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ARTICLE I – MAYOR AND CITY COUNCIL

SECTION 1-101: CORPORATE EXISTENCE

The City of Crofton, Nebraska, having a population of more than 800 but less than 5,000, is hereby declared to be a city of the second class and shall be governed in all respects by the law 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; said council members shall be citizens of the United States and 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 ELECTIONS OF CITY OFFICIALS

The term of office of the City Council is four years. The members elected in the general election in 1997 shall continue to hold their office until December, 2001. Those members elected in 1999 shall continue to hold their office until December 2003. 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

The mayor of the City shall have the general and immediate control over all property and officials of the City. He/she 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 by the members of the City 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 communicate to the council such information and recommendations as, in his/her opinion, may improve the city.

He/she may require at reasonable intervals 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 at any time an appointed police officer of the City. 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 mile in all matters vested in him/her except taxation. He/she shall also have such other duties as the City Council may by resolution confer upon him/her.

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

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 vacancy is filled or such disability is removed, or in the case of temporary absence, until the mayor returns.

When the successful candidate for mayor shall be prevented from assuming office, the incumbent mayor shall not be entitled to hold over the term but such office shall automatically become vacant and the president of the council shall exercise the office of mayor until such vacancy is filled.

If the president of the Council shall for any cause assume the office of mayor for the remainder of the unexpired term, there shall be a vacancy on the council which shall be filled as provided 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 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 of emergency when the mayor is not present or is unable to act as the principle 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:

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 principle executive officer in a disaster or emergency situation, then the president of the City Council shall perform those functions and duties. Should the president of the Council not be present or is unable to perform those functions and

duties and functions, then the most senior elected official shall perform those duties and functions. 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.

SECTIONS 1-108: VACANCIES IN CITY OFFICES

Vacancies shall be filled by the Council for the balance of the unexpired term. In the event of vacancies 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. The council members shall vote upon such nominee, and if a majority of the Council 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.

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: power to pass ordinances to prevent and remove nuisances; to prevent, restrain and suppress gambling and disorderly houses; to license and regulate amusements; to establish and provide for police protection; to prevent the spread of contagious diseases; to regulate business; to erect, repair, construct and regulate public ways and property; to maintain good government, public welfare and domestic tranquility; and to enforce all ordinances by inflicting 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

All elected officers shall receive such compensation as the Council shall fix by resolution. 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 offices or when there are other officers elected or appointed, except by merger of offices 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. The officers' salaries shall be set by ordinance of the City Council and will be available for public inspection at the office of the city clerk.

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 therefore are filed, audited and allowed. The mayor and Council may by resolution authorize clerical assistance in one or more officers when the same way be needed, and claims therefore 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 him/her duties as such shall be considered the property of this city and shall be promptly paid over to the city treasurer and by his/her credited to the appropriate fund. (Ref. Neb. Rev. Stat. § 17-108.02, 17-612)

SECTION 1-111: COMPENSATION; CONFLICT OF INTEREST

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.

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

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 render 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, the extent that the City has benefited thereby. The prohibition in this section shall apply only when the officer or his or her parent, spouse, or child:

1. has a business with which the individual is associated or business association which shall mean a business:
 - A. in which the individual is a partner, director or officer; or

- B. in which the individual or a member of the individual's immediate family is a stockholder of a closed corporation stock worth \$1,000.00 or more at fair market value or which represents more than 5% equity interest, or is a stockholder of publicly traded stock worth \$10,000.00 or more at fair market value or which represents more than 10% equity interest; or

2. will receive a direct pecuniary fee or commission as a result of the contract;

Provided however, if such officer is (a) an employee of the business involved in the contract and (b) has no ownership interest or will not receive pecuniary fee, such officer shall not be deemed to have an interest within the meaning of this section.

The provision 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 of performance under the contract in which he/she has an interest.

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 Subsection 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 parents, 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 1 through 5 below, except that if the parent, spouse or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made. Notwithstanding any other provision of this section, any contract entered into with an interested officer shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the city.

The city clerk shall maintain, separately from other records, and ledger containing the information listed in subsection 1 through 5 of this section about every contract entered

into by the city in which an officer has an interested as specified above for which disclosure is made as provided in subsection 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 the:

1. Names of the contracting parties;
2. Nature of the interest of the officer in question;
3. Date that the contract was approved by the City involved;
4. Amount of the contract; and
5. Basic terms of the contract

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 the normal working hours of the office in which it is kept.

An open account established for the benefit of any 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.

Any officer who knowingly violated 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.

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

No officer, including volunteer firefighters and ambulance drivers, 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)

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 after as he/she can reasonable 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, sewer commissioner, water commissioner and street commissioner. He/she shall also appoint whatever other officials of the City which he/she deems necessary, which officers shall serve at the pleasure of the city council. (Ref. Neb. Rev. Stat. §17-107, 17-541)

Section 1-202: CITY CLERK; DUTIES

The city clerk shall have custody of all laws and ordinances. He/she shall keep a current journal of the proceedings of the City Council. He/she shall also 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. He/she shall take possession of all books, papers and all other official records of the city, and shall maintain said records in a safe place for the City. He/she shall have custody of the seal of the City and all written official papers of the City. The city clerk shall attend the meetings of the City Council and keep a minute record of the proceedings thereof.

The city clerk shall maintain an account of all of the appropriations of the several funds of the city. He/she shall 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 the amount of warrants drawn thereon.

The city clerk shall further attest to the mayor's signature to be attested and shall attach the city seal to all official documents. Whenever any claim presented by any person has been disallowed by the city council, the city clerk shall notify said claimant of said disallowance by the council within five days after such disallowance.

The city clerk shall account for all money received by him/her in the normal course of city business and shall keep a proper record of all monies received by him/her, issuing a proper receipt to those parties making payment to him/her to the account of the city.

The city clerk shall publish all notices required in the performance of his/her duties and shall keep a record of all published notices issued by him/her, and shall keep a record of the publisher's affidavit of said publication if said notices are published in legal newspaper.

He/she shall maintain all books and public records of the city for public inspection for any resident of the city during normal business hours. He/she shall make a notation on all correspondence received by him/her of the date of its receipt, and shall, as soon as possible, convey said correspondence to the appropriate official of the city. The city clerk shall keep and

maintain all other legal papers required to be maintained by him/her by these ordinances or by Nebraska state law, and shall maintain a proper minute book wherein shall be recorded all of the formal and informal actions of the mayor and City Council, and shall maintain an ordinance record which shall record the various ordinances and resolutions passed by the City Council.

The duties of the city clerk will be those set forth herein and 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 1-203: CITY TREASURER; DUTIES

The city treasurer shall be custodian of all monies belonging to the City; he/she shall 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.

He/she shall keep a separate account of each and every fund or appropriation and the debits and credits belonging to the city; he/she shall 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 also file copies of said receipts with his/her monthly reports made to the mayor and City Council; he/she 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 warrants with any and all vouchers held by him/her shall be filed with his/her accounts in the city clerk's office. He/she shall keep a record, in a book suitable for that purpose, of each and every warrant paid and from what fund paid.

He/she shall also procure and keep a warrant register with 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. It shall be the duty of the city treasurer, upon presentation of any warrant for payment, in the presence of such person to enter such warrant in the warrant register for payment in the order of its presentation and, upon every warrant as presented and registered, he/she shall endorse, Registered for Payment with the date of such registration and register number; and he/she shall 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.

If the city treasurer neglects or fails, for a period of ten days from the end of each and every month, to render his/her account, his/her office shall be declared vacant pursuant to Neb. Rev. Stat. § 17-606, and the mayor and City Council shall fill the vacancy by appointment until the next election of city officials.

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.

The duties of the city treasurer 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. §17-606 through 17-609, 84-712)

SECTION 1-204: CITY TREASURER; MONTHLY REPORT

He/she 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 warrants with any and all vouchers held by him/her shall be filed with his/her accounts in the city clerk's office. He/she shall keep record, in a book suitable for that purpose, 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 ten days from the end of each and every month, to render his/her account, the city council shall by resolution declare the office vacant, and the mayor and City Council fill the vacancy by appointment.
(Ref. Neb. Rev. Stat. §17-606)

SECTION 1-205: 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 1-206; CITY ATTORNEY; DUTIES

The city attorney when appointed shall be legal advisor to the mayor and the City Council and shall undertake all legal matters of the City as set forth by Nebraska statutes. He/she shall commence, prosecute and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the city, or that may be ordered by the council. When requested,

he/she shall attend meetings of the council and give them his/her opinion upon any matters submitted to him/her either orally or in writing as may be required. He/she shall draft or review for legal correctness ordinances, contracts, franchises and other instruments as may be required, and he/she shall perform such other duties as may be imposed upon him/her by general law or ordinance. The City Council shall have the right to pay the city attorney compensation for legal services performed by him/her for it on such terms as the city council and attorney may agree, and to employ additional legal assistance and to pay for each legal assistance out of the funds of the City. (Ref. Neb. Rev. Stat. §17-610)

SECTION 1-207: CITY POLICE CHIEF; DUTIES

It shall be the duty of the city police chief, and he/she is hereby authorized and empowered, to diligently inquire into any and all violations of the city ordinances. In the event that he/she determines that an ordinance violation has occurred he/she shall issue a written complaint and cause the arrest of such person violating the ordinance.

The city police chief shall have general control over motor vehicular traffic, and said police chief, together with such special officers detailed to assist him/her 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.

The city police chief shall bring all prisoners who are under arrest for the violation of any city ordinances before the county court whenever required to do so by rule or order of the county judge, and he/she shall make or cause to be made the necessary written complaint against such person or persons when arrested.

He/she shall perform such other duties as may be required of him/her by resolution or by order of the mayor and City Council.

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.
(Ref. Neb. Rev. Stat. §17-107, 17-121)

SECTION 1-208: UTILITIES SUPERINTENDENT

The City Council shall have the power to appoint a utilities superintendent supervising the city water system and sewer system. The utilities superintendent shall have the general control and supervisory authority over all the city utilities. When requested, he/she shall make a detailed report to the Council of the condition of said water and sewer system, all mains, pipes, hydrants, reservoirs, and machinery and such improvements, repairs and extensions thereof as he/she may think proper.

The duties of the utilities superintendent will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and city council. He/she may be removed for good cause by a 2/3 vote of the city council.

(Ref. Neb. Rev. Stat. §17-107, 17-541, 17-543)

SECTION 1-209: SEWER COMMISSIONER

The city council shall have the power to appoint a sewer commissioner to 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. He/she shall, 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. He/she shall issue permits for all connections to the city water system and inspect and supervise all repairs made to said system. He/she shall have such other duties as the City Council may designate.

(Ref. Neb. Rev. Stat. §17-107)

SECTION 1-210: WATER COMMISSIONER

There is hereby created the office of water commissioner in and for the City. The mayor shall nominate and by and with the advice and consent of the City Council shall appoint some competent person as water commissioner. The water commissioner shall be liable upon his/her official bond for the faithful performance of his/her duties. It shall be the duty of the water commissioner to have the general management and control of the waterworks of the City, except for billing for water consumption and collections of money therefor. The salary of the water commissioner shall be fixed and determined annually at the beginning of the fiscal year by the city council. The city council shall employ such laborers as deemed necessary upon the written recommendation of the water commissioner.

The water commissioner shall make detailed reports to the City Council, when requested, concerning the condition of the water system. The water commissioner shall not purchase any material or supplies for the use of the department nor employ any help in the department except upon the authority of the city council, unless it be for repairs in cases of emergency. The water commissioner, who may be removed at any time by a two-thirds vote of the City Council, shall perform such additional duties as may be prescribed by the City Council.

(Ref. Neb. Rev. Stat. §17-107, 17-541, 17-543)

SECTION 1-211: CITY STREET COMMISSIONER

The City Council shall have the power to appoint a city street superintendent who shall have general charge, direction and control of all work on the streets, sidewalks, culverts and bridges of the city, and shall perform such other duties as the council may require. It shall be his/her responsibility to see the gutters and drains therein function properly and that the same are kept in good repair. He/she shall, at the request of the City 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. It shall be the special duty of the street superintendent to supervise and direct the snow and tree removal work in the City.

The duties of the street superintendent 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 1-212: SPECIAL ENGINEER

The City Council may employ a special engineer to make or assist the city engineer in making any particular estimate, survey or other work. The special engineer shall make a record of the minutes of his/her surveys and all other work done for the City. He/she shall, when directed by the City Council, accurately make all plats, sections, profiles and maps as may be necessary in the judgment of the City Council. He/she shall, upon request of the City Council, make estimates of the costs of labor and material which may be done or furnished by contract with the city, and make all surveys, estimates and calculations necessary for the establishment of grades, bridges, 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 shall perform such other duties as the City Council may require. All records of the special engineer shall be public records which shall belong to the City and shall be turned over to his/her successor.

(Ref. Neb. Rev. Stat. §17-405, 17-568, 17-568.01, 17-919)

SECTION 1-213: ZONING ADMINISTRATOR

The city clerk be and hereby is appointed as the zoning administrator. He/she shall supervise the administration and compliance of the zoning laws pursuant to the city's comprehensive plan and zoning ordinance.

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 Crofton, 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: OFFICERS, BONDS

The officers of the City, before entering upon their duties, shall give bonds for the faithful performance of their duties in the following amounts:

City Clerk	\$1,000.00
City Treasurer	5,000.00

which said bonds shall be executed with a corporate surety and approved by the City Council. Said bonds shall be filed in the office of the city clerk. Premiums on said bonds shall be paid out of the general funds or other proper funds of said City.

In the event that sureties on the official bond of any officer of the City, in the opinion of the City Council, become insufficient, the Council may require by resolution a reasonable time within which such officer may give a new bond or additional sureties thereon as directed. In the event that this officer shall fail, refuse or neglect to give a new bond or additional sureties to the satisfaction and approval of the Council, then the office shall be such failure, refuse or neglect, become vacant and it shall be the duty of the City Council to appoint a competent and qualified person to fill this said office. Any official who is re-elected to office shall be required to file a new bond after each election.

SECTION 1-303: OATH OF OFFICE

All officers of the City, whether elected or appointed, shall before entering upon the duties of their respective offices declare and subscribe the following oath or affirmation: “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 1-304: MEETINGS; PUBLIC

All public meetings as defined by law shall be held in a public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the City Council usually holds such meetings, unless the publicized notice hereinafter required shall designate some other public building or other specified place. The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the City Council and to the public by a method designated by the City Council or by the mayor if the City Council has not designated a method. Such notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of notice or a statement that such an agenda kept continually current shall be available for public inspection at the office of the city clerk. The City Council shall have the right to modify the agenda at the public meeting when convened. The minutes of the city clerk shall include the records of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, and the names of each member of the City Council present or absent at each convened meeting. The minutes of the City Council shall be a public record open to inspection by the public upon request at any reasonable time at the office of the city clerk. 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 that the member was absent and did not vote.

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. Nothing herein shall be construed to apply to any preliminary interview or recruitment of prospective officials or employees. (Ref. Neb. Rev. Stat. § 84-1408, 84-1409, 84-1411, 84-1413)

SECTION 1-305: MEETINGS; CLOSED SESSIONS

Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of 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. (Ref. Neb. Rev. Stat. § 84-1412, 18-2438)

SECTION 1-306: 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 at that meeting. (Ref. Neb. Rev. Stat. § 84-1411)

SECTION 1-307: MEETINGS; PUBLIC PARTICIPATION

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 and 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.

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 identify himself/herself. No public body shall for the purpose of circumventing the provisions of this article hold a meeting in place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meetings in its traditional meeting place which is located in this state. 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. The public body shall, upon request, make the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed session may be held for, but shall not be limited to, such reasons as:

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

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

The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session and the time when the closed session commenced and concluded shall be recorded in the minutes. The public

body holding such a closed session shall restrict its consideration to matters during the closed portion to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any questions, motion, proposal, resolution, order or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1) of this section.

Any member of the public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (A) the protection of the public interest or (B) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting and no public body shall designate itself a subcommittee of the 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. (Ref. Neb. Stat. § 84-1412, 18-2438)

SECTION 1-308: MEETINGS; CITY COUNCIL

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 Monday of each month at the hour of 7:30 P.M. Special meetings may be called by the mayor or by a majority of the City Council for those purposes of which shall be submitted in writing to the council members prior to said meeting. The call and object of said meeting shall be entered upon the journal by the city clerk as well as the disposition of said meeting.

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 City Council shall be called to order by the mayor. In the absence of the mayor, the Council shall have the power to appoint a mayor pro tempore, who shall exercise and have the powers and perform the same duties as the regular mayor. (Ref. Neb. Rev. Stat. § 17-105, 17-106)

SECTION 1-309: MEETINGS; ORDER OF BUSINESS

All meetings of the City Council shall be open to the public. Promptly at the hour set by law 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:

- Roll Call
- Reading and Approval of the Minutes of the Previous Meeting
- Consideration of Petitions and other Communications
- Reports of Officers, Boards and Committees
- Unfinished Business of the Preceding Meeting
- Introduction of Ordinances and Resolutions; First Reading
- Second Reading of Ordinances
- Third Reading of Ordinances
- Final Passage of Ordinances
- New Business
- Miscellaneous Business
- Appropriations and Consideration of Claims
- Adjournment

SECTION 1-310: MEETINGS; PARLIAMENTARY PROCEDURE

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. Every person present, previous to speaking, shall rise from his/her seat and address himself/herself to the presiding officer, and while speaking shall confine himself/herself to the question. All resolution 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 debatable. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Council making the motion or resolution shall be entered also. After each vote, 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, a motion to table and to adjourn. Each of the said motions shall be decided without debate. Any of the rules of the City Council for meeting 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 1-311: 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 and the outgoing officers and the outgoing members of the Council shall present their reports, and upon the old Council having completed its business up to the said time, the outgoing members of the Council shall surrender their offices to the incoming members, and the outgoing officers shall thereupon each surrender to his/her successor in office all property, records, papers and monies belonging to the same.

SECTION 1-312: MEETINGS; ORGANIZATIONAL

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 themselves 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 bond have been given as are required. After ascertaining that all members are duly qualified, the Council shall then elect one of its own body who shall be styled as "President of the Council." The mayor shall then nominate his/her candidates for appointive offices. He/she shall then proceed with the regular order of business. 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, the laws of the City and to perform faithfully and impartially the duties of his/her office, said oath to be filed in the office of the city clerk. 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 1-313: APPOINTMENT OF COMMITTEES

At the organizational meeting of the City Council, the mayor may appoint members of such committees as may be necessary from time to time, which committees shall serve at the pleasure of the City Council. The membership of such standing committees may be changed at any time by the mayor. The mayor shall be a member ex officio of each standing committee. The members of the standing committees shall serve a term of office of one year, unless reappointed.

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: PASSAGE

Ordinances, resolutions or orders for the appropriation of money shall require for their passage the concurrence of the majority of the members elected to 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 1-403: 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 on 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 1-404: STYLE

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

SECTION 1-405: EFFECTIVE DATE

The city clerk shall, within 15 days after the passage of any ordinances, publish the same in a legal newspaper of general circulation in the City, of post the ordinance in the normal three public places. The ordinance shall then become effective upon publication of posting.

SECTION 1-406: TITLE

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

SECTION 1-407: EMERGENCY ORDINANCES

In the case of riot, infectious or contagious diseases, or other impending danger, failure of a public utility, or other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the mayor, and the posting thereof in at least three of the

most public places in the city. Such emergency notice shall recite the emergency notice shall recite the emergency and be passed by a three-fourths vote of the Council, and entered upon the city clerk's minutes. (Ref. Neb. Rev. Stat. §17-613, 19-3701)

SECTION 1-408: CERTIFICATE OF PUBLICATION OF POSTING

The passage, approval and publication or posting of all ordinances shall be sufficiently proven by a certificate under the City Seal form the city clerk showing that the said ordinance was passed and approved, and when, and in what paper the same was published, or when, and by whom, and where the same was posted. (Ref. Neb. Rev. Stat. §17-613)

SECTION 1-409: 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

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 Nebraska Auditor of Public Accounts and shall contain that information required by the *Manual of Instructions for City/Village: Budgets*, prepared by the state auditor.

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 date set for hearing 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 1-505: BUDGET FILING

The city council shall file with and certify to the levying board and file with the Nebraska 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 five percent 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

The City Council shall cause an audit of the city accounts to be made by a qualified accountant or shall prepare an unaudited statement of cash receipts and disbursements, in lieu of an audit,

as expeditiously as possible following the close of the fiscal year. If an audit is authorized at the City Council, it shall be made on a cash or accrual method at the discretion of the City Council, and shall be completed within six months of the close of the fiscal year. In the event the City elects not to have an audit performed, the city treasurer shall prepare an unaudited statement of cash receipts and disbursements in a form prescribed by the state auditor, and shall submit not less than three copies of the unaudited report to the city council. (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

The City Council shall, before entering into any contract for labor, materials or any public improvement which exceeds \$20,000.00 in cash as estimated by the city engineer, 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.

SECTION 1-509: CLAIMS

All claims against the City shall be presented to the City Council in writing with a full account of the items, 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

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 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 all such hearings. Notice of a 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 setting forth 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 public hearing on the proposed supplemental budget and approval by the City Council, said council 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 City 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 thereof.

SECTION 1-513: 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

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 improvements 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 three times on successive weeks before the day of the election in a legal newspaper of general circulation in the City. 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, 7-2339)

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 keep at all times 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 payment. (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 adapted budget statement according to law.

ARTICLE VI – POLICE DEPARTMENT

SECTION 1-601: POWER, DUTIES, RESPONSIBILITIES

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. City police who shall willfully fail, neglect or refuse to make an arrest, or purposely and willfully fail 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 and upon conviction of any Class I misdemeanor, Class W misdemeanor, or any other felony violation of the United States, the State of Nebraska, or any other comparable offenses of any other jurisdiction. 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. 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 1-602: ARREST JURISDICTION

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 with territorial limits of the City of Crofton.

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:

1. 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;

2. The city police chief or any other city police 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 15 miles of the boundaries of the officer's primary jurisdiction and there arrest and detain such person and return such person to the officer's primary jurisdiction;

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

4. 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. (Ref. Neb. Rev. Stat. §29-215)

SECTION 1-603: DISCHARGE OR DISCIPLINE OF POLICE MATTERS

Any police officer or the city police chief may be disciplined or immediately discharged from duty for gross misconduct, neglect of duty or disobedience of lawful orders of the mayor or the City Council as a whole.

SECTION 1-604: APPEAL PROCEDURE FOR DISCHARGED OR DISCIPLINED POLICE OFFICERS

In event of discharge for any of the causes set forth in Section 1-603, the police officer or city police chief shall have the right to appeal his/her discharge or disciplinary action to the City Council. Such appeal shall be made within 30 days of his/her discharge or disciplinary action by filling a written application for a hearing before the Council. Such written application shall be made to the city clerk, and if such application is made the clerk shall immediately notify the mayor of the receipt of the written application. Upon notice of the filing of such application, the mayor shall call a special meeting of the City Council, within 20 days of receipt of the written application. Both the police officer and the individuals causing such disciplinary action or discharge shall have the right at the hearing to be heard and to present evidence to the City Council for consideration. 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 removal or disciplinary action. The failure of the City Council to act within 30 days or the failure of a majority of the elected board members to vote to reverse or modify the removal or disciplinary action shall be construed as a vote to uphold the removal or disciplinary action. The decision of the City Council shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged removal or disciplinary action was necessary for the proper management and the effective operation of the police department in the performance of its duties under the statutes of the State of Nebraska.

ARTICLE VII - PLANNING COMMISSION

SECTION 1-701: MEMBERS; TERM; REMOVAL; VACANCIES

The Planning Commission shall consist of five members who shall represent insofar as is possible different professions or occupations in the City and who shall be appointed by the mayor, by and with the approval of $\frac{3}{4}$ vote of the City Council. All members of the commission shall serve as such without compensation and shall hold no other municipal office. The term of each member shall be three years. All members shall hold office until their successors are appointed. All members may, after a public hearing before the City Council, be removed by the mayor, by and with the consent of a $\frac{3}{4}$ vote of the City Council for inefficiency, neglect of duty or malfeasance in office or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor.

SECTION 1-702: ORGANIZATION; MEETING, RULES; RECORDS

The commission shall elect its chairman from its members and create and fill such other of its offices as it may determine. The term of chairman shall be one year, and he/she shall be eligible for re-election. The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep and record of its resolutions, transactions, findings and determination, which record shall be a public record.

SECTION 1-703: FUNDS; LIMIT UPON EXPENDITURES

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

SECTION 1-704: 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 judgments, bear relations to the planning of such City.

SECTION 1-705: DUTIES

The commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, profession and other organizations, and with citizens with relation to the protecting or carrying out of the plan.

ARTICLE VIII – BOARD OF HEALTH

SECTION 1-801: Members

The Board of Health shall consist of four members: the mayor, a city physician who shall be the medical advisor to the Board; and the city police chief who shall be secretary and quarantine office of the Board; and the President of the City Council. The mayor shall act as chairman of the Health Board. The members of the Board shall serve a one year term of office, unless reappointed, and shall reorganize at the first meeting in January of each year.

SECTION 1-802: POWER AND DUTIES

A majority of the Board shall be constitute a quorum and shall enact rules and regulations to safeguard the health of the people of the city and shall provide fines and punishments for the 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, and 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. It shall suppress and prevent the occurrence of nuisances and enforce all laws of the State and ordinances of the City relating to the 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 1-803: DEPOSITING OR PERMITTING DEPOSIT OR ACCUMULATION OF ANY SUBSTANCE DRETRIMENTAL 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 are kept within said city, and 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 IX – CITY TREE BOARD

SECTION 1-901: CREATION AND ESTABLISHMENT OF A CITY TREE BOARD

There is hereby created and established a Tree Board for the city, which shall consist of five permanent members and as many advisory members as the City Council determines necessary. The permanent members shall be citizens and residents of this city and the advisory members shall be residents of Cedar County or Knox County. Such permanent and advisory members shall be appointed by the mayor with the approval of the City Council. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed by the mayor with the approval of the City Council for the unexpired term.

SECTION 1-902: DEFINITIONS

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

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

“Nuisance or obstruction” is hereby defined as trees and shrubs growing upon or near the lot line or upon public ground, including the public owned sidewalk space, and interfering with the use or construction of any public improvements.

SECTION 1-903: TERM OF OFFICE

The term of the five persons to be appointed by the mayor with the approval of the City Council shall be three years with staggered terms, so that two members’ terms shall expire every two years. The advisory members shall have no term and shall serve at the pleasure of the mayor and City Council. 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 1-904: COMPENSATION

Members of the Tree Board shall serve without compensation.

SECTION 1-905: DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Tree Board to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and, upon their acceptance and approval, shall constitute the official comprehensive City Tree Plan for the City. The Tree Board,

when requested by the Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

SECTION 1-906: 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 1-907: STREET TREE SPECIES TO BE PLANTED

The tree list adopted by the Tree Board and published by them constitutes the official street tree species for the City. No species other than those included in this list may be planted as street trees without written permission of the City Tree Board.

SECTION 1-908: SPACING

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

SECTION 1-909 DISTANCE FROM CURB AND SIDEWALK

The distance trees may be planted from curbs or curblines and sidewalk will be in accordance with the tree species size classes listed in the tree list and no trees may be planted closer to any curb or sidewalk than the following: Small trees, two feet; Medium trees, three feet; and Large trees, four feet.

SECTION 1-910: DISTANCE FROM STREET CORNERS AND FIREPLUGS

No street tree shall be planted closer than 35 feet of any street corner measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten feet of any fireplug.

SECTION 1-911: UTILITIES

No street trees other than those species listed as Small trees in the tree list may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

SECTION 912: PUBLIC TREE CARE

The City shall have the right to plant, subject to Section 1-913 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 9-103: 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 9-104: 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 1-916: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

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 City 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. The person charged with the removal may enter into such 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 City 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. 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.

SECTION 1-917: REMOVAL OF STUMPS

All stumps of street and park trees shall not 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 1-918: INTERFERENCE WITH CITY TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds, as authorized in this article.

SECTION 1-919: REVIEW BY CITY COUNCIL

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

ARTICLE X – PENAL PROVISION

SECTION 1-1001: VIOLATION; PENALTY

Anyone violating any 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 day's maintenance of the same shall constitute a separate offense.

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ARTICLE I – MISDEMEANORS

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

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

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

SECTION 2-102: DISTURBING THE PEACE

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

SECTION 2-103: EXCESSIVE NOISE CONTROL

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

SECTION 2-104: DISORDERLY CONDUCT

It shall be unlawful for any person to engage in any riotous or disorderly conduct, or to fight, strike or assault another person in a threatening manner, or to do or engage in any other disorderly act within said city.
(Ref. Neb. Rev. Stat. §17-129, 17-556)

SECTION 2-105: MALICIOUS DESTRUCTION OF PROPERTY

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

SECTION 2-106: MALICIOUS MISCHIEF

It shall be deemed a misdemeanor for any person to willfully destroy, mutilate, deface, injure or remove any tomb, monument, gravestone, structure or thing of value which is located upon any government property, cemetery or property of historic value.

Any such offender shall be liable, in an action for trespassing in the name of the beneficial holder of said property, for all damages which arise from the commission of such unlawful act.

SECTION 2-107: CRIMINAL TRESPASS

It shall be unlawful for any person, knowing that he/ she is not licensed or privileged to do so, to:

1. Enter or secretly remain in any building or occupied structure, or any separately secured or occupied portion thereof; or
2. Enter or remain in any place as to which notice against trespass is given by:
 - a. Actual communication to the actor; or
 - b. Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or
 - c. Fencing or other enclosure manifestly designed to exclude intruders.

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

SECTION 2-108: DISTURBING AN ASSEMBLY

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

SECTION 2-109: DISCHARGE OF SLINGSHOTS, PAINTBALL GUNS, BLOW GUNS, AIR RIFLES OR SIMILAR INSTRUMENTS

It shall be unlawful for any person to discharge a slingshot, paint ball gun, blow gun, air rifle or other like instruments capable of launching a dangerous projectile there from at any time or under any circumstances within the City or within a one-half mile radius or the City where projectile from the piece could reach the city limits of the City; provided nothing herein shall be construed to apply to police officers or officially sanctioned public celebrations if the person so discharging the firearm has written permission from the City Council.

SECTION 2-110: WINDOW PEEPING

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

SECTION 2-111: STALKING

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

SECTION 2-112: GAMBLING PROHIBITED

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

SECTION 2-113: HOUSE OF PROSTITUTION; DISORDERLY HOUSE; PROHIBITED

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

SECTION 2-114: INDECENT EXPOSURE OF PERSON; PUBLIC URINATION; INDECENT BOOK, PICTURE, PLAY DESIGN

It shall be unlawful for any person within this city to make an indecent exposure of his or her person (in the case of a male, such indecent exposure would consist of public exhibit of his genitals, and in the case of a female, indecent exposure would be public exposure of her nipples and/ or genitals) ; to urinate or defecate in public view; to commit any indecent or lewd act; or to sell or offer for sale, or to dispense of in any manner any obscene, lewd or indecent book, picture or other publication or thing; to exhibit or perform any indecent, immoral, lewd

or obscene play or other representation; or in any public place to write, draw, or make any profane, obscene, indecent or lewd work, sentence, figure or design.

SECTION 2-115: CARRYING CONCEALED WEAPONS; DISCHARGING FIREARMS, ETC. , PROHIBITED

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

(Ref. Neb. Rev. Stat. §28-1202)

SECTION 2-116: RESISTING OR FAILING TO ASSIST AN OFFICER PROHIBITED

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

(Ref. Neb. Rev. Stat. §28-903, 28-904)

SECTION 2-117: IMPERSONATING OFFICER PROHIBITED

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

(Ref. Neb. Rev. Stat. §28-610)

SECTION 2-118: LITTERING

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

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

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

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

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

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

SECTION 2-119: TRASH

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

(Ref. Neb. Rev. Stat. §28-523)

SECTION 2-120: APPLIANCES IN YARD

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

(Ref. Neb. Rev. Stat. §18-1720)

ARTICLE II – CURFEW

SECTION 2-201: CURFEW HOURS

It shall be unlawful for any person a) under the age of 16 to loiter, idle, wander, stroll, play or be in or upon the public streets, public places and public buildings, places of amusement and entertainment, vacant buildings, vacant lots or otherwise operate any bicycle or other vehicle, in , upon, over, or through the streets of other public places of the city between the hours of 11:00 P.M of any day until the hour of 5:00 A.M. of the following day, or b) for any person age 16 years to 18 years of age to loiter, idle, wander, stroll, play or be in or upon the public streets, public places and public buildings, Places of amusement and entertainment, vacant buildings, vacant lots or otherwise operate any bicycle or other vehicle, in, upon, over or through the streets of other public places of the city between the hours of 1:00 A.M. of any day until the hour of 5:00 A.M.; unless such person is accompanied by a parent, guardian or other adult person having the legal care and custody of said minor person or unless the minor person is upon an emergency errand or legitimate business, directed by his/her parents, guardian or legal custodian, except as hereinafter provided.

SECTION 2-202: CURFEW HOURS EXTENDED

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

SECTION 2-203: VIOLATION; PARENTAL LIABILITY

It shall be unlawful for the parent, guardian or other adult person, having the care and custody of minors under the age of 16 years to allow or permit said minor person to do any of the acts or things prohibited by Section 2-201 or 2-202.

SECTION 2-204: ENFORCEMENT; POLICE AUTHORIZATION

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

SECTION 2-205: PENALTIES

Any violation of the foregoing provisions of this article shall constitute a misdemeanor and shall be punishable by a warning for the first offense, a fine of \$10.00 for the second offense, and a

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

ARTICLE III – DOGS

SECTION 2-301: OWNER DEFINED

Any person who shall harbor or permit any dog to be present for ten days or more in or about his/her house, store or enclosure, or allow to remain to be fed, shall be deemed liable for all penalties herein described. (Ref. Neb. Stat. §54-606, 71-4401)

SECTION 2-302 LICENSING OF DOGS

Any person who shall own, keep or harbor a dog over the age of six months within the City shall, within 10 days after acquisition of the said dog, acquire a license for each such dog annually by or before the first day of January of each year. The said tax shall be delinquent from and after January 10th; provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to January 1st 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. After the ten day grace period allowed herein, there shall be a penalty of \$3.00 on the licenses subsequently obtained. Licenses shall be issued by the city police department upon the payment of a license fee in an amount set by resolution of the City Council. Such resolution shall be on file at the office of the city police. When issued, such license shall not be transferable and no refund will be allowed in case of death, sale or other disposition of the licensed dog. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his/her name and address and the name, breed, color and sex of each dog owned and kept by him/her. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown.

Upon payment of the license fee, the city police department shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tag shall be properly attached to the collar or harness of any dog so licensed and shall entitle the owner to keep or harbor the said dog until December 31st following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original plate or tag issued in accordance with the provisions herein, the city police department shall issue a duplicate or new tag for the balance of the year and may charge and collect a fee of \$1.00 for each such duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the city police department to issue tags of a suitable design that are different in appearance each year.

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

SECTION 2-303 REMOVAL OF TAGS

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

SECTION 2-304 UNLICENSED DOGS

All dogs found running at large upon the streets and public grounds of the City without a license tag affixed as required in this article is hereby declared a public nuisance and shall be impounded by the city police as provided herein.

SECTION 2-305 BARKING AND OFFENSIVE DOGS PROHIBITED

It shall be unlawful for any person to own, keep or harbor any dog which by loud, continued or frequent barking, howling or yelping shall annoy or disturb any neighborhood or person, or which habitually barks or chases pedestrians, bicycles, motor vehicles or riders of horses while they are on any public sidewalks, streets or alleys in the City; provided, the provisions of this section shall not be construed to apply to any city dog shelter.

SECTION 2-306 DOGS RUNNING AT LARGE; DESTRUCTION

“Running at large” shall mean any dog found off the premises of the owner and not under the control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. It shall be unlawful for any person to suffer or permit any dog to run at large within said city, and every dog found running at large in violation hereof is declared to be a public nuisance and may be picked up and disposed of by the animal control officer or city police officer. Any person who permits his/her dog to run at large within the confines of the City is hereby deemed to be guilty of a misdemeanor and, upon conviction thereof, shall be fined no more than \$500.00 and shall pay the costs of prosecution. This penalty shall be in addition to any other penalties prescribed by this article, either against the owner or the particular dog.

SECTION 2-307 DANGEROUS DOGS; DEFINITIONS

“Animal control authority” shall mean an entity authorized by the City Council of Crofton to enforce the animal control laws of the City.

“Animal control officer” shall mean any individual employed, appointed or authorized by the Animal Control Authority for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals, and shall include any state or local law enforcement personnel or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

“Dangerous dog” shall mean any dog that, according to the records of any animal control authority;

1. has killed or inflicted severe injury on a human being on public or private property;

2. has killed a domestic animal without provocation while the dog was off the owner's property; or
3. has been previously determined to be a potentially dangerous dog by an Animal Control Authority and the owner has received notice of such determination and such dog again aggressively bites, attacks or endangers the safety of humans or domestic animals. A dog shall not be defined as a dangerous dog if the threat, any injury that is not a severe injury, or the damage was sustained by a person who, at the time, was committing a willful trespass or any other tort upon the property owner of the dog; who was tormenting, abusing or assaulting the dog; who has, in the past, been observed or reported to have tormented, abused or assaulted the dog; or who was committing or attempting to commit a crime.

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

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

"Potentially dangerous dog" shall mean:

1. any dog that, when unprovoked, inflicts a non-severe injury on a human or injures a domestic animal on public or private property, or chases or approaches a person upon streets, sidewalks or on any public ground in a menacing fashion or apparent attitude of attack, or
2. any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

"Severe injury" shall mean any physical injury that results in disfiguring lacerations requiring multiple sutures, cosmetic surgery, or one or more broken bones or that creates a potential danger to the life or health of the victim. (Ref. Neb. Rev. Stat. §54-617)

SECTION 2-308: DANGEROUS DOGS ON OWNER'S PROPERTY; CONFINED

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

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

The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property. (Ref. Neb. Rev. Stat. §54-619)

SECTION 2-309: DANGEROUS DOGS OFF OWNER'S PROPERTY; RESTRAINED

No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash. (Ref. Neb. Rev. §54-618)

SECTION 2-310: DANGEROUS DOGS; FAILURE TO COMPLY

Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this article, and said officer may enter upon private property in order to confiscate the animal. In lieu of confiscation, the animal control officer may immediately destroy the dangerous dog if it poses a threat of harm to said officer or any other person or property. The owner shall be responsible for the costs incurred by the Animal Control Authority for the care and boarding of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the owner violated this article. (Ref. Neb. Rev. Stat. §54-620)

SECTION 2-311: DANGEROUS DOGS; IMPOUNDMENT, DESTRUCTION

In addition to any other penalty, the Animal Control Authority shall order the animal control officer to dispose of a dangerous dog in a humane manner. Notice of impoundment of all animals, including any significant marks or identification, shall be posted at the office of the city clerk as public notification of such impoundment. Upon such request, the Animal Control Authority shall schedule the matter to be heard at a special or regular meeting of the Animal Control Authority, at which time the owner must present clear and convincing evidence that the dog will not present a present nor future threat to the safety of the public or to public property. The Animal Control Authority shall not be bound by the Nebraska Rules of Evidence. Upon such proof to the satisfaction of the Animal Control Authority, the dog may be returned to the owner after the owner pays all costs of confinement, board, medical treatment, food and care for the dog. If the foregoing costs are not paid with 15 days of the hearing, the dog shall be destroyed.

SECTION 2-312: RABIES VACCINATION

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

SECTION 2-313: RABIES SUSPECTED; IMPOUNDMENT

Any dog or other animal suspected of being afflicted with rabies or any dog not vaccinated in accordance with the provisions set forth above which has bitten any person or has caused an abrasion of the skin of any person shall be seized by a police officer or animal control officer of

this city and shall be impounded under the supervision of a licensed veterinarian or public health authority for not less than ten days. If, upon examination by a veterinarian, the dog or other animal has no clinical signs of rabies at the end of such impoundment, it shall be released to the owner upon said owner paying the costs of said impoundment, or, in the case of a stray, shall be disposed of in whatever manner deemed best by the city police officer. (Ref. Neb. Rev. Stat. §71-4406)

SECTION 2-314 RABID DOGS; CAPTURE IMPOSSIBLE

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

SECTION 2-315: RABID DOGS; PROCLAMATION

It shall be the duty of the City Council or mayor whenever, in their opinion, the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping or harboring any dog to muzzle the same, or to confine it for a period of not less than 30 days or more than ninety days from the date of such proclamation, or until such danger is past. The dogs may be harbored by any good and sufficient means in a house, garage or yard on the premises wherein the said owner may reside. Upon issuance of the proclamation it shall be the duty of all persons owning, keeping or harboring any dog to confine the same as herein provided.

SECTION 2-316: FIGHTING DOGS

It shall be unlawful for any person, by agreement or otherwise, to set dogs to fighting, or by any gesture or word to encourage the same to fight. Any person convicted of violating this section shall be fined in any sum not exceeding that permitted by Nebraska law.
(Ref. Neb. Rev. Stat. §17-526)

SECTION 2-317: KILLING AND POISONING

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

SECTION 2-318: INTERFERENCE WITH POLICE

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

SECTION 2-319: DAMAGE BY DOG; LIABILITY OF OWNER

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

SECTION 2-320: IMPOUNDING

It shall be the duty of the animal control officer to capture, secure and remove in a humane manner to the designated city animal shelter any animal violating any of the provisions of this article. The animals so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded animal shall be kept and maintained at the pound for a period of not less than three days for licensed animals and five days for unlicensed animals unless reclaimed earlier by the owner. No later than 24 hours after the impoundment of any animal, notice of impoundment of all animals, including any significant marks or identification, shall be posted for three days at the office of the city clerk as public notification of such impoundment by payment of a general impoundment fee and daily board fee as set by resolution of the City Council and on file at the office of the city clerk. The owner shall then be required to comply with the rabies vaccination requirements within 72 hours after release. If the animal is not claimed within 120 hours from the time of pickup, the animal control officer may dispose of the animal in accordance with the applicable rules and regulations pertaining to the same; provided, if the animal control officer can find a suitable home for the impounded animal, he/she may turn it over to any person willing to provide the animal with a home. In this event the new owner shall be required to pay all fees and meet all licensing and vaccinating requirements provided in this article. The City shall acquire legal title to any unlicensed animal impounded at the animal shelter after five days. All animals not placed for adoption shall be destroyed and buried in a humane manner as prescribed by the Board of Health. (Ref. Neb. Rev. Stat. §17-548, 71-4408)

SECTION 2-321: ANIMAL SHELTER

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

ARTICLE IV - KENNELS

SECTION 2-401: KENNELS; DEFINED

“Kennel” is defined for this article as any lot or parcel of land or place where more than three dogs or more than three cats over the age of 12 weeks are confined, treated, boarded, housed or cared for, and shall include any lot or parcel of land or place where a person, corporation or other entity engages in, conducts, manages or maintains a veterinary business, regardless of the number of animals treated, kept, confined or boarded.

SECTION 2-402: UNLICENSED KENNELS; NUISANCE

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

SECTION 2-403: KENNELS; LICENSE REQUIRED

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

SECTION 2-404: KENNEL LICENSE; APPLICATION FOR

Any person or legal entity seeking a kennel license shall make written application to the City Council. Such application shall state in detail the type, number and gender of animals to be held in such kennel, describe the kennel facility in detail and provide such other information as may be required by the City Council. Such application shall also have attached thereto the consent of all property owners or occupants of lands or lots adjoining the land upon which the proposed kennel is to be located. In the event that the City Council determines that such kennel would not constitute a nuisance, it shall issue such license on such terms and conditions as it deems appropriate. Such license shall be on an annual basis and may be revoked after notice and hearing for violation of any term or condition of the issuance of the license. The annual license fee shall be \$50.00 and the license shall not be issued until such fee is paid.

SECTION 2-405: KENNEL REGULATIONS

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

ARTICLE V – ANIMALS AND FOWL

SECTION 2-501: PROHIBITION

It is hereby determined unlawful for any person to keep, maintain or confine any snakes, exotic animals or domestic farm animals within the corporate limits of the City or within one mile thereof except as hereinafter provided.

SECTION 2-502: DEFINITIONS

“Domestic farm animal” is defined as any horse, sheep, mule, cow, goat, swine or offspring thereof or any other livestock generally raised for commercial sale.

“Exotic animal” is defined as any llama, zebra, buffalo or other animal other than a domestic farm animal or dog, weighing more than 50 pounds

SECTION 2-503: EXEPTIONS; LICENSE, APPLICATION

It shall be unlawful to keep and maintain domestic farm animals in enclosed or fenced areas on private property with the prior consent and approval of the city Council. Any person desiring to maintain domestic animals on property owned or controlled by them within the City shall make application to the city clerk for a license to do so. The city clerk shall present such application at the next regular or special meeting of the City council, and the City Council may permit the keeping of such animals within the corporate limits of the City upon such terms and conditions as they determine best.

SECTION 2-504: FOWL; RUNNING AT LARGE

It shall be unlawful for any person to allow poultry, chickens, turkeys, geese or any other fowl to run at large within the corporate limits. Such fowl may be maintained within the City if the same are confined in cages inside an enclosed building.

SECTION 2-505: PENALTY

Anyone harboring any livestock as determined in Section 2-502 or permitting fowl to run at large shall be deemed guilty of a misdemeanor and shall be fined in a sum of not more than \$500.00, and each day’s maintenance as described in Section 2-501 shall be determined as a separate offense and may be prosecuted as such.

ARTICLE VI – NUISANCES

SECTION 2-601: DEFINITIONS

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

1. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish or fowl.
2. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or vermin, or which are foul or malodorous
3. 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.
4. 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.
5. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the City, nor the dumping of non-putrefying waste in a place and manner approved by the health officer.
6. 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.
7. 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 non-licensed motor vehicles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or vermin may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.
8. Any unsightly building, billboard or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are either 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 thereof.
9. All places used or maintained as junkyards, or dumping grounds, or for the wrecking and dissembling of automobiles, trucks, tractors or vehicles or vehicles and machinery of any kind, or for the storing or leaving of warm-out, wrecked or abandoned automobiles, trucks, tractors or vehicles and 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 said 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 tend to depreciate property values in the vicinity thereof.

10. Not currently licensed, partially dismantled, non-operating, wrecked, junk or discarded vehicles; provided, this section shall not apply to a vehicle in an enclosed building.
11. Stagnant water permitted or maintained on any lot or piece of ground.
12. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animals or vegetable matter including grain is being processed, when said places in which said animals are confined, or said premises on which said vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom, to the annoyance of inhabitants of the city, or are maintained and kept in such a manner as to be injurious to the public health
13. Weed or grass growth that is more than 8 inches in height. Weeds shall include, but not be limited to, bindweed, puncture vine, leafy spurge, Canada thistle, perennial peppergrass, Russian knapweed, Johnson grass, nodding or musk thistle, quack grass, perennial sow thistle, horse nettle, bull thistle, buckthorn, hemp plant and ragweed.
14. All other things specifically designated as nuisances elsewhere in this code.
(Ref. Neb. Rev. Stat. § 18-1720)

SECTION 2-602: ABATEMENT

Whenever the city police or code enforcement officer determines that a nuisance is being maintained within the City, the police shall cause written notice to be served upon the owner of the property on which such nuisance is located, and further upon the occupant thereof, by registered mail or by personal service. Such notice shall state the type of nuisance located on the property and shall provide that such nuisance shall be abated or removed within 15 days of receipt of the notice.

SECTION 2-603: FAILURE TO CORRECT; PENALTY

In the event that the owner or occupant of said premises fails to correct and eliminate said nuisance pursuant to the notice, he/she shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum of not more than \$500.00. Each day's violation after the expiration of the 15 days' notice shall be a separate offense and may be prosecuted as such.

SECTION 2-604: COST OF REMOVAL

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

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.

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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 Chapter 60, Article 6 of the Revised Statutes of Nebraska, 1943, as now existing or as hereafter amended, 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 restricting traffic for vehicles weighing in excess of ten tons and it shall be unlawful for persons operating 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 operator of such vehicle 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 of the City 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.

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 such 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 shall, before stopping, turning, or changing the course of such vehicle, 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 shall give some other unmistakable signal to the driver of all other vehicles of his intention to make such movement.

SECTION 3-108: RIGHT OF WAY; GENERALLY

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 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. 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.

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 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 or vehicles have passed; provided said vehicles are operated on official business and the drivers' thereof sound 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 the same 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 scooter, except for snow removal purposes, shall be driven on any sidewalk or within any sidewalk space, except a permanent or temporary driveway. (Ref. Neb. Rev. Stat. §60-6, 178)

SECTION 3-114: STOPS; MANDATORY

All vehicles, before crossing a sidewalk, emerging from a garage, alley, filling station or other place, shall come to a complete stop, and after giving sufficient warning shall proceed slowly and with extreme caution while crossing such sidewalk or leaving such garage, alley, filling station or other place. The term "slowly" shall be construed to mean such rate of speed as is reasonable and proper under the circumstances and the condition of the street and traffic thereon.

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

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 20 miles per hour in the business district or 25 miles per hour in the residential district or the city.

No person shall operate a motor vehicle on the state highways within the city limits at a speed greater than 35 miles per hour. The Department of Roads and local authorities may erect and maintain suitable signs along highways under their respective jurisdictions in such number and at such location as they shall deem necessary to give adequate notice of the speed limits upon such highways.

SECTION 3-118: FUNERAL PROCESSIONS

No vehicle, except police vehicles or fire department vehicles when responding to emergency calls or orders in their several departments, ambulances responding to emergency calls, or vehicles carrying United States mails 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, and 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: QUIET ZONES; UNNECESSARY NOISE

All streets or portions thereof lying within 300 feet of any hospital, nursing home or school, and which have been declared to be "quiet zones" by the City Council shall be respected as such by all drivers, and no driver of any vehicle shall, within such zones, make any unnecessary noise, sound the horn or other warning device of such vehicle, except in an emergency or permit their automobile radio to be heard beyond the confines of their automobile. It shall be unlawful for any person in any part of said city to make, or cause to be made, any unnecessary noise with any signal device, or to use the same except as a road signal.

SECTION 3-124: ELECTRONIC DETECTOR

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 determinations 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.

The driver of any such 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.

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 street or alley in the City.

Any person so operating a motor vehicle within the city limits of the City shall be deemed guilty of careless driving. It shall be prima facie evidence that a person has operated a motor vehicle in such a careless manner if he/she has operated such vehicle in a manner contrary to the duly published rules and regulations of the Department of Roads of the State of Nebraska governing the use of state highways.

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 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, when necessary, temporarily divert, or exclude, in the interest of public safety, health and convenience, the movement of pedestrian, animal and vehicular traffic of every kind in streets, parks and on bridges. The driver of any vehicle shall stop upon the signal of any 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 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: LITTERING

It shall be unlawful for any person to drop, cause to be left, upon any city highway, street or alley, except at places designated by the City Council, any rubbish, debris or waste, and any person so doing shall be guilty of littering.

SECTION 3-133: 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 3-134: 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.

SECTION 3-135: CROWDING; FRONT SEAT

Front seat occupancy of any automobile while the same is in the process of being started or in the motion within the corporate limits shall be limited to one driver and not more than two persons over the age of 12 years. It shall be unlawful for any person to operate a motor vehicle upon any street when such person has in his/her lap or in his/her embrace another person, package or other encumbrance which prevents the free and unhampered operation of such vehicle.

SECTION 3-136: MUFFLER

Every motor vehicle operated with 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 3-137: 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 shall be carried by day and red light after sunset on such load.

SECTION 3-138: LOADS; SPILLING

All vehicles used for carrying coal, earth, sand, gravel, rock, asphalt, tar or any similar substance shall be so constructed as to prevent the sifting or spilling of any of the contents.

ARTICLE II – ABANDONED VEHICLES

SECTION 3-201: TERMS DEFINED

No person, firm, partnership, association, corporation, or organization of any kind shall abandon any vehicle, as defined by Neb. Rev. Stat. §60-3010(1), within the City of Crofton. A motor vehicle shall be deemed to be abandoned vehicle if left unattended:

1. With no number plates affixed thereto, for more than six hours on any public property;
2. For more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
3. 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;
4. 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.

No person in charge or control of any private property, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantles, non-operating, wrecked, junked, or discarded vehicle to remain on such property longer than seven continuous days. Any vehicle described in the paragraph shall be deemed to be an abandoned vehicle for purposes of this article.

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.

Vehicles in an enclosed building, appropriate storage pound, or depository licensed by the City, or owned and being restored or repaired, with satisfactory progress being shown by the controller of the real property where said vehicle is located, is specifically hereby excluded from this section. This article shall not apply to the premises for which a permit to operate a junkyard has been obtained, nor shall it apply to the premises where a licensed motor vehicle dealer or a farm implement dealer conducts a business. It shall not apply to racing vehicles which are stored on licensed trailers.

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

Except for vehicles automatically becoming the property of the City as set forth in Section 3-205 hereunder, the Board shall make an inquiry concerning the last registered owner of such abandoned vehicle as follows:

1. Abandoned vehicles with numbered plates affixed---to the jurisdiction which issued said plates; or
2. Abandoned vehicles with no numbered plates affixed---to the Department of Motor Vehicles.

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 Subsections 1 or 2 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: DISPOSTION

The city police shall sell said abandoned vehicle at public auction to the highest bidder within 60 days from the date that title to an 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 with 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 is 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 the 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 PROVISIONS

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.

ARTICLE III – PARKING

SECTION 3-301: VEHICLES; UNATTENDED

No person having control or charge 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, when traveling upon a downgrade upon any street, shall not coast with the gears of the vehicle in neutral. (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 stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. No vehicle shall be parked upon a roadway when there is 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 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 resolution, set aside and post any street, alley, public way or portion thereof for the parking of any particular kind or class of vehicle, and where the parking of vehicles has been prohibited by resolution, 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 resolution. (Ref Neb. Rev. Stat §60-680)

SECTION 3-304: OBSTRUCTING ALLEY

No vehicle, while parked, shall have any portion thereof projecting into any alley entrance. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-305: LOADING ZONES; DESIGNATION

The City Council may, by resolution, designate loading zones and parking times therein.

SECTION 3-306: ALLEYS; LOADING AND UNLOADING

No vehicle shall be parked in an alley except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of one half hour. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley. (Ref. Neb. Rev. Stat §60-680)

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.
(Rev. Neb. Rev. Stat §60-680)

SECTION 3-308: FIRE HYDRANTS

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 or yellow 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 yellow or 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 to be a "one-way" street by the City Council. 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

No vehicle shall, except in case of an accident or emergency, 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 curb space to be painted and keep the same painted as in this article provided. 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 upon any street, alley or public place within this city any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle, or race the motor of same, while standing on the public streets or alleys of this city, except in case of breakdown or other emergency requiring same. No person or employee connected with a garage or repair shop shall use sidewalks, streets or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Ref. Neb. Rev. Stat. §60-680)

SECTION 3-315: MAXIMUM TIME LIMIT

It shall be unlawful for any person to park or leave unattended any motor vehicle upon a public street or the City for more than 48 consecutive hours, except where a different maximum time limit is posted.(Ref. Neb. Rev. Stat. §60-680)

SECTION 3-316: 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 3-317: VEHICLES OVER 30 FEET IN LENGTH

No person shall park a vehicle a length of 30 feet or more, except temporarily during daylight hours, on the city streets. The term "a length of 30 feet or more" shall be measured from the rear bumper to the front portion of any vehicle. If a trailer is attached, a combined length shall be used. If a trailer is disconnected, the length of the trailer shall be used.

Whenever any police officer shall find a vehicle parked on the city streets in violation of this ordinance, such officer may remove or have such vehicle removed or required the driver or the person in charge of such vehicle to move the vehicle to a position off of the city streets.

The owner lawfully entitled to possession of such vehicle shall be charged with the reasonable costs of removal and storage, payable before such vehicle is released. Any such towing or storage fee shall become a security interest in the vehicle prior to all other claims.

SECTION 3-318: HANDICAPPED PARKING, RESERVING PLACES FOR VEHICLES OF HANDICAPPED PERSONS; IDENTIFICATION OF SUCH VEHICLES; IDENTIFICATION OF RESERVED PARKING SPACES; ISSUANCE OF PERMITS; PENALTIES

The mayor and City Council, may, by resolution, designate parking spaces for the exclusive use of paraplegics or other handicapped person whose vehicles display the distinguishing license plates issued by the State of Nebraska or, as certified by the mayor and City Council, where vehicles display the identification card used by the City.

Whenever such parking spaces are so designated by the mayor and City Council, they shall be indicated by blue paint either on the curb or edge of the paved portion of the street adjacent to each space and by a sign consisting of a profile view of a wheelchair with occupant in white on a blue background.

It shall be the duty of the city clerk, upon approval of the mayor and City Council, to issue a permit to physically handicapped person who have reached school age and persons who drive a motor vehicle for a visually handicapped person which will entitle the holder thereof to park in those spaces herein provided. For the purpose of this section, "physically handicapped persons" shall mean those using crutches, canes, walkers, wheelchairs or having definite walking problems, including but not limited to amputees and those person who have respiratory problems which incapacitate their walking ability. "Visually handicapped person" shall mean those persons using the white cane or Seeing Eye dog.

The permit shall be on a suitable card containing the letter "H" and an identifying number on the front of the card. The name, address, phone number, date of birth, and the age of the party to who issued shall appear on the reverse side.

All permit authorized under this section shall be issued for a period of one year. Permits shall be renewable annually on the first day of January. A permit may be reissued upon a change of address by the holder.

Permits issued under this section shall not be transferable and shall be used only by the party to whom issued. Use by any other party shall be cause for suspension of such permit for a period of six months. At the expiration of such period, a suspended permit may be renewed.

When reserved parking spaces, so designated as provided herein, are posted as a tow-away zone, any vehicle parked in such a space and not displaying proper identification may be removed and anyone violating the provisions of this section shall be subject to a fine of not less than \$10.00 nor more than \$50.00.

The owner or person in lawful possession of an off-street parking facility may provide reserved parking spaces for handicapped person as provided herein and may, after notifying the city law enforcement officials, cause the removal of any vehicle in violation of this section.

SECTION 3-129: POLICE; TRAFFIC POWERS

The city police 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, when necessary, temporarily divert, or exclude, in the interest of public safety, health and convenience, the movement of pedestrian, animal or vehicular traffic of every kind in streets, parks and on bridges. 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 may at any time details 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 or 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: LITTERING

It shall be unlawful for any person to drop, cause to be left, upon any city highway, street or alley, except at places designated by the City Council, any rubbish, debris or waste, and any person so doing shall be guilty of littering.

SECTION 3-133: DRIVING ABREAST

Two or more vehicles shall 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.

SECTION 3-134: RIDING OUTSIDE VEHICLES

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 vehicles.

SECTION 3-135: CROWDING; FRONT SEAT

Front seat occupancy of any automobile while the same is in the process of being started or in motion within the corporate limits shall be limited to one driver and not more than two people over the age of 12 years. It shall be unlawful for any person to operate a motor vehicle upon any street when such person in his/her lap or his/ her embrace another person, package or other encumbrance which prevents the free and unhampered operation such vehicle.

SECTION 3-136: 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 3-137: LOADS; PROJECTING

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

SECTION 3-138: LOADS; SPILLING

All vehicles used for carrying coal, earth, sand ,gravel, rock, asphalt, tar, or any similar substance shall be so constructed as to prevent the sifting or spilling of any of the contents.

ARTICLE IV – BICYCLES, MOTORCYCLES AND SNOWMOBILES

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 handlebar 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 signal 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 right-hand curb or right-hand 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 right-hand curb or right-hand edge of the roadway, including fixed or moving objects, stopped or moving vehicles, bicycles, pedestrians animals or surface hazards.
 - 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 Section 60-6, 142 R. S. Neb.

Any person who operates a bicycle upon a roadway with a posted speed limit of 35 miles per hour or less on which traffic is restricted to one direction of movement and which has two or more marked traffic lanes may ride as near to the left-hand curb or left-hand edge of the roadway as practicable. Whenever a person operating a bicycle leaves the roadway to ride on the paved shoulder or leaves the paved shoulder to enter the roadway, the person shall clearly signal his or her intention and yield the right of way to all other vehicles.

6. No person shall park a bicycle on any sidewalk unless a bicycle stand is located on said sidewalk
7. 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/herself to his/her bicycle, coaster, roller skates, sled, skis or toy 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 the rights and shall be subject to all 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 or 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 land. This subsection shall not apply to motorcycles operated 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

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 head lamp, one tail lamp, 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.

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 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)

SECTIONS 3-407: SNOWMOBILES; ON PUBLIC LANDS

Snowmobiles shall be prohibited upon the public lands owned by the City except where allowed by resolutions of the City Council. (Ref. Neb. Rev. Stat. §60-6, 338)

SECTION 3-408: SNOWMOBILES; ENFORCEMENT; PENALTY

Any peace officer, including a conservation officer, may enforce the provisions relating to snowmobiles. Any person convicted of violating any rule or regulating dealing with snowmobiles shall be punished by a fine of not more than \$500.00.

(Ref. Neb. Rev. Stat. §60-343)

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 offence.

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ARTICLE I – LIQUOR REGULATIONS

SECTION 4-101: 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 through copied at full length herein.

SECTION 4-102 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, and any persons convicted of such shall be fined in any sum not exceed permitted by Nebraska law and assessed the court costs of prosecution. (Ref. Neb. Rev. Stat. §53-168.06)

SECTION 4-103: LIQUOR APPLICATION; RETAIL LICENSING STANDARDS

The city council adopts the following licensing and criteria for considering 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 extension 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 project growth, both city-wide and within the area to be served.
6. Existing liquor licenses, the class of such license and the distance and time of travel to such licenses.
7. The nature and needs of the neighborhood or community where the proposed premises are 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 4-104: SALES TO MINORS AND INCOMPETENTS PROHIBITED

1. No persons shall within this city sell, give away , dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquor to or for any person who is physically or mentally incapacitated by the consumption of such liquors.
2. No minor shall have in his/her possession alcoholic liquor, in any tavern public place, street or ally in this city or inside a vehicle while upon any street, ally 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 any other public place.
(Ref. Neb. Rev. Stat. §53-180)

SECTION 4-105: HOURS OF SALE

It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the City except during the hours provided herein:

Alcoholic liquors (except beer and wine)	
Secular Days	
Off sale	6:00 A.M. to 1:00 A.M.
On sale	6:00 A.M. to 1:00 A.M.
Sundays	
Off sale	12:00 Noon to 1:00 A.M.
On sale	12:00 Noon to 1:00 A.M.
Beer and wine	
Secular days	
Off sale	6:00 A.M. to 1:00 A.M.
On sale	6:00 A.M. to 1:00 A.M.
Sundays	
Off sale	6:00 A.M. to 1:00 A.M.
On sale	6:00 A.M. to 1:00 A.M.

No person or persons 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. For the purposes of this section, "on sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishments; "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

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)

SECTION 4-106: RESTRICTIONS ON PLACE OF CONSUMPTION

No person shall drink or consume alcoholic liquors on any street or alley in this city or inside any vehicle on any street or alley of this city 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 4-107: OCCUPATION TAX

Occupation taxes for these and similar retail establishments shall be:

Retailer of beer only, on sale	\$25.00
Retailer of beer only, off sale	25.00
Retailer of alcoholic liquors, Type C	250.00
Retailer of alcoholic liquors, package only	150.00

The amount of such liquor license fee and occupation tax set forth above shall be deposited with the city treasurer at the time the application for license is made, whether such application be filed with the city clerk or the Nebraska Liquor Control Commission, and the city treasurer shall hold such occupation tax as a trust fund until the application is finally passed on, and if the application is refused and license denied, then the amount thereof shall be returned to the applicant without interest. The occupation tax year shall commence on May 1 of each year and shall end on April 30th the next succeeding year; provided, during any license year no license shall be issued, unless the occupation tax for the full license year shall have been deposited with the city treasurer as hereinabove 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.

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 and such resolution shall state the reason therefore and shall be forwarded to the Nebraska Liquor Control Commission. (Ref. Neb. Rev. Stat. §17-525)

SECTION 4-108: ENTRY OF PREMISES FOR INSPECTION

The mayor, any member of the City Council, the city marshal, any policeman 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 4-109: 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 violation 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 Crofton, Nebraska.

The undersigned respectfully state:

- 1. That they are each residents of the City of Crofton, 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 Crofton, Nebraska.

- 3. That the aforesaid belief is based on the following facts, to wit:

STATE OF NEBRASKA)

)SS

COUNTY OF _____)

Subscribed in my presence and sworn to before me by _____,
_____, _____, _____ and _____, this ____ day of
_____, ____.

My commission expires _____.

Notary Public

(Ref. Neb. Rev. Stat. §53-134.04)

SECTION 4-110: FORMS, CONTINUED; PROCEDURE

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 thereon. Any complaint dully 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 that from the facts alleged there is a reasonable cause for such belief, they shall, by resolution, set the matter for hearing within ten days from the filing of the complaint.

Said resolution shall state the time and place of said hearing and shall direct the city marshal 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 A 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, which 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 4-111: COMPLAINT INITAIATED 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, which resolution shall state the section or sections in question. Said resolution shall be served in the same manner and within the same time as the initial resolution mentioned in Section 4-110 of this code, and insofar as possible the procedure shall be the same as is provided in that section.

SECTION 4-112: PREREQUISITES TO DELIVERY OF LICENSE

Retail licenses issued or renewed by the Nebraska Liquor Control Commission for licensees within this city shall be delivered to said licensee by the city clerk, but he/she shall not deliver any such license to a licensee who does not exhibit receipts showing payment of the occupation tax levied under Section 4-107 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 4-113: ACTION ON APPLICATION FOR LICENSE

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 to the mayor and the City council at their next meeting, and said mayor and City Council 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.

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 4-114: RENEWAL OF LICENSE

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), 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 Crofton on or before February 10, 20___, in the office of the city clerk; that in the event protests are continuation of said license should be allowed.

(NAME)

(CITY CLERK)

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 4-115: 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 would be required to do for an original license, and 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 4-116: SPIKING BEER

It shall be unlawful for any person or persons, who own, manage or lease any premise in which the sale of alcoholic beverages is licensed, to serve or offer for sale by beer to which there has been added any alcohol. Or permit any person to add alcohol to any beer on the licensed premise of such licensee. (Ref. Neb. Rex. Stat. §53-174)

SECTION 4-117: CHANGE OF PREMISES

Any retailer licensee desiring to transfer his/her license from one premise to another shall file a written request for permission to do so with the city clerk, and shall also file with said clerk a sworn statement showing that the premises to which removal is to be made comply 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, the approval thereof shall be endorsed on the license by the mayor and attested by the city clerk.

SECTION 4-118: GAMBLING

Unless sanctioned by Nebraska law, no licensee in this city holding a license covering 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 permit the operation or possession of any pay-off gambling device, slot machine, or punchboard, mechanical or otherwise, whether pay-off is in cash or merchandise, in on or about the licensed premises.

SECTION 4-119: 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 4-120: 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 4-121: NO DELIVERY AFTER CLOSING HOURS

No retail licensee in this city operating 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 4-122: RESTRICTIONS ON CONDUCT OF OTHER BUSINESS

Retail licenses in this city shall not maintain in their licensed premises any door opening into or access leading into the 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 4-123: 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 4-124: ADVERTISEMENTS AND SALES

Advertising by licensees in this city shall not contain misrepresentation 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 4-125: SANITATION

Sanitary conditions conducive to public health and welfare must be maintained at all times in or about licensed premises in this city. (Ref. Neb. Rev. Stat. §53-183)

SECTION 4-126: SALES FOR CASH ONLY

No person shall, in this city, sell or furnish alcoholic liquor at retail: (1) on credit or on a passbook, or (2) order on a store, or (3) in exchange for any goods, wares or merchandise, or (4) in payment for any services rendered. (Ref. Neb. Rev. Stat. §53-183)

SECTION 4-127: PREMISES OPEN TO VIEW

In premises within this city in which the sale of alcoholic liquor for consumption upon the premises is licensed, other than as a restaurant, hotel or club, no screen, blind, curtain, partition, article or thing shall be permitted in the windows or upon the door of such premises which shall prevent a clear view into interior of such licensed premises from the street, road, or sidewalk at all times, and no booth, screen, partition or other obstruction nor any arrangements of lights or lighting shall be permitted in or about the interior of such licensed premises which shall prevent a full view of the entire interior of such licensed premises from the street, road, or sidewalk. All rooms where liquor is sold for consumption upon the premises shall be continuously lighted during business hours by natural or artificial white light so that all parts of the interior of the premises shall be clearly visible.

SECTION 4-128: 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)

ARTICLE II – NON-RESIDENT SALESMEN

SECTION 4-201: REGISTRATION

Any non- resident salesman, not having a regularly maintained route on a weekly basis, intending to sell or attempting to sell at retail any merchandise, magazines, books or other items of value or attempting to take orders or subscriptions for the same within the corporate limits of the City shall, prior to making any attempt to sell such item, register with the city clerk. The city clerk shall require satisfactory evidence of identification, including photographs, product to be sold, principal place of business, employers name and address, telephone numbers, address if employed, and such other additional evidence necessary for identification and location. Upon registration, the city clerk shall have authority to issue a salesman’s permit to such salesman. There shall be charge of \$10.00 per day per salesperson to be paid at the time such permit is issued by the clerk. Said permit shall be valid for three from the date of issuance. The clerk may also require written satisfactory recommendation or approval from the Better Business Bureau or such other organization as to said salesperson, his/her product and business prior to issuing such permit. All registration fees collected by the clerk shall be credited by the treasurer to the General Fund of the City.

SECTION 4-202: REGISTRATION, EXCEPTIONS

The provisions of Section 4-201 shall not extend to individuals calling on retail merchants in corporate limits of the City for the purpose of taking orders or selling of merchandise for resale by such merchants, or to any person or persons selling produce raised on property.

SECTION 4-203: DUTY TO CARRY AND DISPLAY PERMIT

The salesman permit as herein provided shall at all times be carried on the person of said salesman and shall be displayed by the salesman upon the request of any citizen of the City or any police officer of the City.

SECTION 4-204: HOURS OF SOLICITATION

It shall be unlawful for any solicitor, salesman or peddler to solicit any individual between the hours of 5:00 P.M. and 9:00 A.M., unless they have previous appointment with the resident or residents of the premises solicited.

(Ref. Neb. Rev. Stat. §17-134, 17-562)

ARTICLE III – SALVAGE YARDS

SECTION 4-301: DEFINITION

The term “salvage yard” as used in this article shall mean any business where junk, scrap iron and metals such as gold, silver, brass, copper, or tin; old machinery or parts thereof; car bodies and unusable parts of motor vehicles; old tires or scrap rubber; rags, bones, paper; wreckage from old buildings; used or secondhand lumber; used or secondhand building materials or discarded material which may be treated or prepared so as to be used again in some form, are purchased, sold or exchanged.

SECTION 4-302: PERMIT

No person shall engage in the principal business of a salvage yard without a permit, which permit shall be issued by the city clerk upon payment to the City Council of a permit fee of \$1.00, which permit shall be good for one year only. The permit shall be from May 1 to April 30 of each year. Such permit may be revoked by the City Council if any of the provisions of this article are violated by the permittee. No more than one permit shall be granted to the same person during one permit year. Permits may be renewed after review by the City Board of Health.

No person to whom a permit shall have been granted under the provisions of this article shall do business in more than one place under one permit. Every permit shall state the place and legal description of the real estate where such business is to be carried on, which shall be the place where junk is to be stored either inside or outside any building located thereon and include the office building of said business. The storage of junk or doing business upon any real estate other than described in the permit shall be considered a violation of the term of this article. In case a permittee at the time of the issuance of the permit shall have any junk stored upon any real estate other than the particular real estate described in the permit, he/she shall remove the same therefrom within 30 days after the issuance of the permit.

SECTION 4-303: NUISANCE

It is hereby determined to be a public nuisance for any person to operate any junk business within the corporate limits of the City contrary to any of the provisions set forth above. The operation of such junk business contrary to the terms of this article is hereby determined to be a nuisance and may be enjoined pursuant to Section 2-602 herein.

ARTICLE IV – TRAILER REGULATIONS

SECTION 4-401: TERMS DEFINED

The term “court” as used in this code shall mean and include any tract of land upon which are located two or more trailers or other temporary enclosures used for living purposes, whether a charge is made or not.

The term “trailer” as used in this code shall mean and include any vehicle commonly designated as such, also called a “mobile home,” and constructed to permit occupancy for sleeping, advertising, or business purposes, and so designed that it is or may be mounted on wheels and used as a conveyance on the public ways, and does not comply with the city building code.

The term “unit space” as used in this code shall mean and include the ground that is actually set aside in a trailer court for the occupancy by and use of a trailer or other temporary dwelling.

SECTION 4-402 TRAILER COURTS; PERMIT REQUIRED

It shall be unlawful for any person to establish a trailer court within the City or within one-half mile beyond the corporate limits until he or she shall first obtain a permit for such purpose from the City Council. The city clerk shall provide permit application forms, which shall require: the name and address of the applicant; the name and residence of the proposed manager of the premises; the location and size of the court; a plat of the court showing the number and location of each unit space; the water service available; the toilet or sewer facilities available; the proposed means of disposing of garbage; the electrical current sources available; and the type of building proposed to be erected thereon.

Upon receipt of any such permit application, the city clerk shall furnish the mayor with a copy of the said application. The mayor shall then examine the premises involved and the proposed unit spaces for the purpose of determining whether the proposed court will violate any of the provisions of the municipal code or the laws of the State of Nebraska. The mayor’s findings shall then be submitted in writing to the City Council.

The City Council at its next regular meeting shall consider such application, and if the members find that all of the provisions of this ordinance are complied with, shall issue a permit for the operation of the trailer court. In the event that any of the provisions of this ordinance shall not be provided for in such permit application, then such trailer court permit shall not be issued until the City Council receives assurances that all provisions of this ordinance shall be complied with.

In the event that all of the terms and conditions of this ordinance have been complied with and the City Council votes to permit such trailer court to exist, then the city clerk shall issue a permit to such applicant, which permit shall be for a one-year period, to be renewed annually.

SECTION 4-403: PERMIT RENEWAL

The annual fee for such permit shall be set by the resolution of the City Council and shall be on file at the office of the city clerk. The same procedure shall apply for the renewal of a permit as was heretofore prescribed for the issuance of a permit. No permit shall be issued for any period longer than one year.

SECTION 4-403: ASSIGNING PERMIT PROHIBITED

It shall be unlawful to assign or transfer without the written consent of the city clerk and the authorization of the City Council any permit issued by the City for the purpose of allowing the operation of a trailer court.

SECTION 4-405: PERMIT REVOCATION

Any permit granted under the provisions of this code shall be subject to revocation at any time by the City Council. Notice shall be served by the city clerk upon the person holding such permit, setting forth the manner in which the owner or operator of the court has failed to comply with the provisions of this code allowing him/her an opportunity for a hearing before the City Council at a day and hour therein specified. The said hearing shall be held not less than three days after the personal service of the said notice. The owner or operator shall then be required to show a cause why the said permit should not be revoked. Any owner or operator allowed an appearance under the provisions herein shall have the right to be represented by counsel.

SECTION 4-406: UNIT SPACES

Each trailer home shall be located on a site not less 1,000 square feet. No trailer home shall be parked closer than five feet to the lot lines of the trailer court without the permission of the City Council; provided, nothing herein shall be construed to allow any trailer to be parked or located in such manner as to obstruct the traffic on or the use of any way or public property, and in the event that the lot line is adjacent to the public ways and property, the trailer shall be parked not less than ten feet therefrom. Each unit space shall abut a driveway of not less than 20 feet in width and shall have unobstructed access to a public street or alley. There shall be an open space of at least ten feet between the ends of the trailers located thereon, and there shall be on each trailer space an additional parking space for one vehicle for each unit in said court.

SECTION 4-407: DRAINAGE

Every trailer court shall be located on a well-drained area and the premises of such shall be properly grades so as to prevent the accumulation of stagnant water thereon.

SECTION 4-408: PLUMBING FACILITES

The owner or operator of a trailer court shall make available connections with the sewer system for the trailer homes thereon unless other arrangements are agreed to in writing by the City Council.

SECTION 4-409: WASTE DISPOSAL

For garbage and refuse collection, tight receptacles of the type permitted for use within the City shall be provided for each unit space within the trailer court.

SECTION 4-410: ELECTRICAL SUPPLY

Each unit space within the trailer court shall be provided with an electrical service outlet installed and maintained in accordance to the current issue of the National Electrical Code.

SECTION 4-411: UNLAWFUL PARKING

It shall hereafter be unlawful for any person to place, allow to be placed, or occupy for any purpose a trailer home within the City or one-half mile beyond the corporate limits unless the same shall be located within the boundaries of a duly established trailer court. Modular homes shall not be subject to this prohibition if they have their towing tongue and axles removed and are placed on a permanent concrete or concrete block foundation.

SECTION 4-412: CONVERSION

It shall be unlawful for any person to remove the wheels or transporting device from any trailer or to otherwise affix the said trailer to the ground without first obtaining a written permit from the City Council; provided, the trailer so converted shall be subject to all rules and regulations prescribed herein for other habitable dwellings. Applications for such permits shall be made through the city clerk.

SECTION 4-413: EXCEPTIONS

Nothing in this code shall be construed to prohibit the storage of any trailer home for any length of time when the said trailer is not used for living or business purpose, nor shall it apply to any trailer homes located within the City at the time of the passage of this code; provided, in the event that such trailer is moved to a different location, all the provisions of this article shall become immediately applicable thereto.

SECTION 4-414: LIABILITY

The owner of the property upon which any trailer or trailer court is located shall be primarily liable for any violations of the provisions of the article and shall also be primarily liable for the cost of any and all utility services provided by the City to the owner or occupant of a trailer located thereon.

SECTION 4-415: INSPECTIONS

It shall be the duty of the owner, manager, or occupants of any public trailer court to allow any city officials to enter upon the premises for the purpose of inspection at any reasonable time.

ARTICLE V – PENAL PROVISIONS

SECTION 4-501: 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 V PUBLIC WAYS AND PROPERTY

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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 the 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. Said roots may be removed by the street commissioner at the expense of the owner of the property upon which the tree is located, should the owner fail or neglect, after notice, to do so. It shall be unlawful for any person, persons, firm or corporation to obstruct or encumber by fences, gates, buildings, structures or otherwise, any of the streets, alleys or sidewalks. (Ref. Neb. Rev. Stat. §17-557.01)

SECTION 5-103: PERMITTED OBSTRUCTIONS

Persons engaged in the erection, construction, reconstruction, wrecking or repairing of any building, or the construction or repair of a sidewalk along any street, may occupy the public street space with such building material and equipment as long as is necessary, if such person shall make written application to do so; provided, 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 provided further, a suitable passageway for pedestrians shall be maintained within the public space included in the permit, which shall be protected and lighted in the manner required by the City Council.

SECTION 5-104: MUNICIPAL PROPERTY; SALE AND CONVEYANCE

1. Except as provided in subsection 4 of this section, the power of the City to convey any real personal 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 and personal property and the manner and terms thereof, except that such real and personal 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 and personal 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 and personal 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; provided, 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. The city clerk shall upon passage of such ordinance certify the name of the purchaser to the county register of deeds in which the county is located.
4. This section shall not apply to the sale of real and personal property if the authorizing resolution directs the sale of an item or items of real and personal property the total fair market value of which is 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.

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. It shall be the duty of the street commissioner, upon the erection of any new building or buildings, to assign the proper numbers to said building or buildings, and give notice to the owner, owners, occupant or occupants, of the same.

SECTION 5-202: CROSSINGS

The City Council may order and cause to be constructed, under the supervision of the street commissioner, such street, avenue and alley crossing, and the same shall be constructed of such materials as the City Council shall deem necessary. When a petition for the construction of any such crossing is filed by an interested resident in the office of the city clerk, said city clerk shall refer such application to the street commissioner, 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 of streets for any purpose whatsoever unless a written permit is issued by the street commissioner authorizing such excavation. Excavation in streets and alleys shall be made in such a manner as to impede travel as little as possible. Warning lights 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, to prevent any persons from injury in coming upon or crossing such work. 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 street commissioner.

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 acts as a solvent upon said streets.

SECTION 5-207: EAVES AND GUTTER SPOUTS

It is hereby declared unlawful for any person to erect or maintain any dwelling house or business building within the limits of the City where the said dwelling or building abuts on any sidewalk or street, without providing proper guttering and eave spouts to receive the 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 it to 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

It shall hereafter be unlawful for any person or person 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 curb, gutter, bridge, culvert, sidewalks, crosswalk or crossing, with heavy plank sufficient in strength to warrant against the breaking or damaging of such curb, gutter, bridge, culvert, sidewalk, crosswalk or crossing. Hereafter, it shall be unlawful to run, 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 cuttings edges; with wheels having lugs, or any 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; provided, 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. Provided, school buses and emergency vehicles shall be permitted to use metal or metal-type studs all year; it shall be permissible to use farm machinery with tires having protuberances which will not injure the streets; and it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other condition tending to cause a vehicle to slide or skid.

SECTION 5-209: WIDENING, OPENING, VACATING

The City Council shall have the power to open or widen any street, alley or lane within the limits of the City; and also to create, open and improve any new street, alley or lane; provided, all damages sustained shall be ascertained in such manner as shall be provided by law. Streets and alleys may be vacated as and when the mayor and City Council deem it necessary for the public safety, welfare and convenience and the title to the land so vacated for street or alley purposes shall revert to the owner or owners of the lot or lots from which it was originally taken, as provided by law, one-half on each side thereof.

(Ref. Neb. Rev. Stat. §17-558, 17-559, 76-704 through 76-724)

SECTION 5-210: UTILITY LINES, WIRES, ETC.

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 after a proper application shall have been made to the city clerk in writing, and permission in writing shall have been given by the City Council. 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 City Council. 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 City Council shall order said relocation by resolution, and the city clerk shall notify any company or companies affected. Said companies shall, within 24 hours 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. 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.

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 at all times 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

Whenever the City Council shall deem it necessary that a sidewalk should be constructed in front of any lot or piece of ground in the City on a place where there is no sidewalk, they shall so order and the street commissioner shall thereupon notify the owner of such lot or piece of ground, or his/her agent, if a resident of the City, of the work or improvement to be done, and such owner or person so notified shall be allowed 30 days from the date of said notice in which to construct the same. (Ref. Neb. Rev. Stat. §17-552, 17-523)

SECTION 5-303: REPAIRING SIDEWALK; NOTICE

Whenever the street commissioner 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, or the street commissioner, he/she or 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 two weeks 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 street commissioner, 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 two weeks begin to run from the leaving or posting up of such notice as the case may be.

SECTION 5-304: RECONSTRUCTING SIDEWALKS; NOTICE

Whenever the City Council shall deem it necessary that an old sidewalk shall be replaced or reconstructed, it shall order the same to be done and the street commissioner 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 limited in the notice given in such case and whose commissioner or other officer empowered

herein to act shall proceed at once without further notice to such owner or person to have such sidewalks constructed, repaired, rebuilt or reconstructed, as the case may be, 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

If the owners of the record title 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 the same, the City Council shall proceed in all things 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 making, executing and delivering to the City an agreement to the effect that the petitioning freeholder will pay the engineering service fee and all other incidental construction costs until paid shall be a perpetual lien upon the real estate along which the freeholder desires such sidewalk to be constructed and that the petitioner gives and grants to the City the right to assess and levy the costs of such construction against the freeholder's real estate abutting the sidewalk improvement and promises to pay such cost with interest. The total cost of such improvement shall be levied, allocated, financed and specially assessed as provided by law. 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.

SECTION 5-307: FAILURE TO REBUILD

In case the owner of property in front of which any unlawful sidewalk is constructed or refuses or neglects to rebuild or relocate the same within five days after notice to do so, then the City Council may order the same rebuilt or relocated and assess the costs thereof upon the abutting property upon the same notice and in the same manner provided by law for the construction of and assessment for the new sidewalks.

SECTION 5-308: DUTY TO REMOVE SNOW, SLEET AND ICE; PENALTY

It shall be unlawful for the occupant of any lot or lots or the owner of any vacant lot or lots within the corporate limits to allow snow, sleet, mud, ice or other substance to accumulate on the sidewalks or to permit any snow, sleet, ice, mud or other substance to remain upon said sidewalk. In the event that the mayor or his/her representative declares that emergency conditions exist and prohibit 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 in the street. All sidewalks within the business district shall be cleaned within 24 hours after the cessation of a storm unless the storm or fall of snow shall have taken place during the night, in which case the sidewalk shall be cleaned before 8:30 A.M. the following day; provided, sidewalks within the residential areas of the City shall be cleaned within 24 hours after the cessation of the storm. It is hereby

determined a nuisance to fail to remove accumulated snow from any sidewalk within the City, and such failure to remove accumulated snow for the sidewalk from the sidewalk after 24 hours cessation of the storm shall be punished as a misdemeanor and the owner permitting such accumulation shall be fined in a sum not to exceed \$500.00. (Ref. Neb. Rev. Stat. §17-557)

SECTION 5-309: SIDEWALKS; DUTY TO REMOVE BRANCHES AND SHRUBBERY ENCROACHING THEREON; 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 free from limbs to a height of nine feet, and to keep such sidewalk free from encroaching hedges or shrubbery; and no tree, shrubbery or hedge shall be permitted closer 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, sign 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 5 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 Council for a permit for such construction. Such application shall be accompanied by a fee of \$25.00 and shall be acted upon by the City Council at a regular or special meeting.

SECTION 5-402: APPLICATION REQUIREMENTS

All driveway application 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 Council determines that such application is in due and proper form and that the same complies with this article, it 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 therefore 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 PROVISIONS

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

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ARTICLE I – WATER DEPARTMENT

SECTION 6-101: OPERATIONS AND FUNDING

The City owns and operates the city water department through the utilities superintendent. The utilities superintendent shall have the direct management and control of the city water department and shall faithfully carry out the duties of his/her office. The utilities superintendent shall have the authority to make rules and regulations for the sanitary and efficient management of the water department, subject to the supervision and review of the City Council. The City 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 6-102: 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.

“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 premise where the shut-off, stop box or curb cock is located.

“Service pipe” is hereby defined to be any pipe extending from the shut-off, stop box or curb cock at or near the lot line to and beyond the property line of the consumer to the location of the premises where the water is to be disbursed.

“Separate Premise” is hereby defined to be more than one consumer procuring water from the same service or supply pipe. The second premise may be a separate dwelling, apartment, building or structure used for a separate business.

SECTION 6-103: CONSUMER’S APPLICATION

Every person or persons desiring a supply of water must make application therefor to the city clerk upon the blanks to be furnished by him/her for that purpose. The applicant shall be required to accompany his/her application with a deposit, said fee to 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 utilities superintendent. The department 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 6-104; WATER CONTRACT

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. 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 consumption of water service by present consumers thereof 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 utilities superintendent or his/her agent may cut off or disconnect the water service from the building or premise or place of such violation. No further connection for water service to said building, premise or place shall again be made, save or except by order of said utilities superintendent or his/her agent. (Ref. Neb. Rev. Stat. §17-537)

SECTION 6-105: INSTALLATION PROCEDURE

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 utilities superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer. All installations or repairs of pipes require two inspections by the utilities superintendent. 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 first work is completed and the service is restored. It is the consumer's responsibility to notify the utilities superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the terms established by the utilities superintendent. (Ref. Neb. Rev. Stat. §17-537)

SECTION 6-106: NON-RESIDENT INSTALLATION EXPENSE

Applicants for water service whose property is situated outside the corporate limits of the City shall pay tap or connection fees in such sum as the mayor and City Council shall, in each case, fix; provided, however, nothing herein shall be construed to obligate the City to furnish water

service to non-residents unless it is able to do so without overloading its pumps, machinery or other equipment. (Ref. Neb. Rev. Stat. §19-2701)

SECTION 6-107: REPAIRS

Repairs to the service pipe and supply pipe shall be made at the expense of the consumer, while expenses to the main shall be made by the City.

SECTION 6-108: LANDLORD'S RESPONSIBILITY

In the event of rental units, the renter shall be primarily responsible for payment of all water usage charges, but in the event he/she fails or neglects to pay the same, the landlord shall be responsible for such charges, and in the event the renter fails to pay any water usage charges due to the City and vacates the premises, the water service to such premises shall be discontinued until the landlord makes payment of the delinquent water bills.

SECTION 6-109: FEES AND COLLECTION

The City Council has the power and authority to fix by ordinance the rates to be paid by the water consumers for the use of water from the water department. All such fees shall be on file for public inspection at the office of the city clerk. The city clerk shall bill the consumers and collect all money received by the City on the account of the water department. He/she shall faithfully account for and pay to the city treasurer all revenue collected by him/her, making his/her receipt therefore in duplicate, keeping one and filing the other in the water department's official records. (Ref. Neb. Rev. Stat. §17-540)

SECTION 6-110: WATER BILLS

All owners or occupants of any property within the City which is served by the municipal water system shall keep a monthly record of the water usage for each calendar month. The water usage shall be calculated on the last day of each calendar month and the water usage charge paid to the office of the city clerk within the first ten days of the next calendar month. Any water usage payment not received within ten days shall be deemed delinquent. Upon being deemed delinquent as herein defined, the city clerk shall give written notice to the consumer of such delinquency and shall demand payment immediately. In the event the bill is not paid within ten days after the sending of said notice, it shall be discretionary with the utilities superintendent to cut off service at any time; provided, if the delinquent consumer is a known welfare recipient, it shall be the duty of the city clerk to notify the consumer and the County Welfare Department by certified mail of the proposed termination. The utilities superintendent shall assess an additional fee, set by resolution of the City Council and on file at the office of the city clerk, in the event that water is shut off to compensate the City for the additional hook-up necessary to again provide water service to the delinquent customer. (Ref. Neb. Rev. Stat. §17-542, 18-416)

SECTION 6-111: LIEN

In addition to all other remedies, if a consumer shall for any reason remain indebted to the City for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water 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 or premises of the agents whenever their tenants or lessees are 60 days or more delinquent in the payment of water rent. It shall be the duty of the utilities superintendent on June 1 of each year to report to the City Council a list of all unpaid accounts due for water together with a description of the premise 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 6-112: PROHIBITION OF LEAD PIPES, SOLDER AND FLUX

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:

1. Solders and flux- not more than .2% lead, and
2. Pipe and pipe fittings – not more than 8% lead.

All new lines shall have check valves installed and such installation shall be inspected and approved by the utilities superintendent. The utilities superintendent 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 6-113: SINGLE PREMISE

No consumer shall supply water to other families or allow them to take water from his premise, nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premise for alteration, extension or attachment without the written permission of the utilities superintendent.

SECTION 6-114: RESTRICTED USE; LIABILITY OF CITY

The City Council or the utilities superintendent may order a reduction in the use of water or shut off the water on any premise 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 6-115: FIRE HYDRANTS

All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the city fire department under

the orders of the Fire Chief or the assistant Fire Chief to open or attempt to open any of the hydrants and draw water from the same, or in any manner to interfere with the hydrants.

SECTION 6-116: 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 or remove from the premise where service is furnished, or if the said premise is destroyed by fire or other casualty, he/she shall at once inform the utilities superintendent who shall cause the water service to be shut off from the said premise. If the consumer should fail to give such notice, he/she shall be charged for all water used on the said premise until the utilities superintendent is otherwise advised of such circumstances.

SECTION 6-117: INSPECTION

The utilities superintendent, 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 6-118: 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 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 utilities superintendent.

SECTION 6-119: COMPLAINTS

Any consumer feeling himself/herself aggrieved by reason of any controversy with the superintendent may appear before the City Council and present his/her grievance. Any consumer who considers himself/herself aggrieved by being required to pay the charge demanded for the use of water or for the resumption of water service after the same shall have been shut off, shall pay such charge under protest, in which event the city clerk shall write on the receipt given such customer the words "paid under Protest." Such consumer may then present his/her verified claim in the manner provided for presenting claims to the City Council for a refund of the amount so paid under protest. Such claims shall then be considered by the City Council in the same manner as other claims against the City.

SECTION 6-120: 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 city water department.

SECTION 6-121: MANDATORY HOOK UP

All persons whose property abuts a water main that is now or hereafter may be laid shall be required, upon notice of the City Council, to hook up with the city water system.

SECTION 6-122: DRILLING AND OPERATION OF WELLS AND OTHER UNDERGROUND FACILITIES OR CONTAMINATING FACILITIES WITHOUT PERMIT UNLAWFUL

It shall be unlawful for any person, corporation or other legal entity to drill and/or operate any of the following facilities within the corporate limits of the City without first having obtained the proper permit from the City Council: potable water well, and other well; cesspool; dumping grounds; feedlot; livestock pasture or corral; chemical product storage facility; petroleum product storage facility; pit toilet; sanitary landfill; septic tank; sewage treatment plant; sewage wet well.

SECTION 6-123: DRILLING AND OPERATION OF WELLS AND OTHER UNDERGROUND FACILITIES OR CONTAMINATING FACILITIES: PROCEDURE TO OBTAIN PERMIT

In order to obtain a permit to drill and/or operate any of the facilities listed in Section 6-122, the owner of property on which the proposed facility is to be located must make application on which the proposed facility is to be located must make application on the proper form provided by the City Council. Such application must be presented to the City Council at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the above described facilities, then the City Council must approve or deny said permit.

SECTION 6-124: DRILLING OR INSTALLATION OF WELLS OR OTHER FACILITIES WITHIN DESIGNATED DISTANCE FROM MUNICIPAL WATER SOURCES; PROHIBITED

Under no circumstances shall the City Council approve any permit to drill or operate any of the below described facilities within the indicated number of feet from the city water wells:

Potable water well	1,000 feet
Any other well	1,000 feet
Sewage lagoon	1,000 feet
Absorption or disposal field for waste	500 feet
Cesspool	500 feet
Dumping grounds	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

SECTION 6-125: DRILLING AND OPERATION OF WELLS AND OTHER UNDERGROUND FACILITIES OR CONTAMINATING FACILITIES; 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 a designated number of feet from the city water supply, then such facilities shall be deemed a nuisance and the City Council shall abate such facility as a public nuisance pursuant to Section 2-602.

SECTION 6-126: BACKFLOW/BACKSIPHONAGE PREVENTION; POLICY AND PURPOSE

1. The purpose of these backflow regulations is:
 - A. To protect the public potable water supply system of the City from the possibility of contamination or pollution within the consumer’s internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
 - B. To promote the elimination, containment, isolation or control of existing cross connections actual or potential, between the public or consumer’s potable water systems and non-potable water systems, plumbing fixtures and industrial process systems.
 - C. To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems
2. Application: These backflow/back-siphon age prevention regulations shall apply to all premises served by the public potable water system of the City.
3. Policy: These backflow/backsiphonage prevention regulations will be reasonable interpreted. It is the City’s intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

The city water department shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The consumer is responsible for preventing contamination of the water system within consumer’s own premises.

SECTION 6-127: BACKFLOW/BACKSIPHONAGE PREVENTION; DEFINITIONS

For the purposes of this article, the following terms shall mean:

“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 overflow 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.

SECTION 6-128: BACKFLOW/BACKSIPHONAGE PREVENTION; CROSS CONNECTIONS PROHIBITED

1. No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the City and as required by the laws and regulations of the Nebraska Department of Health or its authorized representative.
2. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.
3. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the city water department as necessary for the protection of health and safety.

SECTION 6-129: BACKFLOW/BACKSIPHONAGE PREVENTION; PROHIBITION ON AUXILIARY WATER SYSTEM

It shall be unlawful for any person to maintain any auxiliary water supply system which is physically connected to the public potable water system in any manner.

SECTION 6-130: BACKFLOW/BACKSIPHONAGE PREVENTION; SURVEY AND INVESTIGATION

1. The consumer’s premises shall be open at all reasonable times to the City or its authorized representative for the conduct of surveys and investigations of water use practices within the consumer’s premises to determine whether there are actual or potential cross connections to the consumer’s water system.
2. On request by the City or its authorized representative, the consumer shall conduct periodic surveys and furnish requested information on water use practices within the premises and in the consumer’s water system to determine whether there are actual or potential cross connections. The consumer shall provide the survey results to the City or its authorized representative.

SECTION 6-131: BACKFLOW/BACKSIPHONAGE PREVENTION; 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 superintendent a health, plumbing, pollution or system hazard exists.

2. An approved air gap separation or backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the water department, in the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed. This includes, but is not limited to, the following:
 - A. Premises having internal cross-connections which are not correctable, or intricate plumbing arrangements which make it impractical to determine whether or not cross-connections exist;
 - B. Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist;
 - C. Premises having a repeated history of cross connections being established or re-established.
 - D. Premises which, due to the nature or the enterprise therein, are subject to recurring modification or expansion;
 - E. Premises on which any substance is handled under pressure so as to permit entry into the public water supply system or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 - F. Premises where toxic or hazardous materials are handled such that if a backsiphonage or backpressure should occur, a serious health hazard may result.

3. The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or approved backflow prevention device may be required by the City or its authorized representative or the Nebraska Department of Health to protect the public water supply, and such must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the City or its authorized representative and the Nebraska Department of Health:
 - A. Agricultural chemical facilities;
 - B. Hospitals, mortuaries, dental clinics, nursing and convalescent homes, medical buildings;
 - C. Premises having water recirculating systems as used for boilers or cooling systems;
 - D. Bulk water loading facilities;
 - E. Car washes, automobile servicing facilities;
 - F. Chill water systems;
 - G. Feedlots;
 - H. Fire suppression systems;
 - I. Hazardous waste storage and disposal sites;
 - J. Irrigation and lawn sprinkler systems;
 - K. Laundries and dry cleaning;

- L. Beauty salons, barbershops, massage parlors, health clubs;
- M. Schools;
- N. Sewage treatment plants, sewage pumping stations, or storm water pumping stations;
- O. Testing laboratories, film laboratories, film development facilities;
- P. Food or beverage processing plants;
- Q. Chemical or petroleum processing and storage plants;
- R. Packing houses;
- S. Premises having radioactive materials, such as laboratories, industries and hospitals;
- T. Veterinary establishments, kennels, feed yards, stables, rodeo grounds, stockyards, pet grooming salons;
- U. Properties with any of the following conditions;
 - I. Livestock waterers and tank fillers;
 - II. Use of hose aspirators for spraying chemicals;
 - III. Swimming pools, hot tubs and spas;
 - IV. Faucets, hydrants and hose bibs with hose threads;
 - V. Plumbing fixtures with faucet mouth below rim;
 - VI. Water softeners and home water treatment systems;
 - VII. Heat pumps;
 - VIII. Heat exchangers using coils or water jackets;
 - IX. Soft drink dispenser and bar carbonators;
 - X. Commercial type flush valve urinals and toilets;
 - XI. Bidet or sitz bath;
 - XII. Trough urinal
- V. Other commercial or industrial facilities which may constitute potential cross-connection.

SECTION 6-132: BACKFLOW/BACKSIPHONAGE PREVENTION; TYPE OF PROTECTION REQUIRED

1. The type of protection required under Sections 6-126 through 6-140 of this article shall depend on the degree of hazard that exists as follows:
 - A. An approved air gap shall be installed where the potable water supply system may be contaminated with any substance that could cause a severe health hazard;
 - B. An approved air gap separation or an approved backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a health hazard;
 - C. An approved air gap separation or an approved backflow prevention device shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health.
 - D. An approved air gap separation or approved backflow prevention device or check valve or vacuum breaker or other pressure release system shall be installed where

the public potable water system may be contaminated from connection to a sprinkler system. No annual testing of the sprinkler system is required.

SECTION 6-133: BACKFLOW/BACKSIPHONAGE PREVENTION; BACKFLOW PREVENTION DEVICES

Any approved backflow prevention device required by Sections 6-126 through 6-140 shall be of a model or construction approved by the City or its authorized representative and the Nebraska Department of Health.

1. Air gap separation to be approved shall be at least twice the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one inch.
2. Double check valve assemblies or reduced pressure principal backflow prevention devices shall appear on the current list of approved backflow prevention devices established by the Nebraska Department of Health, unless the device was installed at the time this ordinance was passed and complies with required inspection, maintenance and performance standards.
3. Any backflow preventer which does not meet current protection standards shall be replaced with an approved backflow preventer at the customer's expense.

SECTION 6-134: BACKFLOW/BACKSIPHONAGE PREVENTION; INSTALLATION

1. Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the City or its authorized representative. All devices shall be installed at the expense of the consumer.
2. Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter (if one is installed) or as close to the meter as is reasonably practical, and in any event, prior to any other connection.
3. Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturer's recommendations.

SECTION 6-135: BACKFLOW/BACKSIPHONAGE PREVENTION; TESTING

Backflow and backsiphonage prevention devices designed to be tested shall be tested for proper operation annually or when necessary in the opinion of the City or its authorized representative. Actual testing shall be at the expense of the consumer. Any required maintenance or repairs shall be at the expense of the consumer and subject to the approval of the City. If testing shall require entry into the premises, the City's authorized representative shall give notice setting forth a proposed date and time to the consumer at least ten days in advance by first class mail. If the consumer cannot make the appointment, consumer shall contact the City's authorized representative to arrange another date and time.

SECTION 6-136: BACKFLOW/BACKSIPHONAGE PREVENTION; AUTHORIZED REPRESENTATIVE

The authorized representative shall have the authority to issue any order consistent with the provisions of Sections 6-126 through 6-140 in order to protect the public health and safety. Any order of the authorized representative shall be in writing and shall clearly state the nature of the order, compliance requirements and set a reasonable date by which compliance must be met. All orders will be mailed by certified mail with return receipt requested and/or personal service by the city police department.

SECTION 6-137: BACKFLOW/BACKSIPHONAGE PREVENTION; APPEALS

In the event that it is claimed that the true intent and meaning of Sections 6-126 through 6-140 has been wrongfully interpreted by the authorized representative; that the time allowed for compliance with any order of the authorized representative is too short; or that conditions peculiar to a particular premises make it unreasonably difficult to meet the literal requirements prescribed by this article, the owner may file a written notice of appeal with the city clerk within ten days after the decision or order of the authorized representative has been made. The City Council shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the authorized representative. Such a decision shall be final, subject only to any remedy which the aggrieved party may have at law or equity.

Appeals shall be in writing and shall state the reason for the appeal.

SECTION 6-138: BACKFLOW/BACKSIPHONAGE PREVENTION; VIOLATIONS

1. The City or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this policy is not installed, tested and maintained in a manner acceptable to the City or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.
2. Water service to such premises shall not be restored until the consumer is in compliance with this cross connection ordinance to the satisfaction of the City or its authorized representative.
3. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of Sections 6-126 through 6-140 shall be deemed guilty of a misdemeanor and shall be fined no less than \$25.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

SECTION 6-139: BACKFLOW/BACKSIPHONAGE PREVENTION; CONFLICTS WITH OTHER APPLICABLE CODES

The provisions of this ordinance shall be read as concurrent provisions with the most current edition of the Uniform Plumbing Code and the rules and regulations of the Nebraska Department of Health. In the event of conflict provisions, the most restrictive shall apply.

SECTION 6-140: WATERING OF PAVED PORTIONS OF STREETS, ALLEYS AND PARKING AREAS PROHIBITED

City water users shall not permit the sprinkling of water on the paved portion of any street, alley or parking area.

SECTION 6-141: 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, or to make any connection with or extension of the supply pipes of any consumer taking water from said system. In addition, no plumber shall do any work upon the service pipe or any other portion of the plumbing system of any premise either within or without a building in an amount of \$50.00 or more without first securing a permit from the utilities superintendent to do such work. All plumbing shall be done in the manner required by the city plumbing inspector, and it shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work.

ARTICLE II – PLUMBERS

SECTION 6-201: LICENSED PLUMBER DEFINED

The term “licensed plumber” as used in the ordinances of this City is hereby defined to denote any person to whom a plumber’s license has been duly issued or renewed, as hereinafter provide, which has not been revoked or terminated by lapse of time.

SECTION 6-202: PROCEDURE TO OBTAIN LICENSE

Any person wishing to obtain a license as a plumber shall file in the office of the city clerk a written application asking to become a licensed plumber and stating his/her willingness to be governed in all respects by the ordinances of said city and all rules and regulations now in effect or hereafter to be adopted by said city concerning its utility systems. Such application shall be presented by the city clerk to the City Council at its next meeting thereafter held, and upon the City Council being satisfied of the business capacity, qualifications and good reputation of the applicant and of his/her worthiness to receive a license, and upon his/her payment to the city clerk of a license fee of \$5.00 and his/her filing with the city clerk of a bond with corporate surety to be approved by the City Council in the penal sum of \$2,000.00, conditioned upon his/her indemnifying and keeping harmless the City of Crofton from all liability for any damage arising from any negligence or unskilled act in doing or protecting his/her work, or from any unfaithful or inadequate work done in pursuance of his/her license, and conditioned upon his/her restoring the streets, alleys, sidewalks and pavements over the pipes he/she may lay, and filling all excavations made by him/her so as to leave said streets, alleys, sidewalks and pavements in as good condition as he/she found them, and keeping and maintaining the same in good order to the satisfaction of the City Council for the period of one year next thereafter and that he/she will pay all fines that may be imposed upon him/ her for a violation of any of the ordinances, rules and regulations adopted by this city and in force during the term of his/her license, said council may grant to such applicant a license to be issued by the city clerk, authorizing the applicant to engage in business as a licensed plumber in said city for and during the then current municipal year. Said license and bond shall cover all employees of the applicant.

SECTION 6-203: RENEWAL OF LICENSES

Any license granted as provided in the preceding section may be renewed from year to year at the option of the City Council, on application therefor, upon payment of the license fee of \$5.00 for the year and the renewal of applicant’s bond.

SECTION 6-204: TERM OF LICENSE

The term of each license or renewal may be revoked at any time, at the option of the City Council.

SECTION 6-205: FEES TO BE PAID TO CITY TREASURER

The city clerk shall pay over to the city treasurer all license fees collected pursuant to this article.

ARTICLE III – SEWER DEPARTMENT

SECTION 6-301: TERMS DEFINED

“Biological oxygen demand” shall mean and include the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees C., expressed in parts per million by weight.

“Building drain” shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

“Building sewer” shall mean the extension from the building drain to the public sewer or other place of disposal.

“Combined sewer” shall mean a sewer receiving both surface runoff and sewage.

“Garbage” shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

“Industrial maintenance” shall mean the liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

“Natural outlet” shall mean any outlet into a watercourse, pond, ditch, lake or other body of surface or groundwater.

“Operation and maintenance” shall mean all expenditures for materials, labor, utilities and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

“pH” shall mean and include the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

“Properly shredded garbage” shall mean the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried away freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half inch in any dimension.

“Public sewer” shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

“Replacement” shall mean expenditures for obtaining and installation equipment, accessories or appurtenances which are necessary to maintain the capacity and performance for which such works were designed and constructed. The term “operation and maintenance” includes replacement.

“Sanitary sewer” as used in this code shall mean and include a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

“Sewage” means and includes a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments together with such ground, surface and storm waters as may be present.

“Sewage treatment plant” shall mean any arrangement of devices and structures used for treating sewage.

“Sewage works” shall mean all facilities for collecting, pumping, treating, and disposing of sewage.

“Slug” shall mean any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average 24 hour concentration or flows during normal operation.

“Storm sewer” shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

“Suspended solids” shall mean and include solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and are removable by laboratory filtering.

“Watercourse” shall mean a channel in which a flow of water occurs, either continuously or intermittently.

SECTION 6-302: OPERATION AND FUNDING

The City owns the sewer system and operates the same through the utilities superintendent. The City Council, for the purpose of defraying the cost of management and of the sewer system, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Sewer Maintenance Fund. The utilities superintendent shall have the direct management and control of the sewer department and shall faithfully carry out the duties of his/her office. The utilities superintendent 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 6-303: SEWER CONTRACT

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 and hereafter served. Without further formality, the making of the 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 utilities superintendent or his/her agent may cut off or disconnect the sewer service from the building or premise of such violation. No further connection for sewer service to said building or premise shall again be made save or except by order of the superintendent or his/her agent.

SECTION 6-304: SERVICE HOOKUP FEES

There is hereby established a sewer and water hookup fee of \$175.00 for residential users residing within the corporate limits of the City and \$ 1,250.00 for users residing outside of the corporate limits of the City. The mayor and City Council shall establish hookup fees for commercial services based upon the use of the sewer service by the applicant and the size of pipe necessary to service such commercial application. All applications for commercial sewer and water services shall be filed with the city clerk who shall present such application to the City Council at the next regular or special council meeting, at which time the hookup fee for such commercial establishment shall be established by the mayor and City Council.

SECTION 6-305: 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 or remove 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 utilities superintendent who shall cause the service to be shut off from the said premises. If the customer should fail to give notice, he/she shall be charged for that period of time until the utilities superintendent is otherwise advised of such circumstances.

SECTION 6-306: PUBLIC SEWERS REQUIRED; UNLAWFUL DEPOSIT OF WASTES

It shall be unlawful for any person to place, deposit or permit to be deposited on any unsanitary manner on public or private property within the City or in any area under the jurisdiction of said city, any human or animal excrement, garbage or other objectionable waste.

SECTION 6-307: PUBLIC SEWERS REQUIRED; UNLAWFUL DISCHARGE OF WASTES

It shall be unlawful to discharge to any natural outlet within the City 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 6-308: PUBLIC SEWERS REQUIRED; CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

SECTION 6-309: PUBLIC SEWERS REQUIRED; MANDATORY HOOKUP

The owner of all houses, buildings or properties used for human employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way in which there is now located or may be located in a public sanitary or combined sewer of the City, is hereby required at his/her expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this article within 90 days after date of official notice to do so; provided that said public sewer is within 100 feet of the property line.

SECTION 6-310: PRIVATE SEWAGE DISPOSABLE; WHEN APPLICABLE

Where a public sanitary or combined sewer is not available under the provisions of Section 6-309, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this article.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Section 6-308, a direct connection shall be made to the public sewer in compliance with this article, and any septic tanks, cesspools and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

SECTION 6-311: PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT REQUIRED, FEE

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the sewer superintendent. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications and other information as is deemed necessary by the superintendent. A permit and inspection fee of \$10.00 shall be paid to the City at the time the application is filed.

SECTION 6-312: PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT, WHEN EFFECTIVE; INSPECTIONS

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the sewer superintendent. He/she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the superintendent when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 48 hours of the receipt of notice by the superintendent.

SECTION 6-313: PRIVATE SEWAGE DISPOSAL SYSTEM; SPECIFICATIONS

The type, capacities, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Environmental Control. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities when the area of the lot is less than 5,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

SECTION 6-314: PRIVATE SEWAGE DISPOSAL SYSTEM; MAINTENANCE

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the City.

SECTION 6-315: PRIVATE SEWAGE DISPOSAL SYSTEM; ADDITIONAL REQUIREMENTS

No statement contained in Section 6-310 through 6-314 shall be construed to interfere with any additional requirements that may be imposed by the health officer.

SECTION 6-316: PRIVATE SEWAGE DISPOSAL SYSTEM; PUBLIC SEWER AVAILABILITY

When a public sewer becomes available, the building sewer shall be connected to said sewer within 60 days and the private sewage disposal system shall be cleaned of sludge and filled with clean bankrun gravel or dirt.

SECTION 6-317: BUILDING SEWER INSTALLATION; PERMIT REQUIRED

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the superintendent.

SECTION 6-318: BUILDING SEWER INSTALLATION; CLASSIFICATION; PERMIT APPLICATION, FEE

There shall be two classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his/her agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the sewer superintendent. A permit and inspection fee of \$10.00 for a residential or commercial building sewer permit and \$10.00 for and industrial building sewer permit shall be paid to the City at the time the application is filed.

SECTION 6-319: BUILDING SEWER INSTALLATION; EXPENSE

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

SECTION 6-320: BUILDING SEWER INSTALLATION; SINGLE PREMISE

A separate and independent building sewer shall be provided for every building, except where one building stand at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

SECTION 6-321: BUILDING SEWER INSTALLATION; USE OF EXISTING SEWERS

Old building sewers may be used on connection with new buildings only when they are found, on examination and test by the superintendent, to meet all requirements of this article.

SECTION 6-322: BUILDING SEWER INSTALLATION; CONSTRUCTION CODES

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 Shall apply.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the superintendent before installation.

SECTION 6-323: BUILDING SEWER INSTALLATION; 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 drain which in turn is connected directly or indirectly to a public sanitary sewer.

SECTION 6-324: BUILDING SEWER INSTALLATION; INSPECTIONS

The applicant for the building sewer permit shall notify the superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the superintendent or his/her representative.

SECTION 6-325: BUILDING SEWER INSTALLATION; 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 City.

SECTION 6-326: PROHIBITED DISCHARGES: STORM WATER, SURFACE WATER, GROUNDWATER, COOLING WATER AND PROCESS WATER

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated heating or cooling water, or unpolluted industrial waters to any sanitary sewer.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the superintendent, to a storm sewer or natural outlet.

SECTION 6-327: HAZARDOUS AND PROHIBITED DISCHARGES; FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES; PRELIMINARY TREATMENT

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.
3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
5. Any waters or wastes having (a) a 5 day BOD greater than 300 parts per million by weight, or (b) containing more than 350 parts per million by weight of suspended solids, or (c) having an average daily flow greater than 2% of the average sewage flow of the City, shall be subject to the review of the superintendent. Where necessary in the

opinion of the superintendent, the owner shall provide, at his/her expense, such preliminary treatment as may be necessary to (a) reduce the biochemical oxygen demand to 300 parts per million by weight, or (b) reduce the suspended solids to 350 parts per million by weight, or (c) control the quantities and rates of discharge of such waters or wastes. Plans, specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the superintendent and no construction of such facilities shall be commenced until said approval are obtained in writing.

SECTION 6-328: HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY SUPERINTENDENT

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his/her opinion as to the acceptability of these wastes, the superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit (65 degrees C).
2. Any water or waste containing fats, wax grease or oils, whether emulsified or not, in excess of 100 mg/l or containing substances which may solidify or become viscous at temperatures between 32 degrees and 150 degrees Fahrenheit (0 and 65 degrees C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor $\frac{3}{4}$ horsepower or greater shall be subject to the review and approval of the superintendent.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any water or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage treatment works exceeds the limits established by the superintendent for such materials.
6. Any waters or wastes containing phenols or other taste- or odor- producing substances in such concentrations exceeding limits which may be established by the superintendent as necessary, after treatment of the composite sewage, to meet the requirements of state, federal or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable state or federal regulations.
8. Any waters or wastes having a pH in excess of 9.5.

9. Materials which exert or cause:
 - a. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).
 - b. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - c. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - d. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

SECTION 6-329: PROHIBITED DISCHARGES; SUPERINTENDENT'S DISCRETION WITH RESPECT TO

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 6-328, and which in the judgment of the superintendent may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the superintendent may:

1. Reject the wastes.
2. Require pretreatment to an acceptable condition for discharge to the public sewers.
3. Require control over the quantities and rates of discharge, and/or
4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 6-334

If the superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the superintendent and subject to the requirements of all applicable codes, ordinances and laws.

SECTION 6-330: GREASE, OIL AND SAND INTERCEPTIONS; WHEN REQUIRED

Grease, oil and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

SECTION 6-331: PRELIMINARY TREATMENT OR FLOW EQUALIZING FACILITIES; MAINTENANCE BY OWNER

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/her expense.

SECTION 6-332: CONTROL MANHOLES/ SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE

When required by the superintendent, the owner of any property service by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with the plans approved by the superintendent. The manhole shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.

SECTION 6-333: CONTROL MANHOLES/SAMPLING STATIONS; METHOD

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this article shall be determined in accordance with the latest edition of "Standards Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property. (The particular analyses involved will determine whether a 24-hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls, whereas pH's are determined from periodic grab samples.)

SECTION 6-334: HAZARDOUS AND PROHIBITED SUBSTANCES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE

No statement contained in this article shall be constructed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.

SECTION 6-336: COMPLIANCE WITH ARTICLE; INSPECTIONS

The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection,

observation, measurement, sampling and testing system in accordance with the provisions of this article. The superintendent or his/her representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

SECTION 3-337: COMPLIANCE WITH ARTICLE; INSPECTION; INJURY LIABILITY

While performing the necessary work on private properties referred to in section 6-336 above, the superintendent or duly authorized employees of the City shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the city employees and the City shall indemnify the company against loss or damage to its property by city employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 6-322.

SECTION 6-338: COMPLIANCE WITH ARTICLE; INSPECTIONS; EASEMENTS

The superintendent and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

SECTION 6-339: SERVICE TO NON-RESIDENTS

Any person whose premise 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 and setting forth the name of the owner, occupant or lessee of the premise, the use to which the premise is devoted and such other information as the City Council require. The City Council may approve or deny such application in their absolute discretion. If they approve the application, they may do so by attaching whatever conditions to such approval as they determine necessary.

SECTION 6-340: COMPLAINTS

Any consumer feeling himself/herself aggrieved by reason of any controversy with the superintendent may appear before the City Council and present his/her grievance. Any consumer who considers himself/herself aggrieved by being required to pay the charge demanded for the use of the sewer or for the resumption of sewer service after the same shall have been shut off, shall pay such charge under protest, in which event the city clerk shall write on the receipt given such customer the words, "Paid Under Protest." Such consumer may then present his/her verified claim in the manner provided for presenting claims to the City Council

for a refund of the amount so paid under protest. Such claims shall then to considered by the City Council in the same manner as other claims against the City.

SECTION 6-341: 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 of 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 utilities superintendent; provided that nothing herein shall be construed to apply to persons, firm or corporation under special contract with the City for the construction, extension or repair of the city sewer system.

SECTION 6-342: PLUMBER'S LIABILITY

The licensed plumber or drain layer who connects with the public sewer shall be held responsible for any damage he/she may cause to the sewers or the public ways and property. He/she shall restore to the complete satisfaction of the utilities superintendent all streets that he/she has excavated and make good any settlement of the ground or pavement caused by his/her excavation.

SECTION 6-343: SEWER USE CHARGES; CLASSIFICATIONS AND RATES

For the purpose of paying the costs of maintenance of the sanitary sewer system, including the wastewater treatment plant of the City, the mayor and City Council shall establish, from time to time, by resolution, rates and charges for sewer service in said city. Furthermore, the mayor and Council in such rate resolution may also establish a user classification system for the users of the system. Such rate resolution shall be on file in the city clerk's office and shall be available during all regular business hours for public inspection.

Any user which discharges any substance which, singly or by interaction with other substances, causes identifiable increases in the cost of operation, maintenance or replacement of the treatment works, shall pay for such increased costs. The charge to each such user will be as determined by the responsible plant operation personnel and approved by the City Council.

SECTION 6-344: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the City for sewer service furnished, such amount due, together with any rents and charges in arrears shall be considered a delinquent sewer rent which is hereby declared to be a lien upon the real estate for which same was furnished. The city clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 90 days or more delinquent in the payment of sewer rent. Any time after a 90 day delinquency, the City Council may direct the city clerk to certify to the county clerk any delinquent sewer charges to be collected as a special tax in the manner provided by law.

SECTION 6-345: UNIFORM PLUMBING CODE ADOPTED

There is hereby adopted by the City for the purpose of establishing rules and regulations for the construction and alteration of plumbing fixtures, that certain plumbing code known as the Uniform Plumbing Code, published by the International Conference of Building Officials, Chapters 10, 11, and 12, 1991 edition, of which not less than two copies have been and are now filed in the office of the city building inspector, and the same is hereby adopted and incorporated as fully as if set out at length herein. All of the provisions of said code shall be controlling in the construction of all plumbing contained within the City.

ARTICLE IV – NATURAL GAS REGULATION

SECTION 6-401: ADOPTION OF NATURAL GAS REGULATION ACT

The provisions of Article 46, Chapter 19 of the Municipal Natural Gas Regulation Act as set forth on R.R.S. Neb. 1943, 1987 Supplement thereto and any amendments made thereto except as otherwise provided for in this ordinance, are hereby adopted by this reference thereto and made a part hereof as fully as if set forth at length herein, except as otherwise hereinafter provided.

SECTION 6-402: GAS RATE COLLECTION FEE

A fee of \$300.00 be and hereby is imposed for each rate filing by the city gas supplier.

ARTICLE V – GARBAGE COLLECTION AND DISPOSAL

SECTION 6-501: REGULATIONS

The City will, by contract, provide weekly curbside collection of the normal household and commercial garbage and refuse from all residences and businesses within the City.

1. These collections are to be made on a specific day of each week unless weather or other adverse conditions make it impossible for the collector to perform its task on that specific day, in which case it will be collected on the following day or as soon thereafter as conditions permit. Collections will be made during normal working hours or from sunrise to sunset, whichever is the greatest length of time.
2. Residents shall have the refuse ready for collection at the street curbside in approved metal or plastic containers with lids secured or properly tied plastic containers. Additional pickup at any one residence shall be contracted for directly with the collector on an individual basis at established rates. No lawn clippings shall be accepted for curbside collection and all residents will be obligated to make their own arrangements for disposal of lawn clippings.
3. Residents will be responsible for litter or spillage prior to collection. The collection contractor shall be responsible for litter or spillage after collection, and all refuse collected by the contractor shall be delivered to and deposited in a state licensed landfill or approved recycling plant site.
4. The power to fix rates for furnishing city services, including water, sewer and sanitation services, both residential and commercial, shall be vested in the City Council and such utility rates will be presumed lawful unless clearly shown to be confiscatory.
5. Designation of residential and commercial sanitation accounts shall be initially determined by the designated contract agency and thereafter periodically reviewed, amended and approved by the City Council in their sole discretion.
6. Commercial owners or their designated agents or employees, shall have refuse ready for collection at designated street or alley pick up sites in approved metal or plastic containers with lids or disposable plastic bags, properly tied, and secured until pickup.

SECTION 6-502: RATES

Each residential and commercial account will be charged at such rate as may be adopted by the City Council from time to time for refuse collection. The established rate will be included as an integral part of the city utility bill and will be collected in the same manner as the sewer use fees in the month immediately following the month of service. The City Council may establish rate classification guidelines to distinguish commercial and residential accounts and may establish and amend from time to time such rules and regulations as may be needed to comply with state or federal solid waste management requirements or regulations promulgated under the Environmental Protection Act.

SECTION 6-503: DISPOSAL AND RESPONSIBILITY

No person shall dispose of any refuse, garbage or rubbish except in the manner provided in this article. The owner or occupant of the premises shall be responsible for the disposal of the refuse, garbage or rubbish.

SECTION 6-504: CONTRACT FOR DISPOSAL AND HAULING

The City Council may enter into a contract or contracts with person or persons or firms for the hauling and disposition of garbage.

SECTION 6-505: BILLS

Garbage bill shall be due and payable monthly at the office of the city clerk, in the same manner and on the same date as water service bills are collected. The same collection procedures, fees and delinquent bills that apply to water bills would also apply to garbage bills. The City may cut off water service for unpaid garbage bills in the same manner as water service charges are collected.

SECTION 6-506: DEPOSIT FEE

The City Council shall be authorized to establish and amend, from time to time, a utility deposit fee to be collected by the city clerk and credited to any residential or commercial account to insure the payment of all utility rates, including water service, sewer service and sanitation services.

SECTION 6-507: LANDFILL

The city landfill shall be closed from and after May 1, 1990, to all dumping of trash, refuse, garbage, appliances, construction debris, animal matter or putrescible or hazardous waste. It shall be open to the dumping of tree limbs, grass clippings, leaves and branches.

SECTION 6-508: INDEPENDENT CONTRACTORS; DEFINED

The term "independent contractors" when used in this article, shall mean any person that independently contracts with the public for hire to collect, haul or dispose of wastes.

SECTION 6-509: INDEPENDENT CONTRACTORS; PERMIT

It shall be unlawful for any person to collect and/or transport garbage, refuse, rubbish or waste for hire without first obtaining a permit from the city clerk's office. If the applicant's equipment proposed to be used is approved by the Board of Health, the city clerk shall issue such permit following approval by the City Council. Permits authorized to be issued and the cost thereof shall be a garbage permit, which shall entitle the permittee to collect garbage, refuse and rubbish. The permit shall cover the one year period between January 1 of any year and January 1 of the following year and shall be \$1.00 per year, plus a \$1.00 fee per vehicle or conveyance or any fraction thereof, no part of which is refundable.

If any permittee under this article violates any of the provisions of this article, in addition to the prosecution of such permittee for a misdemeanor, the City Council may, by certified mail, summon the permittee to appear before the City Council and show cause why his/her permit to collect and transport garbage, refuse, rubbish and waste, or any other permits held by him/her as provided by this article, should not be revoked. The City Council, after holding such hearing, shall take such action as it deems necessary and proper, which action may include the suspension or revocation of the permit.

SECTION 6-510: INDEPENDENT CONTRACTORS; SANITARY REQUIREMENTS

All garbage and refuse vehicles and conveyances shall be frequently cleaned and disinfected so as to prevent any menace to the public welfare, health and safety.

SECTION 6-511: INDEPENDENT CONTRACTORS; INSPECTIONS

Periodic inspections shall be made of all independent contractors by the Board of Health to ascertain whether the collection apparatus is maintained in a clean and sanitary manner and if the methods of the collection services are performed in a manner so as to:

1. Prevent littering of private or public premises;
2. Prevent destruction of private property; and
3. Insure that the contents of containers are removed.

SECTION 6-512: HAULING OWN WASTES

The provisions of this article shall not be construed so as to prevent a person from collecting and transporting his/her own garbage, refuse and waste materials in his/her own vehicle from the residence, business or commercial property in which he/she lives, owns or operates within the City, to an approved sanitary landfill site, transfer station and/or recycling center, provided:

1. That said approved sanitary landfill, transfer station, and/or recycling center is recognized and licensed by the Nebraska Department of Health, Nebraska Department of Environmental Control and/or the Federal Environmental Protection Agency; and
2. The vehicle, wagon, truck, automobile, trailer or other conveyance used in the transportation of such garbage shall be completely covered and secured so as to prevent the garbage, refuse and waste material from being blown away from or jarred off such conveyance.

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 REGULATIONS

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ARTICLE I- FIRE REGULATIONS

SECTION 7-101: FIRE PREVENTION CODE

The rules and regulations promulgated by the office of the State Fire Marshal of the State of Nebraska 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. Three copies of the Fire Prevention Code shall be on file with the city clerk and shall be available for public inspection at any time that the city office is open for business.

SECTION 7-102: 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 7-103: 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 inspector, as designated by the City Council, 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 7-104: 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 writer 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 7-105: POISONOUS OR FLAMMABLE GAS

Any person, firm or corporation desiring to store or keep any form of poisonous or flammable gas in the City for any period of time must first get permission from the City Council. The Council shall require the name of the gas, the place of storage, and the amount of gas stored. It shall then be the duty of the City Council to prescribe such rules, regulations and precautionary actions as it may deem necessary.

SECTION 7-106: SMOKING IN PUBLIC PLACES

It shall be unlawful for any person to ignite a lighter, strike a match, or indulge in the smoking of tobacco on or in any building or structure where public gatherings take place within the corporate limits while any entertainment, program, show, amusement, game, exhibition or other spectacle to which the general public is invited is in progress, or while patrons thereof are

finding or leaving seats and standing room; provided, the foregoing shall not be construed to apply to banquets, dinners or entertainments held in any of the aforesaid buildings or structures where food is served and the entertainment takes place incidental thereto or in connection therewith.

SECTION 7-107: PROHIBITED FUELS

It shall be unlawful for any person to permit or allow crank case draining, oil or other flammable substances, other than wood, to be burned in a homemade stove.

SECTION 7-108: BURNING PROHIBITED

It shall be unlawful for any person to set a fire of any kind, either contained fires, such as garbage or other refuse in barrels, or open burning of any kind.

SECTION 7-109: 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 7-110: PRESERVATION OF PROPERTY

Any police officer or official of the rural fire district 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, fence or any part thereof for the purpose of checking the progress of any fire. 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 halting the same.

SECTION 7-111: POWER OF ARREST

The city police or rural fire department chief shall have the power during the time of a fire and after its extinguishment to arrest any suspected arsonist or any person hindering or resisting the firefighting effort.

SECTION 7-112: FIRE INVESTIGATION

It shall be the duty of the city police department and the State Fire Marshal 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 fires were the result of carelessness, accident or design. 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 7-113: DRIVING OVER HOSE

It shall be unlawful for any person to drive a vehicle over any unprotected hose of the fire department unless authorized to do so by the fire department.

SECTION 7-114: TRAFFIC

Every vehicle within 500 feet of the fire station which is already stationary when the fire alarm shall have been sounded must remain so for a period of five minutes after the sounding of the fire alarm. No vehicle 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 7-115: FALSE ALARM

It shall be unlawful for any person intentionally, and without good and reasonable cause, to raise any false alarm of fire.

SECTION 7-116: PEDESTRIANS

It shall be unlawful for any pedestrian to enter or remain in any street after a fire alarm shall have sounded until the fire trucks shall have completely passed.

SECTION 7-117: FIRE EQUIPMENT

It shall be unlawful for any person except the fire chief and the members of the fire department to molest, destroy, handle or in any other way to interfere with the use and storage of any of the fire trucks and other apparatus belonging to the fire department.

SECTION 7-118: INTERFERENCE

It shall be unlawful for any person or persons to hinder or obstruct the fire chief or other members of the fire department in the performance of their duty.

SECTION 7-119 OBSTRUCTION

It shall be unlawful for any person to obstruct the use of any fire hydrant, or have or place any material within 15 feet of said 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 7-120 ASSISTANCE

It shall be unlawful for any person to refuse to aid in extinguishing a fire or to assist in the removal and protection of property after the command of the fire chief or assistant fire chief.

SECTION 7-121: OPEN BURNING BAN; WAIVER

There shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land. The fire marshal or his/her designee may waive an open burning ban issued under this section for an area under his/her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. Said permit issued by the fire marshal shall be in writing, signed by the fire marshal and on a form provided by the state fire marshal.

The fire marshal or his/her designee may waive the open burning ban in his/her district when conditions are acceptable to the marshal. Anyone burning in such district when the open burning ban has been waived must notify the marshal of his/her intention to burn.
(Ref. Neb. Rev. Stat. §81-520.01)

ARTICLE II – EXPLOSIVE MATERIAL

SECTION 7-201: 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 7-202: BULLETS

Cartridges, shells and percussion caps shall be kept in their original containers away from flame, flammable materials and high explosives.

SECTION 7-203: 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 fire chief.

SECTION 7-204: REGISTRATION

Any person keeping or storing dynamite, nitroglycerin, gun powder 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 III – FIREWORKS

SECTION 7-301: REGULATION OF USE, SALE, POSSESSION OF FIREWORKS

The use, sale, offer for sale, and possession of permissible fireworks in the City of Crofton 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 7-302. FIREWORK DETONATION AFTER MIDNIGHT PROHIBITED

No fireworks of any kind shall be detonated between the hours of 12:00 midnight and 7:00 A.M.

SECTION 7-303. FIREWORK DETONATION IN FIRE ZONE PROHIBITED

No fireworks of any kind shall be detonated in any designated fire zone within the City.

ARTICLE IV – PENAL PROVISION

SECTION 7-401: 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

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ARTICLE I – MINIMUM LIGHTING AND THERMAL EFFICIENCY STANDARDS FOR BUILDINGS

SECTION 8-101: LIGHTING AND THERMAL EFFICIENCY STANDARDS; NEED

The city of Crofton finds that there is a present and continuing need to provide for the development and implementation of minimum lighting and thermal efficiency standards for buildings to insure coordination with federal policy under the Energy Conservation Standards for New Buildings Act of 1976, to promote the conservation of our dwindling energy resources and to provide for the public health, safety, and welfare.

SECTION 8-102: TERMS DEFINED

As used in this article, unless the context otherwise requires, the following definitions shall apply:

“Prime contractor” shall mean the person, persons, entity or entities who has a contract with the owner and is the one responsible for the overall construction of any building or the installation of any component which affects the energy efficiency of the building. Prime contractor shall also mean a property owner who performs the work of a prime contractor.

“Architect” or “engineer” shall mean any person registered pursuant to Neb. Rev. Stat. §81-847.

“Building” shall mean any structure which utilizes or will utilize a heating system, cooling system or domestic hot water system, including new or renovated buildings and additions, but not including any structure which has a consumption of traditional energy sources for all purposes not exceeding the energy equivalent of one watt per square foot.

“Residential building” shall mean a building three stories or less that is used primarily as one or more dwelling units.

“Renovation” shall mean alterations on an existing building which will cost more than 50% of the replacement cost of such building at the time work is commenced, or which was not previously heated or cooled for which a heating or cooling system is now proposed, except that the restoration of historic buildings shall not be included.

“Addition” shall mean any construction added to an existing building which will increase the floor area of that building by five percent or more.

“Floor area” shall mean the total area of a building, expressed in square feet, which is within the exterior face of the shell of the structure that is heated or cooled.

“Standard” shall mean Standard 90-75 of the American Society of Heating, Refrigeration and Air- Conditioning Engineers, Inc., as it existed on April 23, 1980.

“Traditional energy sources” shall mean electricity, petroleum-based fuels, uranium, coal and all nonrenewable forms of energy.

SECTION 8-103: STANDARD; APPLICABILITY

The new standard shall apply to:

1. New residential buildings on which construction is initiated on or after April 1, 1981, and
2. All other new buildings, or renovations of or additions to any existing buildings, on which construction is initiated on or after January 1, 1982.

SECTION 8-104: EXEMPTIONS

The following shall be exempt from this act:

1. Any building which has a peak design rate of energy usage for all purposes of less than one watt, or three and four-tenths British Thermal Units per hour, per square foot of floor area.
2. Any building which is neither heated or cooled.
3. Any building or portion thereof which is owned by the United States of America.
4. Any mobile home as defined by Neb. Rev. Stat. §71-4603
5. Any manufactured housing unit as defined by Section (1) of Neb. Rev. Stat. §71-1557.
6. Any building listed on the National Register of Historic Places.
7. All residential buildings shall be exempt from lighting efficiency standards.

SECTION 8-105: REQUEST FOR ALTERNATIVE BUILDING SYSTEM; APPROVAL

Any person who owns or constructs a building to which this article applies may request that an alternative building system, technique, equipment design or building material be found equivalent to the Standard.

The building inspector shall make such determination if he/she finds that the proposed alternative would not result in energy consumption greater than would result from the strict application of the Standard. If the building inspector fails to approve or disapprove the request within 60 days from the date of filing, it shall be considered approved.

SECTION 8-106: INSPECTIONS; INVESTIGATIONS

The building inspector or any person designated by him/her shall conduct inspections and investigations necessary to enforce the Standard and may, at reasonable hours, enter into any building and upon any premises within its jurisdiction for the purpose of examination to determine compliance with this article. Inspections shall be conducted only after permission has been granted by the owner or occupant, or after a warrant has been issued pursuant to Neb. Rev. Stat. §29-830 to 29-835.

During construction, the building inspector or person designated shall make periodic inspections to assure compliance with this article.

SECTION 8-107: BUILDING PLANS; SUBMISSION FOR APPROVAL

Prior to the construction of, renovation of, or addition to any building covered by this article, the prime contractor shall file sufficient plans and specification with the building inspector to enable him/her to make a determination whether such building will comply with the Standard. The building inspector shall, within 30 days of the filing, approve or disapprove the plans and specifications. If disapproved, the reasons shall be set forth in writing to the prime contractor.

If the building inspector determines that such construction, renovation or addition will comply with the Standard, he/she shall issue a written permit which the prime contractor shall display in a conspicuous place on the premises where construction work is to be done. No construction, renovation or addition shall commence until a permit is issued and displayed as required by this section.

SECTION 8-108: FEES

The person filing the application for a permit shall, at the time of such filing, submit an application fee of \$10.00.

SECTION 8-109: WHEN ARCHITECT OR ENGINEER IS RETAINED

If an architect or engineer is retained, the architect or engineer shall place his/her state registration seal on all construction drawings, which shall indicate that the design meets the Standard. The prime contractor shall certify that he/she will build in accordance with the construction documents prepared by the architect or engineer. This certification must accompany the building plans submitted to the chief building inspector for approval.

SECTION 8-110: VIOLATION; PENALTY; ENFORCEMENT

Any person violating any provision of this article shall be subject to a maximum sentence of three months imprisonment or \$500.00 fine, or both. In addition, the City may, by an action in the District Court, enforce the provisions of this ordinance through the equity and injunctive processes.

SECTION 8-111: VALIDITY

If any section in this article or any part of any section shall be declared invalid or unconstitutional, such declaration shall not affect the validity or constitutionality of the remaining portion thereof.

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 less than the following dimensions shall not fall within this definition: 12 feet wide, 24 feet long, 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

Any person seeking issuance of a permit hereunder shall file an application for such permit with the city clerk.

- A. Form. The application shall be made in writing upon forms provided by the city clerk and shall be filed in the office of the city clerk.
- B. Contents. The application shall set forth:
 - 1. A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;
 - 2. 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.
 - 3. A legal description of the lot to which the proposed such building be removed, giving lot, block and tract number, if located in the city.
 - 4. The portion of the lot to be occupied by the building when moved;
 - 5. The highways, streets and alleys over, along or across which the building is proposed to be moved;
 - 6. Proposed moving date and hours;
 - 7. Any additional information which the city clerk shall find necessary to a fair determination of whether a permit should be issued.
- C. Accompanying Papers.
 - 1. 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 entanglements and that all taxes and any city charge against the same are paid in full.

2. 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.
 3. Liability Policy. The applicant shall file with the application a certificate of insurance providing coverage for either personal injury or 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 they deem it 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; and 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 in behalf of the city marshal as the managing officers or public service companies are required to proceed in the premises in 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:

- A. Use Designated Streets. Move a building only over streets designated for such use in the written permit.
- B. Notify of Revised Moving Time. Notify the city clerk in writing of a desired change in moving date and hours as proposed in the application.
- C. Notify of Damage. Notify the city clerk in writing of any and all damage done to property belonging to the City within 24 hours after the damage or injury has occurred.
- D. Display Lights. Cause red lights to be displayed during the night time on every side of the building, while standing 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.

- E. Street Occupancy Period. Remove the building from the city streets after four days of such occupancy, unless an extension is granted by the mayor and the City Council.
- F. Comply with Governing Law. 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.
- G. Clear Old Premises. Within ten days from the removal of the building, the permittee shall 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.
- H. Remove Services Connections. 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 remove 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 general permit given to anyone to move buildings at will or generally within the City.

ARTICLE III- FLOODWAY REGULATIONS

SECTION 8-301: DEFINITIONS

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

“Development” shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

“Flood” shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters, (2) The unusual and rapid accumulation or runoff of surface waters from any source.

“Floodproofing” shall mean any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Lowest floor” shall mean the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

“Manufactured home” shall mean a structure transportable in one or more sections which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term “manufactured home” also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term “manufactured home” does not include park trailers, travel trailers and other similar vehicles.

“Manufactured home park or subdivision” shall mean a parcel or contiguous parcels of land divided into two or more manufactured home lots of rent or sale.

“Recreational vehicle” shall mean a vehicle which is (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self-propelled or permanently towable by a light duty truck; and (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. Recreational vehicles placed on sites within the special flood hazard areas on the community’s official map shall either (a) be on the site for fewer than 180 consecutive days, (b) be fully licensed and ready for highway use, or (c) meet the permit requirements and the elevation and anchoring requirements for “manufactured homes.” A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

“Regulatory flood elevation” shall mean the water surface elevation of the 100-year flood.

“Special flood hazard area” shall mean the land within a community subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the official map.

“Structure” shall mean a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

“Substantial improvement” shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (1) before the improvement is started, or (2) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations as well as structures listed in National or State Registers of Historic Places.

“100 year flood” shall mean the condition of flooding having a one percent chance of annual occurrence.

SECTION 8-302: ENFORCEMENT OFFICIAL

The city clerk as defined in the zoning ordinances of the City is hereby designated as the Council’s duly designated enforcement officer. The city clerk shall be appointed to these additional duties by resolution of the City Council and his/her appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the City Clerk, the City Council shall designate an acting enforcement official.

SECTION 8-303: FLOOD HAZARD BOUNDARY MAP

The City Council hereby designates the current Flood Hazard Boundary Map/Flood Insurance Rate Map and amendments as the official map to be used in determining those areas of special flood hazard.

SECTION 8-304: DEVELOPMENT PERMITS REQUIRED

No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the City or cause the same to be done without first obtaining a separate development permit for each building or structure. Within Zone A on the official map, separate development permits are required for all new construction, substantial improvements and other developments, including the placement of manufactured homes.

SECTION 8-305: APPLICATION FOR DEVELOPMENT PERMIT

To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:

- A. Identify and describe the work to be covered by the permit for which application is made.
- B. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work.
- C. Indicate the use or occupancy for which the proposed work is intended.
- D. Be accompanied by plans and specifications for proposed construction.
- E. Be signed by the permittee or his/her authorized agent, who may be required to submit evidence to indicate such authority.
- F. Within designated flood prone areas, be accompanied by elevations (in relation to a mean sea level) of the lowest floor (including basement) or in the case of floodproofed non-residential structures, the elevation to which it has been floodproofed. Documentation or certification of such elevations will be maintained by the city clerk.
- G. Give such other information as reasonably may be required by the city clerk.

SECTION 8-306: REVIEW OF APPLICATION FOR DEVELOPMENT PERMIT

The city clerk shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by federal or state law.

SECTION 8-307: REQUIREMENTS FOR DEVELOPMENT PERMIT

The city clerk, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) (as defined in Section 8-301 of this article) will:

1. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from federal, state or other sources, until such other data is provided by the Federal Insurance Administration in a flood insurance study; and require within areas designated as Zone A on the official map that the following performance standards be met:
 - (a) Residential construction – New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the base flood elevation.
 - (b) Non-residential construction – New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the

lowest floor, including basement, elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the local enforcement official.

- (c) All new construction and substantial improvements – Require that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
2. Require the use of construction materials that are resistant to flood damage.
 3. Require the use of construction methods and practices that will minimize flood damage.
 4. Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 5. New structures be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 6. Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with state laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:
 - (a) Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at the intermediate locations; and manufactured homes less than 50 feet long requiring one additional tie per side.
 - (b) Framed ties be provided at each corner of the home, with five additional ties per side at intermediate points; and manufactured homes less than 50 feet long requiring four additional ties per side.
 - (c) All components of the anchoring system be capable of carrying a force of 4800 pounds.
 - (d) Any additions to manufactured homes be similarly anchored.

7. Require that all manufactured homes to be placed within Zones A1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of paragraph 6.

SECTION 8-308: FINDINGS OF FACT

The City Council shall review all subdivision applications and other proposed new developments, including manufactured home parks or subdivisions, and shall make findings of fact and assure that:

1. All such proposed developments are consistent with the need to minimize flood damage.
2. Subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions), greater than five acres or 50 lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone A.
3. Adequate drainage is provided so as to reduce exposure to flood hazards.
4. All public utilities and facilities are located so as to minimize or eliminate flood damage.

SECTION 8-309: NEW WATER AND SEWER SYSTEMS

New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

SECTION 8-310: ALTERATION OR RELOCATION OF WATERCOURSES

The City Council will insure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. The City will notify adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the City will work with appropriate state and federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.

SECTION 8-311: AMENDMENTS

The City Council of the City of Crofton may, from time to time, amend this chapter to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations.

ARTICLE IV – BUILDING REGULATIONS

SECTION 8-401: BUILDING INSPECTOR

The City Council may appoint an individual to serve as building inspector for the City to regulate and inspect all construction, repairs and alterations exceeding \$1,000.00 for compliance with the Nebraska statues and city building rules and regulations. All construction, repairs and alterations costing less than \$1,000.00 shall not require a building permit or inspection. The appointed building inspector shall use as guidelines the National Building Code pertaining to housing construction, plumbing, electrical and fire prevention in making his/her inspections. The City Council shall also have the power to contract said duties with another governmental subdivision whenever it deems the appointment of a resident inspector impractical. Said building inspector shall have the power to issue permits for construction, repairs and alterations within said city, and shall have the power and authority to order all work stopped on any construction, repair or alteration which violates any provision prescribed herein.

SECTION 8-402: BULDING 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 8-403: BUILDING PEMRITS REQUIRED; APPLICATION, ISSUANCE

Any person desiring a building permit to commence or proceed to erect, construct, repair, relocate or destroy any building or dwelling or cause the same to be done, including but not limited to, a lawful burning pursuant to Nebraska Revised Statute §28-506, shall file with the city clerk an application therefor, on a form to be furnished by the city clerk for that purpose, before proceeding with the work. Every such application shall set forth the legal description of the land upon which the construction or relocation is take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect and contractor, and such information as may be requested thereon. If such application and included information are in conformity with the provisions of the ordinances of the City, the City Council shall order the issuance forthwith of a permit to the applicant thereof.

(Ref. Neb. Stat. §18-1743)

SECTION 8-404: MINIMUM YARD REQUIREMENTS; EXCEPTION

No principal structure or accessory use building shall be constructed closer than ten feet from the owner's property line without the approval of the City Council. All building permit applications which propose building closer than ten feet of the property line shall be accompanied by the written consent of the adjacent property owner who is affected by the request for permission to build closer than ten feet of the property line, and no building permit shall be approved by the City Council without such written consent.

SECTION 8-405: PERMIT, FEE

The city clerk shall, at the time of filling the application for the issuance of any permit as aforesaid, charge and collect in advance a fee of \$2.00. Said fee shall be the property of the City and shall be paid over to the city treasurer for credit to the general fund of the City.

SECTION 8-406: VARIANCE NOT PERMITTED

It shall be unlawful for any person to whom a permit to construct or repair a building within the corporate limits 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 shall not conform to the ordinances of the City.

SECTION 8-407: PERMIT LIMITATION

If the work for which a permit has been issued shall not be begun within 90 days of the date thereof, or if the construction shall be discontinued for a period of 90 days, 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 8-408: BARRICADES AND LIGHTS

It shall be the duty of the owner, lessee or tenant causing the construction or destruction of any building or improvement upon or near any public street, alley or sidewalk to have during such construction all excavations, building materials and debris protected by suitable guards or barricades by day and by warning lights at night. The failure, neglect or refusal of said persons to erect such guards shall constitute a violation of this section and the city police shall stop all work until guards are erected and maintained as required.

SECTION 8-409: BOND REQUIREMENT

It shall be the duty of the owner, lessee or tenant intending the destruction of any building or improvement to pose 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 occasioned by such destruction and any cleanup work resulting from 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 the cleanup by the City.

SECTION 8-410: BUILDING WITHOUT PERMIT; NUISANCE

Every building or other structure hereafter erected, remodeled or moved into or within said City without a permit thereof, as herein required, or which is not constructed, remodeled or located in accordance with the permit granted and issued thereof, 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 8-411: APPEAL FROM DECISION

In the event that it is claimed that (1) the true intent and meaning of this chapter has been wrongly interpreted by the building inspector; (2) the time allowed for compliance with any order of the building inspector is too short; or (3) conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this chapter and the building inspector, the owner, his/her agent or the occupant may file a notice of appeal within ten days after the decision or order of the building inspector has been made. The City Council shall sit and act as the Board of Appeals and shall have the power and authority, when appealed to, to modify the decision or order of the building inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Application for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation is assured and may include conditions not generally specified by this Code to achieve that end. A copy of any variance so granted shall be sent to the applicant.

ARTICLE V – ZONING REGULATIONS

SECTION 8-501: ADOPTION OF ZONING REGULATIONS

There is hereby established and adopted in the City of Crofton the conditions, provisions, limitations and terms of a standard zoning code containing rules and regulations printed as a code in book or pamphlet form, by reference thereto to have the same force and effect as though it had been spread at large therein. Not less than three copies of such standard code or portion shall be filed for use and examination by the public in the office of the city clerk. Amendments to such zoning code shall be construed to have been adopted if the three copies of the standard code so filed shall be at all times kept current in the office of the city clerk.

SECTION 8-502: JURISDICTION

The areas of jurisdiction shall be all land within the corporate limits of the City of Crofton and all areas within the planning jurisdiction as defined on the Official Zoning District Map of Crofton, Nebraska. The official Zoning District Map shall be on file at the city clerk's office and open to inspection and available to the public at all reasonable business hours.

ARTICLE VI – SUBDIVISION REGULATIONS

SECTION 8-601: ADOPTION OF SUBDIVISION REGULATIONS

These regulations shall be known and may be cited as the Subdivision Regulations for the City of Crofton. An official copy of the Subdivision Regulations shall be on file at the office of the city clerk and open to inspection and available to the public at all reasonable business hours.

SECTION 8-602: JURISDICTION

The area of jurisdiction shall be all land within the corporate limits of the City of Crofton and all areas within the planning and zoning jurisdiction as defined on the official Zoning District Map of the City of Crofton, which is on file at city clerk's office and open to inspection and available to the public at all reasonable business hours.

ARTICLE VII – PENAL PROVISION

SECTION 8-701: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, whether set forth as 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.

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