

2. An application shall be first filed with the City showing the type of water well to be installed, the materials used, the operation of the proposed unit, and the person responsible for the actual installation of the water well. Preference for approval will be given to installations that do not disturb any water-bearing strata.

3. The City shall refer the application to its engineer for evaluation and report. The estimated cost of the engineer's fees must be paid by the applicant at the time of filing the application. Any additional costs which are reasonably incurred by the engineer in making his examination and report shall also be paid by the applicant.

4. The City Council shall consider the engineer's report and any additional information including that submitted by the applicant. In reaching its decision on whether to allow the placement of the water well, the City Council must act to prevent all sources of possible or likely water contamination.

5. If the City Council approves the installation, it shall submit the application, together with the engineer's report, to the Nebraska Department of Health for final approval or denial.

6. No installation shall be made without the approval of both the City Council and the Nebraska Department of Health.

SECTION 6-223: WELLHEAD PROTECTION; DEFINITION OF WATER WELL

For purposes of this article, "water well" shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed for the purpose of exploring for or monitoring ground water, utilizing the geothermal properties of the ground or extracting water from or injecting water into the underground water reservoir. "Water well" shall not include any excavation made for obtaining or prospecting for oil, natural gas, minerals or products mined or quarried or inserting media to re-pressure oil or natural gas-bearing formations.

SECTION 6-224: WELLHEAD PROTECTION; AUTHORITY IN RELATION TO OTHER REGULATIONS OR ORDINANCES

The provisions of these Wellhead Protection regulations shall supersede any land use regulation that allows the installation of a potential contaminant source on a parcel of land. Nothing in this section shall be construed to allow the installation of any category of contamination source that is restricted or prohibited by any federal, state or local law, statute, regulation or ordinance.

SECTION 6-225: WELLHEAD PROTECTION; EXISTING WELLS

Water wells in existence and use at the effective date of this article shall continue to be permitted unless such continued existence or use presents a hazard to the quality or quantity of the City's drinking water available for public use. The owner of any water well shall have the burden of establishing the existence and use of such well at the time of the effective date of this article.

SECTION 6-226: WELLHEAD PROTECTION; PENALTIES AND ABATEMENT PROCEDURE

In the event any of the above-described facilities are installed or operated without first having obtained a permit from the City and/or within the designated number of feet from any municipal water supply, then such facilities shall be deemed a nuisance and the City Council may abate such facility as a public nuisance. The City may request injunctive relief and sue for damages and remediation in the proper courts. In addition, any person violating any of the terms of this article may be charged with a Class III misdemeanor as the same is defined by Nebraska statute. The penalty for such violation shall be that as defined by Nebraska law for the violation of a Class III misdemeanor. The continuation of a violation shall be deemed an additional crime for every 24 hours of such continued violation.

SECTION 6-227: BACKFLOW REGULATIONS; DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of these regulations:

"Air gap separation" shall mean the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of the receptacle. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the receptacle and in no case less than one inch.

"Anti-siphon vacuum breaker" is a device which restricts the backflow of water into a potable water system by a simple check valve. The vacuum is broken by allowing air to enter upstream of the check valve.

"Approved" means that a backflow prevention device or method has been accepted by the public works commissioner as suitable for the intended use.

"Auxiliary water system" means any water supply system available to the premises other than the public water supply system and includes the water supplied by such system. These auxiliary water systems may include water from another owner's public water supply system, polluted or contaminated water, process fluids, used water or other sources of water over which the City does not have sanitary control.

"Backflow" or "backsiphonage" means the flow of water or other liquids, mixtures or substances into the water distribution system from any other source than the intended source of the potable water supply.

"Backflow prevention device" means any device, method or type of construction intended to prevent backflow into a potable water system. Devices such as an approved air gap, double check valve assembly, anti-siphon vacuum breaker or a reduced pressure principle device can be used. These devices must have been approved by the public works commissioner.

"Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water supply system.

"Consumer's water supply system" means any water supply system located on the consumer's premises supplied by or in any manner connected to a public water supply system. A household plumbing system is considered to be a consumer's water supply system. A fire suppression system is also considered to be a consumer's water supply system.

"Contamination" means an impairment of water quality by sewage or waste to a degree which could cause an actual hazard to the public health through poisoning or through spread of disease by exposure.

"Cross-connection" means any arrangement whereby contamination due to backflow or backsiphonage can occur.

"Degree of hazard" is a term derived from an evaluation of the potential risk to health and the adverse effects upon the potable water system.

"Double check-valve assembly" means an assembly composed of two single, independently acting check valves including 100% closing shutoff ball valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve.

"Health hazard" means any condition, device or practice in a water system or its operation that creates a real or potential danger to the health and well-being of the consumer.

"Interchangeable connection" means an arrangement or device that will allow alternate but not simultaneous uses of two sources of water.

"Licensed plumber" means a person who has obtained the appropriate permit from the City Council to perform plumbing-related work within the city limits.

"Non-potable water" means water not safe for drinking or personal or culinary use or which does not meet the requirements of the Nebraska Department of Health.

"Owner" means the entity delivering water through the public water supply system. The owner is the City of Imperial operating through the public works commissioner.

"Plumbing hazard" means a plumbing cross-connection in a consumer's potable water system that has not been properly protected by air gap separation or backflow prevention devices.

"Pollution" means the presence in water of any foreign substances (organic, inorganic, or biological) that degrade the quality of water to a degree which does not necessarily cause an actual hazard to the public health but which does adversely and unreasonably affect such waters for any desired use.

"Pollution hazard" means a condition through which an aesthetically objectionable or degrading material not dangerous to health may enter the public water supply system or the consumer's water supply system.

"Potable water" means water which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Nebraska Department of Health.

"Public water supply system" means a water supply system designed and intended to provide potable water to a designated consumer. The water supply shall include the water supply source and distribution piping network. "Water supply source" is defined as any artificial or natural accumulation of water used to supply the potable water system. The distribution piping network includes all piping, pumping and treatment devices used to convey an adequate quality and quantity of potable water to the consumer.

"Reduced pressure zone backflow prevention device" means a device containing a minimum of two independently acting check valves together with an automatically operated pressure differential relief valve located between two check valves. During normal flow and at the cessation of normal flow, the pressure between these two checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. The unit must include 100% closing shutoff ball valves located at each end of the device, and each device shall be fitted with properly located test cocks.

"Service connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service line, then the service connection means the downstream end of the meter.

"System hazard" means a condition posing an actual or potential threat of damage to the physical properties of the public's or the consumer's water supply system.

"Used water" means any water supplied by the public water supply system to a consumer's water supply system after it has passed through the service connection and is no longer under the sanitary control of the water supplier.

SECTION 6-228: BACKFLOW REGULATIONS; RESPONSIBILITY

The consumer, if requested by the inspector, shall designate an individual or individuals who shall be responsible for contact and communications with the inspector in matters relating to system alteration and construction, monitoring and sampling, maintenance, operation, record keeping and reporting, as required by law and these regulations. Any change in assigned responsibilities or designated individuals shall be promptly reported to the inspector.

SECTION 6-229: BACKFLOW REGULATIONS; PROHIBITED ACTS

1. The purpose of these regulations is to protect the public water supply system of the City of Imperial from the possibility of contamination by isolating real or potential sources of contamination or pollution which may backflow into the public water supply system. These regulations provide for the maintenance of a continuing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the potable water supply system.

2. The director of public works shall be responsible for the implementation of the backflow prevention program as outlined within these regulations. If an approved backflow prevention device is required for the safety of the public water supply system, he/she shall give notice in writing to the consumer to install said device at each recommended location. Each device shall be inspected and tested to ensure proper operation prior to being charged and put into service. The costs for purchasing, installing and maintaining a backflow prevention device shall be the responsibility and sole expense of the consumer. Annual testing shall be performed by a certified backflow operator. All tests and inspections shall be given immediately to the director of public works. If maintenance or repairs are necessary, the owner shall be contacted and given 30 days to complete all necessary repairs. If repairs are not completed, the owner shall be considered in violation of this article and will be subject to disconnection of water service as provided in this article.

3. No person shall install or maintain a water service connection containing such cross-connections to a public water supply system unless the cross-connections are abated or controlled in accordance with this article and as required by the laws and regulations of the Nebraska Department of Health.

SECTION 6-230: BACKFLOW REGULATIONS; SURVEYS AND INVESTIGATIONS

1. It shall be the responsibility of the water consumer to conduct, or cause to be conducted, periodic surveys of water use practices on his/her premises as necessary to determine whether there are actual or potential cross-connections in the consumer’s wa-

ter supply system. The director of public works shall have the authority, as often as determined by him/her, to conduct or cause to be conducted periodic surveys and investigations of water use practices within a consumer's premises to determine whether there are actual or potential cross-connections to the consumer's water supply system through which contaminants or pollutants could backflow into the public water supply system. The director may conduct these surveys to provide information in determining what level of protection will be necessary to protect the public health and safety.

2. On request by the director of public works, the consumer shall furnish information on water use practices within his/her premises. If the consumer refuses to submit the proper information or to cooperate in obtaining the proper information, the director shall treat the premises as if no appropriate cross-connection survey has been completed, and in such event the consumer shall be required to install an approved backflow prevention device.

3. The director shall have the right to enter a premises served by the public water supply system at all reasonable times for the purpose of making surveys and investigations of water use practices within the premises. In order to inspect any premises, the director shall give notice setting forth a proposed date and time. In the event that such proposed date and time is inconvenient, the consumer shall contact the director and arrange for another date and time for the inspection. If the director and the consumer cannot agree on a date and time, the director shall treat the premises as if no appropriate cross-connection survey has been completed, and in such event the consumer shall be required to install an approved backflow prevention device as required by this article.

4. The City Council will act as a Hearing Board to hear differences between the director and the consumer on matters concerning interpretation and execution of the provisions of this ordinance by the director. Any consumer aggrieved by being required to pay the expense of installing, furnishing, and/or maintaining a backflow prevention device may request in writing a hearing to present those grievances to the Hearing Board within 14 days of the act or event causing the grievance. The Hearing Board shall schedule the matter for hearing within 30 days and provide written notice of the meeting by first class mail to the consumer. The notice shall be mailed to the consumer at least seven and not more than 21 days before the hearing. At the hearing, the consumer shall first state the nature of the grievance and the director of public works shall be entitled to respond thereto, whereupon the Hearing Board shall render its decision, which will be binding upon the consumer and the director.

SECTION 6-231: BACKFLOW REGULATIONS; WHERE PROTECTION IS REQUIRED

1. An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the public works commissioner a health, plumbing, pollution or system hazard exists.

2. An approved backflow prevention device shall be installed when the following conditions are found by the public works commissioner to exist:

A. Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the sanitary control of the owner;

B. Premises having internal cross-connections that, in the judgment of the public works commissioner, are not correctable, or there exist intricate plumbing arrangements which make it impracticable to determine whether or not cross-connections exist;

C. Premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete cross-connection survey;

D. Premises having a repeated history of cross-connections being established or re-established;

E. Premises having more than one customer service connection, which could constitute a potential cross-connection.

3. An approved backflow prevention device shall be installed on each service line to a customer's water supply system serving the following types of facilities, unless the public works commissioner determines that no health, pollution or system hazard to the public water supply system exists:

A. Hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings.
B. Testing laboratories, film laboratories, film development facilities.
C. Sewage treatment plants, sewage pumping stations, or storm water pumping stations.
D. Food or beverage processing plants.
E. Chemical plants.
F. Metal de-greasing, plating industries, machine tool plants, die and metal processing or productions.
G. Chemical and petroleum processing or storage plants.
H. Car washes, automobile servicing facilities.
I. Lawn irrigation systems and swimming pools.
J. Laundries and dry cleaners.
K. Packing houses.
L. Power plants.
M. Premises having radioactive materials such as laboratories, industries, hospitals.
N. Rendering plants.
O. Premises having a water recirculating system as used for boilers or cooling systems.
P. Veterinary establishments, kennels, feedyards, stables, rodeo grounds, stockyards, pet grooming salons.
Q. Beauty salons, barbershops, massage parlors, health clubs.
R. Fire suppression systems.
S. Multi-storied buildings greater than three stories in height.
T. Schools, universities, colleges.
U. Other commercial or industrial facilities which may constitute potential cross-connection sites.

SECTION 6-232: BACKFLOW REGULATIONS; TYPE OF PROTECTION REQUIRED

1. The type of protection required under this article shall depend on the degree of

hazard that exists, as follows:

A. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where a public water supply system may be contaminated with any substance that could cause a system hazard or health hazard.

B. An approved double check valve assembly shall be installed where a public water supply system may be contaminated with any substance that could cause a pollution hazard.

C. An approved reduced pressure principle backflow prevention device shall be installed at the service connection where a plumbing hazard exists.

D. In the case of any premises where, because of security requirements or other prohibitions, it is impossible or impractical to make a complete cross-connection survey of the consumer's potable water system, a reduced pressure principle backflow prevention device shall be installed at the service connection.

2. An approved anti-siphon vacuum breaker may be used as a backflow prevention device where it is not subjected to back pressures. This device shall not be used for applications where water flow is expected to be continuous for 12 or more hours. The device shall be installed ahead of the potential source of contamination on the discharge side of the last control valve. It shall be placed at the least 6" above the highest point reached by any water passing through the potential source of contamination. Typically this type of device is used for such equipment as lawn sprinklers, water-cooled compressors or other water-cooled equipment.

SECTION 6-233: BACKFLOW REGULATIONS; BACKFLOW PREVENTION DEVICES

1. Any approved backflow prevention device required by this article shall be installed at a location and in a manner approved by the director of public works. The consumer, at his/her sole expense, shall obtain and install said approved backflow prevention device within 90 days of notice and as directed by the said director of public works.

2. Existing backflow prevention devices approved by the director of public works prior to the effective date of this rule and which are properly maintained shall, except for inspection, testing and maintenance requirements, be excluded from the requirements of this article, but only if the director determines that the devices will satisfactorily protect the public water supply system. If deemed necessary for proper testing by the director, 100% closing shutoff ball valves for testing shall be provided on existing backflow prevention devices. If the director determines that an existing backflow prevention device requires replacement, it shall be replaced with an approved backflow prevention device.

SECTION 6-234: BACKFLOW REGULATIONS; BOOSTER PUMPS

No person shall install or maintain a water service connection to any premises where a booster pump has been installed on the service line to or within such premises unless such booster pump is equipped with a low pressure cutoff designed to shut off the booster pump when the pressure in the service line on the suction side of the pump drops to 20 pounds per square inch gauge or less. It shall be the duty of the water consumer to maintain the low pressure cutoff device in proper working order.

SECTION 6-235: BACKFLOW REGULATIONS; YARD HYDRANTS

Yard hydrants or hose bibbs which might be used by any consumer to provide water to mix pesticides, fertilizer or other chemicals for direct use or aerial application to surface areas shall be equipped with an anti-siphon vacuum breaker.

SECTION 6-236: BACKFLOW REGULATIONS; FIRE SUPPRESSION SYSTEMS

1. All proposed installations of fire suppression systems shall be reviewed by the director of public works to determine the appropriate type of backflow prevention device(s) required.

2. All proposed fire suppression systems requiring an antifreeze solution shall use pharmaceutical-grade antifreeze. The consumer shall provide to the director of public works a certification identifying the type of pharmaceutical-grade antifreeze which will be used. A double check valve backflow prevention device shall be installed in an approved manner.

3. A double check valve of an approved type shall be installed on all proposed fire suppression systems not utilizing antifreeze, but this may be done only when there are no other cross-connections.

4. All existing fire suppression systems shall meet the requirements of subsections 2 and 3 above, whichever applies. An inspection by a certified fire suppression specialist shall be done to determine whether pharmaceutical-grade antifreeze has been utilized. This shall be done at the expense of the consumer. If it cannot be certified that only pharmaceutical-grade antifreeze has been used, then a reduced pressure principle backflow prevention device shall be installed as approved by the director of public works. This also shall be done at the expense of the consumer.

5. In the event cross-connections, such as those found in using auxiliary water supply systems or in providing other water additives such as foaming agents, are necessary for the proper operation of the fire suppression system, then a reduced pressure zone backflow prevention device shall be installed in an approved manner.

SECTION 6-237: BACKFLOW REGULATIONS; VIOLATIONS

1. The director of public works shall deny or discontinue the water service to any premises, after notice to the consumer thereof, wherein:

A. Any backflow prevention device required by these regulations is not installed or maintained in a manner acceptable to the director of public works.
B. It is found that the backflow prevention device has been removed or bypassed.
C. An unprotected cross-connection exists on the premises.
D. A low pressure cutoff required by this article is not installed and maintained in working order.
E. The director of public works is denied entry to determine compliance with these regulations.

2. The director of public works shall, without notice to the consumer thereof, immediately deny or discontinue the water service to any premises wherein a severe cross-connection exists which constitutes an immediate threat to the safety of the public water

system. The director shall notify the consumer within 24 hours of said denial or discontinuation of service.

3. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations and to the satisfaction of the director of public works.

SECTION 6-238: BACKFLOW REGULATIONS; APPROVAL STANDARDS

1. Any backflow prevention device required herein shall be an "approved backflow prevention device," which shall mean a device that has been manufactured in full conformance with the most current edition of standards established by the American Water Works Association (AWWA) and by the American Society of Sanitary Engineers (ASSE,) which are hereby incorporated by reference in addition to all amendments thereto.

2. Final approval shall be evidenced by a Certificate of Approval issued by an approved testing laboratory certifying full compliance with said standards and specifications.

3. The director of public works shall keep a current list of all local certified backflow operators and an appropriate list of makes and models of backflow prevention devices which meet the requirements of this article.

4. The director shall require a strainer of approved type and size to be installed in conjunction with required backflow prevention devices. The installation of a strainer shall preclude the fouling of backflow device(s) due to foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic cleaning and flushing of mains. These occurrences may cause debris such as scale deposits and sand to flush through the mains, causing fouling of backflow prevention devices.

SECTION 6-239: BACKFLOW REGULATIONS; VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of these regulations 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 6-240: BACKFLOW REGULATIONS; ABATEMENT OF NUISANCE

Whenever a nuisance exists as defined in these regulations, 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 enter an order of abatement as a part of the judgment in the case, together with the fine or penalty imposed.

SECTION 6-241: LICENSED PLUMBER

It shall be unlawful for any plumber or pipefitter to do any work upon any of the pipes or appurtenances of the system of waterworks owned by the City or to make any connection with or extension of the supply pipes of any consumer taking water from said system until such plumber or pipefitter shall have first procured a license from the State of Nebraska. All plumbing shall be done in the manner required by the director of public works. The said licensed plumber shall be subject to the inspection and approval of the director of public works at all times. It shall be unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work.

SECTION 6-242: FIRE MAINS

Proprietors of business establishments will be permitted to connect said places by larger pipes for firefighting or sprinkler systems, at their own expense, upon application to the City Council and under the supervision of the director of public works or his/her agents, and will be allowed to use the water in said mains or systems for fire purposes only.

ARTICLE III – SEWER DEPARTMENT

SECTION 6-301: OPERATION AND FUNDING

The City owns the sewer system and operates the same through the director of public works, who shall have the direct management and control of the Sewer Department. The director of public works 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 City Council.

SECTION 6-302: SEWER CONTRACT

1. The City, through the Sewer Department, shall furnish sewer services 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. The City may also furnish sewer service to persons whose premises are situated outside the corporate limits of the City, as and when, according to law, the City Council may see fit to do so. The rules, regulations and sewer rental rates hereinafter named in this article shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served.

2. Without further formality, the making of an application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the City, to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the City Council may hereafter adopt, the director of public works or his/her agent may cut off or disconnect the sewer service from the building or premises of such violation. No further connection for sewer service to said building or premises shall again be made save or except by order of the director of public works or his/her agent.

SECTION 6-303: SEWER USE RATES; COLLECTION

1. Customers of the Sewer Department shall be charged an amount set from time to time by resolution or ordinance of the City Council for the use of sewer service. Rates shall be on file and available for public inspection at the office of the city clerk at any reasonable time.

2. Sewer bills shall be due and payable as set forth in Section 6-101. All penalties and procedures concerning delinquent accounts are set forth in Sections 6-102 and 6-103.

SECTION 6-304: SERVICE CONTRACTS

Contracts for sewer 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 customer

shall sell, dispose of or move from the premises where service is furnished, or if the said premises is destroyed by fire or other casualty, he/she shall at once inform the director of public works, who shall cause the sewer service to be shut off from such premises. If the customer should fail to give notice, he/she shall be charged for that period of time until the director of public works is otherwise advised of such circumstances.

SECTION 6-305: UNLAWFUL DEPOSIT OF WASTES

It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City or within one mile of the corporate limits thereof, or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

SECTION 6-306: UNLAWFUL DISCHARGE OF WASTES

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 the jurisdiction of said city, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

SECTION 6-307: UNLAWFUL USE

It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, surface drainage or unpolluted industrial process waters into the sanitary sewer. Except as hereafter provided, no person shall discharge or cause to be discharged any of the following-described waters or wastes into the city sewer system:

1. Liquids or vapors having a temperature higher than 150 degrees F.

2. Water or waste which may contain more than 100 parts per million by weight of fat, oil or grease.

3. Gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

4. Garbage that has not been properly shredded.

5. Sand, mud, metal, rags, paper or other solid or viscous substance capable of causing obstruction to the flow in the sewer system.

6. Toxic or poisonous substances in sufficient quantity to interfere with or injure the sewage treatment process, constitute a hazard to humans, animals or fish, or create any hazard in the receiving area of the sewage treatment plant.

7. Suspended solids of such character and quantity that unusual attention or expense is required to handle such materials.

8. Waters or wastes having a pH lower than 5.5 or higher than 9.0 or having other corrosive properties capable of causing damage to the structures, equipment and personnel of the Sewer Department.

9. Any noxious or malodorous gas or substance capable of creating a public nuisance.

(Ref. Neb. Rev. Stat. §17-145)

SECTION 6-308: PRIVIES, CESSPOOLS, SEPTIC TANKS

1. Privies and cesspools are strictly forbidden within the corporate limits of the City. Septic tanks for the reception of sewage or waste from a drain from any building in this city shall be permitted or allowed only when the sewer system is not available to the premises on which said septic tank is located or serves. The city sewer system shall be considered available for the purposes of this section when said system abuts the premises on which said septic tank is located or serves. All septic tanks constructed on premises to which the city sewer system is not available shall be permitted or allowed only until after a written permit for the same is secured from the director of public works; and all such septic tanks shall be constructed to conform with all rules and regulations for the placement of septic tanks issued by the State of Nebraska.

2. In case an available city sewer is provided later, the existing septic tank used on said premises must be abandoned forthwith when the city sewer is installed. The drain from any building shall be connected to the city sewer and the septic tank must then be cleaned and filled with fresh earth tamped down properly.

3. Any person violating this section shall be guilty of a misdemeanor. In the case of a conviction, the court may order that every such nuisance be abated or removed and that any such septic tank be cleaned and filled up. In case any such person so convicted shall fail to abate such nuisance within five days after the entry of such order of abatement or removal, then (A) such person may be proceeded against by the court for contempt, or (B) the court may direct the police chief and director of public works to cause the abatement or removal of such nuisance, and upon the making of a return by the police chief showing the abatement or removal of such nuisance, the expense thereof shall be taxed as a cost of such prosecution and collected as other costs. This section is cumulative and shall not prevent or exclude the removal of any such nuisance by any other lawful means.

SECTION 6-309: MANDATORY HOOKUP

Upon written notice by the director of public works, the property owner, occupant or lessee of any building with no inside sewerage facilities shall, without delay, cause such building to be connected with the sewer system and equipped with inside facilities. Every building hereafter erected shall be connected with the sewer system at the time of its construction. In the event that any property owner, occupant or lessee shall neglect, fail or refuse to make such connection within a period of ten days after notice has been given to him/her to do so by registered mail or by publication in a newspaper in or of general circulation in the City, the 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.

SECTION 6-310: INSTALLATION EXPENSE

All costs and expenses incidental to the installation and connection of any building sewer shall be borne by the owner, who shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of said sewer.

SECTION 6-311: AIR CONDITIONING UNITS, COOLING SYSTEMS; DISCHARGE FROM

No discharge from any air conditioning unit or cooling system shall be permitted or allowed to be made into the sanitary sewer system of the City. All such discharges must be made into the storm sewer system of said city or upon the premises of the owner of such device, provided that such discharge does not prejudicially affect the public health and convenience.

SECTION 6-312: INSTALLATION; PERMIT REQUIRED

Any person wishing to connect with the sewer system shall make an application therefor to the director of public works upon the form to be furnished by him/her for that purpose. An applicant may be required to make a service deposit in such amount as deemed necessary, subject to the review of the City Council. Sewer service may not be supplied to any person outside the corporate limits without special permission of the City Council. Nothing herein shall be construed to obligate the City to provide sewer service to non-residents. The deposit for said permit shall be set by resolution of the City Council.

SECTION 6-313: SINGLE PREMISES

Each and every building must make a direct connection with the main sewer line. Under no circumstances shall two or more houses or buildings be allowed to make such connection through one pipe.

SECTION 6-314: UNLAWFUL CONNECTION

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 director of public works for purposes of disposal of polluted surface drainage; provided that if responsibility can be determined, the party responsible for the 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 6-315: INSPECTIONS

The director of public works or his/her authorized agents shall have free access at any reasonable time to all parts of each premises and building which is connected with the city sewer system to ascertain whether there is any disrepair or violation of this article therein.

SECTION 6-316: EXCAVATIONS

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the director of public works.

SECTION 6-317: DESTRUCTION OF PROPERTY

No person or persons shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is part of the wastewater facilities. Any person or persons violating this provision shall be subject

to immediate arrest under charge of disorderly conduct.

SECTION 6-318: SERVICE TO NON-RESIDENTS

Any person whose premises is located outside the corporate limits of the City and who desires to install a house or building sewer that will be connected with the city sewer system shall file a written application with the city clerk for a permit for such connection, setting forth the name of the owner, occupant or lessee of the premises, the use to which the premises is devoted and such other information as the City Council may require. The City Council may approve or deny such application in its absolute discretion. If the Council approves the application, it may do so by attaching whatever conditions to such approval as determined necessary.

SECTION 6-319: REPAIR AND REPLACEMENT

1. The Sewer Department may require the owner of any property which is within the City and 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 upon public property or easements up to and including the point of junction with the public main.

2. 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 his/her agent, directing the repair or replacement of such connection line. If the property owner fails or neglects to cause such repairs or replacements to be made within 30 days of mailing such notice, the director of public works may cause such work to be done and assess the cost upon the property served by such connection.

SECTION 6-320: LICENSED PLUMBER

It shall be unlawful for any person, firm or corporation to engage in or conduct the business of sewer connection and house drainage; excavate any trenches for sewer pipe; open, uncover or in any manner make connection with or lay any sewer drain; or attach to, modify or repair any appurtenances without complying with the rules and regulations of the director of public works; provided that nothing herein shall be construed to apply to any person, firm or corporation under special contract with the City for the construction, extension or repair of the city sewer system.

SECTION 6-321: PLUMBER'S LIABILITY

The licensed plumber or drainlayer who connects with the public sewer shall be held responsible for any damage caused to the sewers or public ways and property. He/she shall restore all street excavations to the complete satisfaction of the director of public works and make good any settlement of the ground or pavement caused by such excavations.

ARTICLE IV – SOLID WASTE

SECTION 6-401: DEFINITIONS

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

1. “Landfill” shall mean a landfill which is licensed with the Nebraska Department of Environmental Quality and which the City has designated for city dumping.

2. “Garbage,” refuse,” and “trash” shall have their ordinary meanings except where specifically stated otherwise.

3. “Garbage” shall mean ejected food waste, including waste accumulation of animal, fruit or vegetable matter used for or involved with the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables.

4. “Refuse” shall mean putrescrible and nonputrescrible solid wastes, except body wastes, and including garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings and solid market and industrial waste.

5. “Rubbish” shall mean nonputrescrible solid waste, excluding ashes, consisting of both combustible and noncombustible wastes such as paper, tin cans, garbage, yard clippings, wood, glass, bedding, crockery or litter of any kind that will be a detriment to the public health and safety.

SECTION 6-402: COLLECTION SERVICE; FEES

1. The City has separately established charges to be paid by each person whose premises is served by the city solid waste collection system for the collection of garbage, rubbish, trash and waste on a city-wide basis. For purposes of such charges, every owner, lessee, tenant, occupant, manager or other person in possession of a residence, place of business, factory, medical facility or other institution, or other tract of land is deemed to be served by the city solid waste collection system and the owner or occupant of the premises shall be deemed served and therefore liable for the charges unless the owner or occupant proves to the City Council that:

A. The premises are unoccupied; or

B. The solid waste generated at the premises during the applicable billing period was lawfully collected and hauled to a permitted facility or was otherwise disposed of in conformance with all applicable laws, regulations, and ordinances.

2. Proof of proper disposal during the applicable billing period maybe provided by means of any of the following:

A. A billing receipt or other statement from a duly permitted solid waste hauling service for collection of solid waste at the premises during the applicable billing period;

B. A billing receipt or register tab from a duly permitted transfer station, disposal facility or landfill for solid waste received during the applicable billing period; or

C. Such other documentation of proper disposal as may be acceptable to the City Council.

SECTION 6-403: PROHIBITED ACCUMULATION AND DISPOSAL

It shall be unlawful for any person to keep in, on or about any dwelling, building or prem-

ises, or any other place in the City, garbage, refuse, rubbish, or waste 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 receptacles not exceeding a 30-gallon capacity and as nearly airtight as may be practical. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, garbage, waste or rubbish of any kind. It shall be the duty of each occupant at his/her own expense to remove garbage from his/her premises as necessary to prevent a nuisance within the City of Imperial.

SECTION 6-404: CONTAINERS

1. No person shall dispose of any item or garbage, refuse or trash in the city except as provided in this article.

2. The City shall place containers at various locations inside the city limits for the collection of garbage, refuse and trash from those properties served which are located inside the city limits.

3. It is permissible to place the following items in toters or other dumpsters used by the Municipal Sanitation Department for pickup of matter to be transported to the Southwest Solid Waste Agency Transfer Station Grounds:

A. Normal non-animal and non-vegetable household items.
B. Animal and vegetable items wrapped in paper or plastic. A sealed trash bag is considered wrapping.

4. It is not permissible to place the following items in toters or other dumpsters used by the Municipal Sanitation Department for pickup of matter to be transported to the Southwest Solid Waste Agency Transfer Station Grounds:

A. Grass clippings, leaves, garden vegetation or any other yard debris.
B. Construction materials, demolition or remodeling debris.
C. Concrete, dirt, sod, plaster or other heavy materials.
D. Flammable liquids, cleaning fluid, waste oil, gasoline, paint, and any cans containing paint that is still wet.
E. Tree limbs and large brush.
F. Furniture, carpet and large appliances.
G. Engines.
H. Wire or wire fencing.
I. Tires.
J. Hot ashes.

SECTION 6-405: ADDITIONAL CONTAINERS

The police chief shall have the authority to order the owner, operator or manager of any business enterprise which accumulates garbage in large quantities to furnish such additional number of receptacles as may be necessary to adequately contain such accumulations for the protection of the health and safety of the residents of the City.

SECTION 6-406: DEAD ANIMALS

Any dead animal shall be immediately removed and buried by its owner. If the owner cannot be found within two hours after discovery of the same, then such animal shall be removed by and at the expense of the City. 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 residents of the City.

SECTION 6-407: TRANSFER STATION GROUNDS; MUNICIPAL DUMPSTERS

It shall be unlawful for any person, partnership, corporation or association, except the City, to do any of the following things within the confines of the city limits:

1. Set any fire or burn any trash or other materials.

2. Scavenge, salvage or remove any material.

3. Willfully fail to observe posted instructions.

4. Place therein any carcass of any animal.

5. Place therein any toxic or noxious chemical or other material.

6. Place trash or other material that is not specifically designated for that site within the site.

ARTICLE V – ELECTRICAL SYSTEM

SECTION 6-501: OWNERSHIP

The City owns and operates the municipal electrical distribution system through the director of public works, who shall have the direct management and control of such electrical system and shall have the authority to adopt rules and regulations for its safe and efficient management, subject to the supervision and review of the City Council. The Council shall set the rates to be charged for services rendered by motion and shall file the same in the office of the city clerk for public inspection at any reasonable time. (Ref. Neb. Rev. Stat. §17-902 through 17-904, 17-906, 17-909)

SECTION 6-502: CONSUMER'S APPLICATION

Every person desiring electrical service must make application therefor to the director of public works upon the form to be furnished for that purpose. Any applicant may be required to make a service or meter deposit in such amount as deemed necessary, subject to the review of the City Council. Electricity may not be supplied to any house or building except upon the written order of the director of public works. The system shall not supply electrical service to any person outside the corporate limits without special permission from the director of public works; provided that the entire cost of wire, installation and other expenses shall be paid by the consumer. Nothing herein shall be construed to obligate the City to supply electrical service to non-residents. (Ref. Neb. Rev. Stat. §17-902)

SECTION 6-503: LICENSED ELECTRICIAN

Under no circumstances shall connections be made between the wires of the electrical distribution system of this city and the meter of the consumer except by an employee of the City or a licensed electrician authorized to do so by the director of public works. The consumer may have wiring done by any competent licensed electrician from the meter to the points of distribution. No electrician shall be considered to be legally licensed unless he/she shall have first obtained a license from the State of Nebraska. All wiring, equipment and apparatus shall be installed according to the electrical code duly adopted by

the City. All installation shall be done under the supervision of and strictly in accordance with the rules, regulations and specifications for such installation prescribed by the director of public works. (Ref. Neb. Rev. Stat. §17-902)

SECTION 6-504: INSTALLATION EXPENSE

The expense of installation and equipment up to and including the electrical meter shall be paid by the City. Each customer shall be required to pay a standard hookup charge set by motion of the City Council. The expense of installation and wiring from the meter to the points of distribution shall be the responsibility of the consumer. Maintenance and replacement expense shall be apportioned in the same manner. The City shall install underground service at no extra charge if the owner or customer will dig trenches and provide the electrical conduit necessary; provided, if the distance from the electrical distribution system to the point of the hookup either above or below ground is more than 150 feet, an extra charge, to be negotiated between the director of public works and the customer, shall be levied. There shall be a general hookup charge for all customers, set by the City Council and on file at the office of the city clerk. (Ref. Neb. Rev. Stat. §17-902)

SECTION 6-505: METERS

1. All electrical meters shall be read at least one time each month between the 25th day during which electrical service is used and the first day of the succeeding month. In the event a meter is broken or otherwise fails to register accurately the use of electricity by any consumer, the charge for electrical current shall be based on the monthly consumption during the same month of the preceding year; provided, however, if no such basis for comparison exists or if circumstances have been materially altered, then the director of public works and the city clerk shall set a reasonable charge. All electric current furnished to customers by the electrical distribution system shall be measured by meters provided and set by the City. No person except when authorized shall be allowed to set meters or make connections to the electrical distribution system. Applicants for electrical service shall accompany their applications with utility deposits to be established by the City Council.

2. All utility deposits shall be refunded to customers upon return of each meter in good condition, reasonable wear and tear excepted, when electrical service is no longer desired or upon the passage of three years of service, if all utility payments have been made on a regular basis for the preceding three years. The City will keep all meters clean and in repair at its expense. The owner or tenant of a premises where a meter is located shall provide ready and convenient access to the meter so that it may easily be examined and read by authorized agents of the City. Any customer shall have the right to request the director of public works to test, a reasonable number of times, his/her meter which the customer may have reason to believe is not registering the true amount of current. It shall be the duty of the City to test said meter as requested. All meters now in use or hereafter installed shall be and remain the property of the City. When any meter is entirely worn out or a replacement is deemed necessary for other reasons, a new meter will be furnished and set by the City at its expense; provided, however, in cases where meter repair or meter replacements are made necessary because of willful neglect, recklessness, or tampering on the part of the customer, then the City shall (A) require the customer to pay for installing a new meter or (B) make the repairs and collect the same as for electrical service furnished.

SECTION 6-506: FEES AND COLLECTIONS

The City Council has the power and authority to fix the rates to be paid by consumers for

the use of electricity. All rates shall be on file for public inspection at the office of the city clerk, who shall bill the consumers and collect all money received by the City on the account of the city electrical system. He/she shall faithfully account for and pay over the same to the city treasurer all revenue collected. (Ref. Neb. Rev. Stat. §17-902)

SECTION 6-507: MINIMUM RATES

All electrical consumers shall be liable for the minimum rate provided by motion of the City Council unless and until the consumer shall, by written order, direct the director of public works to shut off the electricity. In that case he/she shall not be liable thereafter for electrical service until the electricity is turned on again. (Ref. Neb. Rev. Stat. §17-902)

SECTION 6-508: CLASSIFICATION

The City Council shall have the power and authority to make reasonable classifications for the purpose of billing electrical service customers; provided, the said difference in rates shall not be unreasonable or unduly discriminatory. In no event shall flat rates be charged any classification of customer.

SECTION 6-509: RESTRICTED USE

The City does not guarantee the delivery of electric current over the lines of the distribution system at any time. The City 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. The City expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. (Ref. Neb. Rev. Stat. §17-902)

SECTION 6-510: ELECTRICAL SERVICE CONTRACTS

Contracts for electrical 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 in his/her name, or if the said premises is destroyed by fire or other casualty, he/she shall at once inform the director of public works, who shall cause the electrical service to be shut off from the said premises. If the consumer should fail to give such notice, he/she shall be charged for all electricity used on the said premises until the director of public works is otherwise advised of such circumstances. (Ref. Neb. Rev. Stat. §17-902)

SECTION 6-511: POSTING SIGNS

It shall be unlawful for any person to post, tack or fasten to the poles, structures, fixtures or equipment of the city electrical system any sign, poster, advertisement or banner without written permission from the director of public works.

SECTION 6-512: TRIMMING TREES

Any person desiring to cut or remove trees or branches in close proximity to the lines of the city electrical system shall give reasonable written notice to the director of public works before doing the said work and shall follow any and all rules and regulations which he/she may specify. It shall be unlawful for any person to fell any tree or remove branches 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 electrical system, the City Council

shall have the power to order any overhanging branches or limbs of trees to be cut and removed.

SECTION 6-513: INSPECTIONS

The director of public works or his/her duly authorized agents shall have free access at any reasonable hour to all parts of each premises and building to or in which electricity is supplied; provided that in the event of an emergency, such inspections may take place at any time. (Ref. Neb. Rev. Stat. §17-902)

SECTION 6-514: DESTRUCTION OF PROPERTY

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the city electrical system. (Ref. Neb. Rev. Stat. §28-512)

ARTICLE VI – PENAL PROVISION

SECTION 6-601: VIOLATION; PENALTY

Anyone violating any of the terms and conditions of any of the foregoing chapter and articles shall be deemed guilty of a misdemeanor and shall be fined in a sum of not more than $500.00 for each offense. Each day's maintenance of the same shall constitute a separate offense.

CHAPTER VII – FIRE DEPARTMENT

ARTICLE I - ORGANIZATION

7-101 OPERATION AND FUNDING
7-102 MEMBERSHIP
7-103 OFFICES OF CHIEF, ASSISTANT CHIEF, CAPTAINS; DUTIES
7-104 POWERS AND DUTIES OF CHIEF
7-105 ADDITIONAL POWERS AND DUTIES OF CHIEF
7-106 FAILURE TO OBEY NOTICE OF FIRE CHIEF; PENALTY
7-107 RECORDS
7-108 FIRES
7-109 DISTANT FIRES
7-110 PRESERVATION OF PROPERTY
7-111 FIRE INVESTIGATION
7-112 EQUIPMENT
7-113 INTERFERENCE
7-114 OBSTRUCTION
7-115 ASSISTANCE
7-116 DRIVING OVER HOSE
7-117 TRAFFIC
7-118 FALSE ALARM

ARTICLE II - FIRE REGULATIONS

7-201 FIRE PREVENTION CODE
7-202 LIFE SAFETY CODE

7-203 FIRE CODE ENFORCEMENT
7-204 COMPLAINTS
7-205 MANNER OF SERVICE
7-206 LAWFUL ENTRY
7-207 VIOLATION NOTICE
7-208 SMOKING IN PUBLIC PLACES (REPEALED)
7-209 PROHIBITED FUELS
7-210 BURNING PROHIBITED (REPEALED)
7-211 STOVES, FURNACES AND CHIMNEYS
7-212 OPEN BURNING BAN; BURNING APPLIANCES; VIOLATION
7-213 FIRE LIMITS; DEFINED; BUILDING MATERIALS
7-214 FIRE LIMITS; BUILDING PERMIT
7-215 FIRE LIMITS; PERMITTED REPAIRS
7-216 FIRE LIMITS; REMOVAL REQUIRED
7-217 FIRE LIMITS; REMOVAL OR REPAIR REQUIRED

ARTICLE III - EXPLOSIVE MATERIAL

7-301 STORAGE
7-302 BULLETS
7-303 BLASTING PERMITS
7-304 REGISTRATION

ARTICLE IV - FIREWORKS

7-401 REGULATION OF USE, SALE, POSSESSION OF FIREWORKS
7-402 RETAIL SALE DATES; IGNITION; PERMIT FOR PUBLIC EXHIBITIONS

ARTICLE V - PENAL PROVISION

7-501 VIOLATION; PENALTY

CHAPTER VII – FIRE DEPARTMENT

ARTICLE I - ORGANIZATION

SECTION 7-101: OPERATION AND FUNDING

The City operates the Fire Department through the fire chief. The City houses the Rural Fire District's equipment. It shall be the duty of the Rural Fire District to maintain its own equipment. For the purpose of defraying the costs of the management, maintenance, and improvement of the Fire Department, the City Council shall levy a tax each year, 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 at all times be in the possession of the city treasurer. The fire chief shall manage the Fire Department and it shall be his/her duty to inform the City Council when any of the fire engines, hose, ladders or other apparatus needs repair.

SECTION 7-102: MEMBERSHIP

1. The fire chief shall recommend for appointment no more than 35 members to

each Fire Department company, subject to the review and approval of the City Council. All vacancies shall be filled in this manner. Said members shall be considered to be employees of the City for the purpose of providing them with workmen's compensation and other benefits. Each member shall be entitled to a term life insurance policy in the amount of at least $10,000.00 for death from any cause to age 70 and such policy shall, at the option of the individual fireman, be convertible to a permanent form of life insurance at age 65 provided that each fireman covered is actively and faithfully performing the duties of his position. The members may organize themselves in any way they may decide, subject to the review of the City Council. They may hold meetings and engage in social activities.

2. The secretary shall keep a record of all meetings and shall make a report to the City Council of all meetings and activities of the Fire Department. The City Council may compensate or reward any member of the Fire Department for services rendered in an amount set by resolution. All members of the Fire Department shall be subject to such rules and regulations and perform such duties as may be prescribed or required of them by the fire chief or the City Council. During the time of a fire or great public danger the members of the Fire Department shall 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 municipal code or the laws of the State of Nebraska; provided, however, volunteer firefighters and rescue squad members testifying as witnesses in connection with their officially assigned duties in that capacity alone shall not be deemed employees of the State of Nebraska or of the City.

SECTION 7-103: OFFICES OF CHIEF, ASSISTANT CHIEF AND CAPTAINS CREATED; DUTIES

There are hereby created the offices of fire chief, 1st and 2nd assistant fire chiefs and two lieutenants of the Fire Department. Said officers shall be elected by the active members of said Fire Department and approved by the mayor and City Council, and shall hold their offices until their successors are elected by the membership. Such officers may be removed from office by the mayor and City Council for misconduct, inefficiency or dereliction of duty, and when any vacancy occurs by removal or otherwise the members of said Fire Department shall immediately elect a successor subject to the approval of the City Council. In the event of the failure of said Fire Department to elect a fire chief, assistant fire chief or captains, or in case of a vacancy in any of said offices for a period of five days, the City Council shall fill such vacancy by the appointment of any member of the Fire Department to said office.

SECTION 7-104: POWERS AND DUTIES OF CHIEF

The fire chief shall: (1) have full control of the actions of the members of the Fire Department during the time said department is on duty at a fire or during the period of fire drills, and shall have full charge and control of all of the equipment of said Fire Department and of the movement thereof; (2) have and is hereby invested with the authority of a police officer in the performance of his/her duty as such fire chief; (3) preserve and maintain order at all times during a fire and shall have power and authority to call to his/her aid, either for the purpose of maintaining order or for the performance of any other act in connection with the fire, any and all bystanders whom he/she may select at the time; and it shall be the duty of all persons who are called upon by the fire chief for service at a fire to promptly obey all orders issued by him/her; (4) see that all fire equipment is in proper working order and report to the mayor whenever any repairs or new equipment are required; and (5) perform such other duties as are imposed upon him/her by law.

SECTION 7-105: ADDITIONAL POWERS AND DUTIES OF CHIEF

It shall be the duty of the chief of the Fire Department, as often as directed by the mayor or City Council, or as often as the chief shall deem it necessary, to enter any house, building or premises within said city for the purpose of examining the fire flues, hearths, chimneys, stoves, stove pipes, ovens, boilers and other apparatus likely to cause fire, and also places where any coal, oils, gasoline, tar, hay, straw, shavings or any other combustible material may be lodged or stored. The chief shall give such directions in regard to the several foregoing matters as he/she shall deem expedient to guard against fire or accident, either for the removal, alteration or better care and management thereof.

SECTION 7-106: FAILURE TO OBEY NOTICE OF FIRE CHIEF; PENALTY

Whenever the chief shall give the directions mentioned in the foregoing section to the owner or occupant of any premises, either verbally or by written notice, it shall be the duty of said owner or occupant to cause such removal or alteration thereof within 24 hours at the owner's or occupant's expense. If the owner or occupant refuses or neglects to cause such removal or alteration within the time specified, upon conviction he/she shall be fined in a sum not exceeding that permitted by Nebraska law for violation of a municipal ordinance and shall pay the costs of prosecution. His/her failure to comply with such directive for each 24 hours thereafter shall constitute a separate and distinct offense.

SECTION 7-107: RECORDS

The fire chief shall keep or cause to be kept a record of all fires and shall make a full report of such records to the city clerk annually each year. The record of any fire shall include the cause, origin, circumstances, property involved and whether criminal conduct may have been involved.

SECTION 7-108: FIRES

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 7-109: DISTANT FIRES

In the discretion of the fire chief the fire equipment of the City may be used beyond the corporate limits to extinguish a reported fire.

SECTION 7-110: 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 removal of any building, erection, or fence for the purpose of checking the progress of any fire, and the official in charge of the firefighting effort shall have the power to blow up, or cause to be blown up, with powder or otherwise, any building or erection during the progress of a fire for the purpose of extinguishing or checking the same.

SECTION 7-111: 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 when the damage exceeds $500.00. All fires 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 begun within two days of the occurrence of such fire, and the state fire marshal shall have the right to supervise and direct the investigation whenever he/she deems it expedient or necessary. 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/her with a written statement of all the facts relating to the cause and origin of the fire and such further information as he/she may call for.

SECTION 7-112: EQUIPMENT

It shall be unlawful for any person to molest, destroy 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.

SECTION 7-113: INTERFERENCE

It shall be unlawful for any person to hinder or obstruct the fire chief or the members of the Fire Department in the performance of their duty.

SECTION 7-114: OBSTRUCTION

It shall be unlawful for any person to obstruct the use of a fire hydrant or have or place any material within 15 feet of any hydrant. 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.

SECTION 7-115: ASSISTANCE

It shall be unlawful for any person to refuse, after the command of the fire chief or assistant fire chief, to aid in extinguishing a fire or to assist in the removal and protection of property.

SECTION 7-116: 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.

SECTION 7-117: TRAFFIC

No vehicle, except by the specific direction of the fire chief or assistant fire chief, shall follow, approach or park closer than 500 feet to any fire vehicle or to any fire hydrant to which a hose is connected. Nothing herein shall be construed to apply to vehicles carrying doctors, members of the Fire Department or emergency vehicles.

SECTION 7-118: FALSE ALARM

It shall be unlawful for any person intentionally, and without good and reasonable cause, to raise any false alarm of fire.

ARTICLE II – FIRE REGULATIONS

SECTION 7-201: FIRE PREVENTION CODE

The rules and regulations promulgated by the office of the state fire marshal relating to fire prevention are incorporated by reference into this code and made a part of this article as though spread at large herein, together with all subsequent amendments thereto.

SECTION 7-202: LIFE SAFETY CODE

Incorporated by reference into this code are the standards recommended by the National Fire Protection Association, known as the Life Safety Code, current edition. This code shall have the same force and effect as if set out verbatim herein. (Ref. Neb. Rev. Stat. §18-132, 81-502)

SECTION 7-203: FIRE CODE ENFORCEMENT

It shall be the duty of all city officials to enforce the incorporated fire code provisions, and all infractions shall be immediately brought to the attention of the City Council.

SECTION 7-204: COMPLAINTS

The fire chief or any inspector, upon the complaint of any person or when necessary, shall inspect all buildings and premises within his/her jurisdiction. Whenever said officer shall find any building or other structure which is especially liable to fire and so situated as to endanger other property or the occupants thereof for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment or by reason of age or dilapidated condition or from any other cause, and whenever such officer shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such building or the occupants thereof, said chief or inspector shall order such dangerous conditions or materials to be removed or remedied.

SECTION 7-205: MANNER OF SERVICE

1. Occupant. The service order may be made upon the occupant of the premises to whom it is directed, either by delivering a copy of same to such occupant personally, by delivering the same to and leaving it with any person in charge of the premises or by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises.

2. Owner. Whenever it may be necessary to serve such an order upon the owner of the premises, such order may be served either by delivering to and leaving with the said person a copy of the order or, if such owner is absent from the jurisdiction of the officer making the order, by mailing a copy to the owner's last known post office address.

3. Any such order shall forthwith be complied with by the owner or occupant of the premises or building. If such order is made by one of the inspectors, such owner or occupant may, within 24 hours, appeal to the fire chief, who shall review such order within five days and file his/her decision thereon. Unless by his/her authority the order is revoked or modified, it shall remain in full force and be complied with within the time fixed in said order, provided that any such owner or occupant may file his/her petition with the police magistrate within five days after the making or affirming of any such order by the fire chief, praying a review of such order. It shall be the duty of the court to hear the same within not less than five days nor more than 10 days from the time the petition is filed and to make such order in the premises as right and justice may require and such decision shall

be final. Such parties so appealing to the police magistrate shall file with said court within two days a bond in an amount to be fixed by the court, to guarantee payment of all costs of such appeal in case such appellant fails to sustain his/her appeal or the same be dismissed for any cause.

SECTION 7-206: LAWFUL ENTRY

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 chief 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.

SECTION 7-207: VIOLATION NOTICE

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 the condition within five days of the date of receipt of such notice.

SECTION 7-208: SMOKING IN PUBLIC PLACES

(Repealed by Ord. No. 12-02-01, 2/6/12)

SECTION 7-209: PROHIBITED FUELS

It shall be unlawful for any person within the corporate limits or the city's zoning jurisdiction to permit or allow crankcase drainings, oil or other flammable substances, other than wood, to be burned in a homemade stove.

SECTION 7-210: BURNING PROHIBITED

(Repealed by Ord. No. 09-07-02, 7/13/09)

SECTION 7-211: STOVES, FURNACES AND CHIMNEYS

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 non-combustible material. This section shall apply both to existing structures and those which may hereafter be erected.

SECTION 7-212: OPEN BURNING BAN; BURNING APPLIANCES; VIOLATION

1. Except as otherwise set forth in this section, it shall be unlawful for any person to set fire to, burn or cause to be burned any animal matter or vegetable matter. Such prohibition shall include grass, leaves, wood, paper, cardboard, charcoal, fats or any other similar combustible materials, except as specifically provided in this article.

2. Burning of wood or charcoal is permitted for recreational purposes when such burning is conducted in a suitable burning appliance. All burning wood or charcoal permitted herein must occur in a burning appliance designed for such burning. To be a suitable burning appliance, the appliance must be a fire enclosure constructed of incombustible material that serves to keep the fire contained within the appliance to prevent the fire from spreading; all sides of the appliance must be solid or have screens with openings

no larger than 3/8 of 1 inch; and the appliance must have a screened lid or top that has openings no larger than 3/8 of 1 inch for the purpose of catching any sparks or embers rising from the burned material. Any burning of wood or charcoal not being conducted in a suitable burning appliance is prohibited.

3. Any burning appliance that does not consume wood or other combustible materials shall be exempt from the requirement that the appliance must have screened sides or lid as provided in subsection (2) of this section. Furthermore, burning appliances exempted from the requirement of having screened sides and lids must be of a type that are fueled exclusively by natural gas or propane and must not emit burning embers or sparks.

4. Any burning appliance that has a United Laboratories Certification (UL Certified) shall be deemed as a suitable burning appliance for the purposes of this section. All UL Certified burning appliances may be used for the burning of propane, natural gas, charcoal or wood without any modification thereto; provided, the burning being conducted in such UL Certified burning appliance must be as provided in the manual for such burning appliance.

5. Nothing in this section shall be construed as prohibiting any barbeque grill, smoker or other outdoor cooking appliance that contains any combustible material within an appliance with solid sides and a lid to contain any cooking fire.

6. Any person who shall violate the provisions of this section shall be deemed guilty of a misdemeanor and fined in a sum of $75.00.
(Ord. No. 09-07-02, 7/13/09) (Am. by Ord. No. 16-10-01, 10/3/16)

SECTION 7-213: FIRE LIMITS; DEFINED; BUILDING MATERIALS

1. The following-described territory in the City shall embrace and constitute the fire limits of said city, to-wit:

> That portion of the City designated as being within the "C-2" Central Business District of the Imperial Zoning Regulations, as said regulations may be changed from time to time.

2. All buildings moved into or constructed within the fire limits shall be constructed of incombustible material with a fireproof roof.
(Ref. Neb. Rev. Stat. §17-550) (Am. by Ord. No. 12-02-02, 2/6/12)

SECTION 7-214: FIRE LIMITS; BUILDING PERMIT

1. Prior to the moving in or construction of any building in the fire limits, application for a building permit in the fire limits must be approved by the building inspector. This requirement shall be in addition to any other required permit processes required by Imperial city code.

2. The term “construction” shall include the enlarging or alteration of any building in the fire limits.

3. Application for a building permit in the fire limits shall be furnished to applicants by the city clerk. Applications for building permit in the fire limits shall require such information as the building inspector deems necessary to determine whether or not to grant a building permit. The building inspector may request additional information from the applicant in determining whether or not to issue a building permit in the fire limits. Applications

for building permits in the fire limits shall state on the application that the material used for the proposed building is noncombustible and has been approved in writing by the fire chief.

4. Any applicant who is denied a building permit in the fire limits by the building inspector may appeal to the Board of Adjustment. Notice of appeal from a denial of building permit must be submitted by the applicant within 15 days of denial of a building permit. Notice of appeal must timely be submitted to the city clerk for consideration at the next available meeting of the Board of Adjustment. If applicant does not timely appeal, the decision of the building inspector is final.
(Ref. Neb. Rev. Stat. §17-550) (Am. by Ord. No. 12-02-02, 2/6/12)

SECTION 7-215: FIRE LIMITS; PERMITTED REPAIRS

It shall be unlawful for any person to repair, alter or add to any building in the fire limits where the repair is less than 50% of the building unless the said person shall first submit an application with the city clerk to make such repairs, alterations or additions and shall state on the application that the material used will be non-combustible and approved by the fire chief. Repairs in the form of patching and other minor repairs shall not require a permit. In the event that the repairs, alterations or additions cost or involve more than 50% of the building, the owner shall be required to apply for a new building permit which shall state that the building, when completed, shall be fireproof and made of non-combustible materials. (Ref. Neb. Rev. Stat. §17-550)

SECTION 7-216: FIRE LIMITS; REMOVAL REQUIRED

In the event that any wooden or combustible building or structure or any non-combustible building which stands within the fire limits is damaged to the extent of 50% or more of its value, exclusive of the foundation, it shall not be repaired or rebuilt but shall be taken down and removed within 60 days from the date of such fire or casualty. (Ref. Neb. Rev. Stat. §17-550)

SECTION 7-217: FIRE LIMITS; REMOVAL OR REPAIR REQUIRED

In the event that a building within the fire limits becomes damaged to the extent of less than 50% of its value, exclusive of foundation, it shall be the duty of the owner, lessee or occupant to remove or repair the said building in accordance with the provisions of this article. It shall be unlawful for any person to allow a building to stand in such damaged and decayed condition. Any such building shall be removed or repaired within 30 days after receiving notice to do so by the City Council. (Ref. Neb. Rev. Stat. §17-550)

ARTICLE III – EXPLOSIVE MATERIAL

SECTION 7-301: STORAGE

Dynamite and other explosives shall be stored in a proper receptacle made of concrete, metal or stone, which shall be closed at all times except when actually in use. Such receptacle shall not be located in any room where there is a flame or flammable materials.

SECTION 7-302: BULLETS

Cartridges, shells and percussion caps shall be kept in their original containers away from flame, flammable materials and high explosives.

SECTION 7-303: 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 such directives and precautions as may be prescribed under the direction and supervision of the Council. 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. (Ref. Neb. Rev. Stat. §17-556)

SECTION 7-304: REGISTRATION

Any person keeping or storing dynamite, nitroglycerin, or other high explosives in any quantity shall register such information as the City Council may require with the city clerk, who shall forward such information to the fire chief.

ARTICLE IV – FIREWORKS

SECTION 7-401: REGULATION OF USE, SALE, POSSESSION OF FIREWORKS

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 Neb. Rev. Stat. §28-1241 to 28-1252.

SECTION 7-402: RETAIL SALE DATES; IGNITION; PERMIT FOR PUBLIC EXHIBITIONS

1. It shall be unlawful for any person to give, sell or offer for sale any fireworks or pyrotechnics in the City, except fireworks permitted by the state fire marshal, may be sold at retail beginning at:

   A. 7:00 a.m. on June 24 each year and ending on July 4 at 11:59 p.m. each year, and

   B. 7:00 a.m. on December 28 each year and ending at 11:59 p.m. on December 31 each year.

2. Fireworks may be discharged at the following times:

   A. A person commits the offense of discharging fireworks if he or she discharges fireworks within the City except during the period beginning at 8:00 a.m. on June 24 and ending July 4 at 11:59 p.m. and also beginning at 5:00 p.m. December 31 and ending January 1 at 12:30 a.m. each year. Fireworks can be discharged only during said periods of time between the hours of 8:00 a.m. and 10:00 p.m. on June 24, through and including July 3, and also between the hours of 5:00 p.m. December 31 to 12:30 a.m. January 1 each year.

   B. However, a person may discharge fireworks at times other than those times designated herein upon obtaining a permit to do so. Said permit may be issued if approved by the City Council upon application.

3. It shall be further unlawful to discharge fireworks within 300 feet of a fireworks stand, gasoline station or any commercial area where flammable materials are stored, or in any public park.

4. Any person who shall be determined to have violated this section shall be deemed guilty of a misdemeanor and fined in the sum of $25.00.
(Am. by Ord. No. 16-10-02, 10/17/16)

ARTICLE V – PENAL PROVISION

SECTION 7-501: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, whether set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and fined in a sum of not more than $500.00. Each day's maintenance of the same shall constitute a separate offense.

CHAPTER VIII – BUILDING REGULATIONS

ARTICLE I – BUILDING REGULATIONS

8-101 BUILDING INSPECTOR; POWERS AND AUTHORITY
8-102 BUILDING INSPECTOR; RIGHT OF ENTRY
8-103 BUILDING PERMITS REQUIRED; APPLICATION
8-104 BUILDING PERMIT; DUPLICATE TO COUNTY ASSESSOR
8-105 BUILDING PERMIT; INSPECTION FEES; COLLECTION; SCHEDULE
8-106 BUILDING PERMIT; VARIANCE NOT PERMITTED
8-107 BUILDING PERMIT; TIME OF INSPECTION
8-108 PERMIT LIMITATION
8-109 BOND REQUIREMENT
8-110 BUILDING WITHOUT PERMIT; NUISANCE
8-111 UNIFORM CODES; ADOPTED BY REFERENCE

ARTICLE II - MOVING BUILDINGS

8-201 TERMS DEFINED
8-202 PERMIT REQUIRED
8-203 APPLICATION
8-204 INTERFERENCE
8-205 DUTIES OF PERMITTEE
8-206 NO GENERAL LICENSE

ARTICLE III - PENAL PROVISION

8-301 VIOLATION; PENALTY

CHAPTER VIII – BUILDING REGULATIONS

ARTICLE I – BUILDING REGULATIONS

SECTION 8-101: BUILDING INSPECTOR; POWERS AND AUTHORITY

The City Council has the power and authority to appoint a building inspector. In the event such appointment is made, the building inspector shall: (1) have the duty of enforcing all building and housing regulations as herein prescribed; (2) inspect all buildings repaired, altered, built, moved or demolished in the City or its zoning jurisdiction as often as necessary to ensure compliance with all city ordinances; (3) have the power and authority to order, at the direction of the City Council, all work stopped on any construction, alteration or relocation which violates any provisions prescribed herein; (4) at the direction of the City Council, issue permission to continue any construction, alteration or relocation when the City 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. Such written order may be served by any peace officer.

SECTION 8-102: BUILDING INSPECTOR; RIGHT OF ENTRY

It shall be unlawful for any person to refuse to allow 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 8-103: BUILDING PERMITS REQUIRED; APPLICATION

It shall be unlawful to construct or alter any building or structure in the City or the area one mile beyond the corporate limits thereof without having first procured a written permit from the city building inspector. No structural construction shall commence before the building inspector issues a building permit when a permit is required by city code. The applicant for the building permit shall obtain an application from the city clerk and present the completed application and building plans to the building inspector. The building inspector will issue the building permit only when satisfied that the building plans comply with the city's building codes. Except as required by the building code, an applicant is not required to seek approval from either Planning and Zoning or the City Council. (Ref. Neb. Stat. §18-1743)

SECTION 8-104: BUILDING PERMIT; 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 $1,000.00 or more, a duplicate of such permit shall be forwarded to the county assessor. (Neb. Rev. Stat. §18-1743)

SECTION 8-105: BUILDING PERMIT; INSPECTION FEES; COLLECTION; SCHEDULE

The city clerk shall have the power and authority to collect payments of building inspection fees as set from time to time by the City Council and report the collection and the amount of the same to the City Council at its request.

SECTION 8-106: BUILDING PERMIT; VARIANCE NOT PERMITTED

It shall be unlawful for any person to whom a permit to construct or repair a building within the corporate limits and zoning jurisdiction of the City is issued as provided in this article to vary in any manner from the plans and specifications submitted to the City Council in the construction or repair authorized so that such construction or repair does not conform to the ordinances of the City.

SECTION 8-107: BUILDING PERMIT; TIME OF INSPECTION

1. The building inspector, upon notification from the permit holder or his/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/her agent that the work fails to comply with the requirements of the municipal code:

A. Foundation inspection shall be made after trenches are excavated and the necessary forms erected;

B. Frame inspection shall be made after the roof, framing, fire-blocking and backing is in place and all pipes, chimneys and vents are complete; and

C. Final inspection shall be made after the building is completed and ready for occupancy.

2. 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 8-108: PERMIT LIMITATION

If the work for which a permit has been issued has not begun within one year of the date thereof or if the construction was discontinued for a period of six months, or if work has not been completed within two years from date of issuance, the permit shall be void; and before such work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

SECTION 8-109: BOND REQUIREMENT

It shall be the duty of the owner, lessee or tenant intending the destruction of any building or improvement to post a $1,000.00 cash bond with the city clerk prior to such destruction. This bond will be refunded upon payment of all damages to city property and any cleanup work occasioned by such destruction. In the event that a nuisance remains on the building permit site for more than six months after the issuance of the building permit, then the bond shall be forfeited and shall be applied to offset cleanup by the City.

SECTION 8-110: BUILDING WITHOUT PERMIT; NUISANCE

Every building or other structure hereafter erected, remodeled or moved into or within said city without a permit, as herein required, or which is not constructed, remodeled or located in accordance with the permit granted and issued therefor, shall be deemed and considered to be a public nuisance and may be abated or removed by the City at the expense of the owner.

SECTION 8-111: UNIFORM CODES; ADOPTED BY REFERENCE

1. To provide certain minimum standards, provisions and requirements for safe and stable design, methods and construction, and uses of materials and buildings hereafter erected, constructed, enlarged, altered, repaired, relocated and converted, the City adopts by reference the following codes:

A. The International Building Code (IBC) as published by the International Code Council, Inc.

B. The Residential Building Code (IRC) as published by the International Code Council, Inc.

C. The International Property Maintenance Code as published by the International Code Council, Inc.

D. The International Plumbing Code as published by the International Code Council, Inc.

E. The Electrical Code.

F. The Uniform Code for Building Conservation.

2. These codes shall govern the issuance of all building permits and construction within the City and its zoning jurisdiction to the extent that they are not in conflict with the laws of the State of Nebraska. All city officials shall be governed by the above codes, and no building permit shall be issued nor construction approved unless such building permit and construction conform to such codes.

3. Not less than one copy of the codes shall be on file at the office of the city clerk and made available for public inspection at any reasonable time.

4. It shall be unlawful for any person, firm, corporation or other entity to erect, construct, enlarge, alter, repair, move, improve, remove, convert, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this article.
(Am. by Ord. No. 08-07-01, 7/28/08)

ARTICLE II – MOVING BUILDINGS

SECTION 8-201: TERMS DEFINED

"Building" is a structure designated, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, industrial, institutional, assembly, educational or recreational purposes. A structure with the following dimensions or less shall not fall within this definition: 10 feet wide, 20 feet long, and, when in a position to move, 15 feet high.

SECTION 8-202: PERMIT REQUIRED

No person shall move any building over, along or across any highway, street or alley in the City without first obtaining a permit from the city clerk.

SECTION 8-203: APPLICATION

1. Any person seeking issuance of a permit hereunder shall make application in writing upon a form provided by the City and filed with the city clerk. Upon approval of the City Council, the city clerk shall then issue the said permit. The application shall set forth:

A. A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;

B. A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the City.

C. A legal description of the lot to which the building is to be moved, giving lot, block and tract number, if located in the City.

D. The portion of the lot to be occupied by the building when moved;

E. The highways, streets and alleys over, along or across which the building is proposed to be moved;

F. Proposed moving date and hours;

G. Any additional information which the City Council shall find necessary for a fair determination of whether a permit should be issued.

2. The following documents shall accompany the said application:

A. *Tax Certificate*. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of any encumbrances and that all taxes and any city charges against the same are paid in full.

B. *Certificate of Ownership or Entitlement*. The applicant, if other than the owner, shall file with the application a written statement of bill of sale signed by the owner or other sufficient evidence that he/she is entitled to move the building.

C. *Liability Policy*. The applicant shall file with the application a certificate of insurance providing coverage for both personal injury and property damage which might occur during the moving of said building. The minimum amount of coverage allowable shall be $10,000.00 property damage coverage and $10,000.00 personal injury coverage. The City Council may require coverage in greater amounts if deemed to be necessary.

D. *Fee*. The application shall be accompanied by a permit fee in the amount of $25.00, which shall be paid over by the city clerk to the city treasurer, who shall credit it to the General Fund.

SECTION 8-204: INTERFERENCE

Whenever it shall be necessary for any permittee in moving a building to interfere with any electric, telephone or telegraph poles or wires, the public service company or companies owning, using or operating such poles or wire shall, upon such notice as is provided in their respective franchises (or if no provisions for notice is made therein, then upon 48 hours' notice) be present and assist or, if necessary, remove such poles and wires. The expense of said removal, as estimated, shall be paid in advance by applicant unless it is otherwise provided in said companies' franchises. Whenever the moving of any building necessitates interference with any water main or sewer main belonging to the City, notice in writing of the time and route of such building moving operations shall be given to the building inspector of the City, who shall proceed on behalf of the chief of police as the managing officers or public service companies are required to proceed in the premises on behalf of the companies. The notice herein provided for shall be given to

said city official or public service company or companies, as the case may be, by the licensed house mover.

SECTION 8-205: DUTIES OF PERMITTEE

Every permittee under this ordinance shall:

1. Move a building only over streets designated for such use in the written permit.

2. Notify the city clerk in writing of a desired change in moving date and hours as proposed in the application.

3. Notify the city clerk in writing of any and all damage done to property belong-ing to the City within 24 hours after the damage or injury has occurred.

4. Cause red lights to be displayed during the night on every side of the building while it stands on the street, in such a manner as to warn the public of the obstruction; and shall at all times erect and maintain barricades across the streets in such a manner as to protect the public from damage or injury by reason of the removal of the building.

5. Remove the building from the city streets after four days of such occupancy unless an extension is granted by the mayor and City Council.

6. Comply with the building code, the fire zone and any zoning ordinances now existing or hereinafter adopted and all other applicable ordinances and laws, if any, upon relocating the building in the City.

7. Within ten days from the removal of the building, remove all rubbish and materials and fill all excavations to existing grade at the original site so that the premises are left in a safe and sanitary condition.

8. See that the sewer line is plugged with a concrete stopper, the water shut off, and the meter returned to the city water office. Permittee shall notify the gas and electric service companies to cancel their services.

SECTION 8-206: NO GENERAL LICENSE

There shall be no license issued or general permit given to anyone to move buildings at will or generally within the City.

ARTICLE III – PENAL PROVISION

SECTION 8-301: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, whether set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum of 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.