

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. MISCELLANEOUS OFFENSES**

**131. SEXUAL PREDATOR RESIDENCY**



## CHAPTER 130: MISCELLANEOUS OFFENSES

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**§ 130.01 RESISTING OFFICER.**

It shall be unlawful for any person to resist or abuse a police officer or village official in the execution of his or her office.

(1974 Code, § 27-3-1) Penalty, see § 130.99

**§ 130.02 TRESPASSING.**

It shall be unlawful for any person to trespass upon any private grounds within the village, or to break, cut or injure any tree, shrub, plant, flower or grass growing thereon, or without the consent of the owner or occupant to enter upon an improved lot or grounds occupied for residence purposes and to loiter about the same.

(1974 Code, § 27-3-2) Penalty, see § 130.99

**§ 130.03 MALICIOUS DESTRUCTION OF PROPERTY.**

It shall be unlawful for any person within the corporate limits to purposely, willfully or maliciously injure in any manner, or destroy any real or personal property of any description belonging to another.

(1974 Code, § 27-3-3) Penalty, see § 130.99

**§ 130.04 DRUNKENNESS.**

Any person found in a state of intoxication, or under the influence of intoxicating liquor, within the village shall be deemed to be guilty of a misdemeanor and punished in accord with state law.

(1974 Code, § 27-3-4) Penalty, see § 130.99

**§ 130.05 CONCEALED WEAPONS.**

(A) It shall be unlawful for any person, or persons, to carry about their person any concealed pistol, revolver, knife, billy club, slingshot, metal knuckles or other dangerous weapon of any kind unless otherwise allowed under state or federal law, including the Concealed Handgun Permit Act, being Neb. RS 69-2427 to 69-2449.

(B) Nothing herein shall be construed to apply to the village police.

(1974 Code, § 27-3-5) Penalty, see § 130.99

**§ 130.06 PROVOKING ASSAULT.**

It shall be unlawful for any person or persons within the village to intentionally provoke or attempt to provoke an assault upon himself or herself or another by the uttering of insulting words, cursing and swearing, or to use slander against any other person.

(1974 Code, § 27-3-6) Penalty, see § 130.99

**§ 130.07 DISTURBING THE PEACE.**

It shall be unlawful for any person, or persons, to assemble or gather within the village with the intent to do an unlawful or disorderly act or acts, by force or violence against the village, or residents therein, or who shall disturb the public peace, quiet, security, repose or sense of morality. Any person, or persons, so assembled or gathered shall be deemed to be guilty of a misdemeanor.

(1974 Code, § 27-3-7) Penalty, see § 130.99

**§ 130.08 DISTURBING AN ASSEMBLY.**

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

(1974 Code, § 27-3-8) Penalty, see § 130.99

**§ 130.09 INDECENT BEHAVIOR.**

It shall be unlawful for any person or persons, over the age of 14 years to commit any indecent or immoral act, or to appear in any public place in improper clothing, or not decently garbed. It shall be unlawful for any person or persons, to sell or convey any indecent and obscene books, pictures or films, or to take part in any indecent, lascivious or obscene show, play, theatrical exhibition or other form of entertainment that is shocking to the public morals. Any person or persons, who commit a rude, indecent or immoral act shall be deemed to be guilty of a misdemeanor.

(1974 Code, § 27-3-9) Penalty, see § 130.99

**§ 130.10 LARCENY.**

(A) It shall be unlawful for any person within the corporate limits to steal any money, goods or chattels of any kind whatever.

(B) Any person who shall steal property of any kind, whether the same be entirely in money or entirely property of the value of \$100 or less shall be deemed to be guilty of a misdemeanor.

(1974 Code, § 27-3-11) Penalty, see § 130.99

**§ 130.11 PROSTITUTES.**

(A) It shall be unlawful for any person to cause or permit any prostitute or lewd woman to visit or frequent his or her roost or lodging place at any time.

(B) It shall be unlawful to engage in any manner of prostitution or pimping, either in a disorderly house, bawdy house or elsewhere.

(C) It shall be unlawful for any lewd woman to solicit, invite or permit any man other than her husband to visit her room at any time for the purpose of illicit sexual activity.

(D) For the purposes of this section, a *DISORDERLY HOUSE* shall be construed to be any place kept, in such a manner so as to disturb, annoy or scandalize the public generally; any place kept for the purpose of public resort with drunkards, prostitutes or other idle people; and any place of public resort where illegal practices are habitually carried on to the corruption of the public morals or safety.

(E) It shall be unlawful for any person to keep, own or maintain a disorderly house as herein defined.

(1974 Code, § 27-3-12) Penalty, see § 130.99

**§ 130.12 LITTERING.**

It shall be unlawful for any person to throw, cast, lay or drop on any public way or property any paper, scrap material or other waste whatsoever.

(1974 Code, § 27-3-13) Penalty, see § 130.99

**§ 130.13 PROHIBITED FENCES.**

It shall be unlawful for any person to erect, or cause to be erected, and maintain, any barbed wire or electric fence within the corporate limits.

(1974 Code, § 27-3-14) Penalty, see § 130.99

**§ 130.14 RADIO INTERFERENCE.**

Any person operating, or causing to be operated, any motor, sign or other electrical apparatus that is connected with the light and power system, shall equip the apparatus with proper filtering attachments to eliminate interference; provided, that the provisions herein shall not apply to the use of necessary medical equipment or apparatus where electrical interference cannot be reasonably and safely eliminated. Any person who so operates or causes to be operated, any such electrical apparatus that interferes habitually with radio and television reception shall be deemed to be guilty of a misdemeanor.

(1974 Code, § 27-3-15) Penalty, see § 130.99

**§ 130.15 WEED REMOVAL.**

(A) It shall be the duty of every owner of real estate in the village to cut and clear such real estate, together with one-half of the streets and alleys abutting thereon, of all weeds and worthless vegetation. Such weeds and worthless vegetation shall be cut so as not to extend more than six inches above the ground. Subsequent to the cutting of the said weeds, all loose vegetation shall be immediately removed.

(B) It shall be the duty of the Street Commissioner to inspect lots within the village at least once each month during the growing season to determine whether rank and noxious weeds can be found growing on such lots.

(C) Upon the failure of the owner, lessee or occupant having control of any such real estate to cut and clear the said weeds and worthless vegetation as set forth hereinbefore, the Street Commissioner shall serve notice on the said owner, lessee or occupant to do so.

(D) In the event that the weeds and vegetation have not been removed after a period of five days, the Street Commissioner may order the same to be done, and the cost thereof shall be assessed against the real estate.

(E) If the owner fails to reimburse the village after being properly billed, the governing body shall have the assessment certified to the County Treasurer and the same shall be collected in the manner provided by law.

(1974 Code, § 27-3-18) Penalty, see § 130.99

**§ 130.16 DEAD TREES.**

(A) All trees that are in a diseased, dying or dead condition are hereby declared to be a public nuisance, and shall be removed from the private property on which they are located upon notice by the village police.

(B) For the purpose of carrying out the provisions of this section, the village police shall have the authority to enter on private property to inspect the trees thereon.

(C) 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 ten days to remove and burn the said tree or trees.

(D) In the event that the owner is a nonresident, notice shall be made by publication in a newspaper of general circulations, or by mail, if the name and address is known.

(E) The person charged with the removal and burning may enter into an agreement with the village that such work be accomplished by the village, and the expense and interest shall be declared to be a lien upon such property from the time the same becomes due until paid.

(F) If the owner fails, neglects or refuses to enter into such an agreement, or to remove the trees, the village police may enter upon the property and proceed to direct the removal and burning of the trees and the cost thereof shall be assessed against the property and certified by the Village Clerk to the County Treasurer to be collected in the manner prescribed by law.

(G) Failure to remove and burn the said trees shall be deemed to be a misdemeanor.  
(1974 Code, § 27-3-19) Penalty, see § 130.99

#### **§ 130.17 APPLIANCES IN YARD.**

It shall be unlawful for any person to permit a refrigerator, icebox, freezer or any other dangerous appliance to be in the open and accessible to children whether on private or public property, unless he or she shall first remove all doors and make the same reasonably safe.  
(1974 Code, § 27-3-20) Penalty, see § 130.99

#### **§ 130.18 DISCHARGE OF FIREARMS.**

It shall be unlawful for any person, except an officer of the law in the discharge of his or her official duty, to fire or discharge any gun, pistol or other fowling piece within the village.  
(1974 Code, § 27-3-21) Penalty, see § 130.99

#### **§ 130.19 AIR GUN, SLING SHOT, BB GUN.**

It shall be unlawful for any person to discharge an air gun, slingshot or BB gun loaded with rock or other dangerous missiles at any time or under any circumstances within the village.  
(1974 Code, § 27-3-22) Penalty, see § 130.99

#### **§ 130.20 FIRECRACKERS.**

It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever, except sparklers, railroad track torpedoes or other signaling devices, or pyrotechnic displays at public celebrations if written permission is obtained from the governing body.  
(1974 Code, § 27-3-23) Penalty, see § 130.99

#### **§ 130.21 OBSTRUCTION OF PUBLIC WAYS.**

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

use of the same; provided, a reasonable time shall be allowed to remove goods, wares and merchandise from sidewalks or streets while the same are being received, delivered or shipped.  
(1974 Code, § 27-3-24) Penalty, see § 130.99

**§ 130.22 HITCHING RIDES.**

It shall be unlawful for any person to be found soliciting trucks, automobiles or other vehicles to stop or slow down for the purpose of asking for a ride, or riding on the said vehicle.  
(1974 Code, § 27-3-26) Penalty, see § 130.99

**§ 130.23 ABANDONED AUTOMOBILES.**

(A) It shall be unlawful to abandon any automobile on the village streets, highways, alleys, parks or other property.

(B) An automobile shall be deemed to be abandoned if left unattended for more than six hours on any public property without current license plates, for more than 24 hours on any public property, except where parking is legally permitted for more than 48 hours after the parking of such vehicle shall have become illegal; and for more than seven days on private property if left initially without the permission of the owner, or after the permission of the owner shall have been terminated.

(C) Any automobile so abandoned shall immediately become the property of the village if, in the estimation of the village police, the said automobile is of a wholesale value of \$100 or less.

(D) In the event the automobile is of an estimated value of over \$100, the village police shall make a reasonable effort to contact the owner of the said automobile by sending notice to the registered owner, if known, by sending an inquiry to the county it is registered in, if the owner is unknown; or by contacting the Director of Motor Vehicles, if the car is without license plates and the owner is unknown.

(E) If the owner is known, and does not claim the automobile within five days after the date when the notice was mailed, or upon receiving word from the Director of Motor Vehicles that the owner is unknown, title will immediately vest in the village and the automobile may be sold.

(F) Any proceeds from the sale of the automobile less any expenses incurred by the village in such sale shall be held without interest for the benefit of the owner of such vehicle for a period of two years.

(G) If not claimed within such period of time, the proceeds shall than be paid into the General Fund.

(H) Any person who abandons an automobile as herein before defined shall be deemed to be guilty of a misdemeanor.

(1974 Code, § 27-3-27) Penalty, see § 130.99

**§ 130.24 TOXIC INHALANTS PROHIBITED.**

(A) It shall be unlawful for any person to breathe or inhale any substance for the purpose of inducing a condition of intoxication, depression, exhilaration or in any other distorting or disturbing state which affects the auditory, visual or nervous processes.

(B) Any person who shall sell or offer for sale any container of a substance producing such an affect and having the property of releasing toxic vapors shall be guilty of a misdemeanor if he or she has cause to suspect that the product sold will be used in violation of this section.

(1974 Code, § 27-3-28) Penalty, see § 130.99

**§ 130.25 POSTING.**

It shall be unlawful for any person to post, paste or paint any sign, advertisement or other writing of any nature upon a fence, pole, building or other property without the written permission of the owner of the said property. It shall also be unlawful for any person to attach or leave any hand bill or leaflet of any sort on any vehicle in the village without the consent of the owner of such vehicle.

(1974 Code, § 27-3-30) Penalty, see § 130.99

**§ 130.26 TRASH.**

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

(1974 Code, § 27-3-31) Penalty, see § 130.99

**§ 130.27 DRAINAGE.**

It shall be the duty of any railroad company, its employees, agents or servants, owning, maintaining or operating a railroad within or through the corporate limits of the village to construct and keep in repair ditches, drains and culverts along and under its railroad tracks at all places within the corporate limits of the village where the same may be necessary for the escape of water and the proper draining of the territory on either side of said tracks. When the governing body deems, by resolution, that such ditch, drain or culvert is necessary, the railway company shall commence the construction of the same within 14 days of notice of the resolution. Upon the failure of the construction to commence, the railroad company, its local agents, section foremen or the employee in charge of maintenance shall be deemed guilty of a misdemeanor.

(1974 Code, § 27-3-32) Penalty, see § 130.99

**§ 130.28 ALCOHOLIC BEVERAGES; CONSUMPTION.**

(A) It shall be unlawful for any person to consume or drink alcoholic liquors or be in the possession of any open container containing said alcoholic liquors within the village in the public streets, alleys, roads or highways, or upon property owned by the state or any governmental subdivision thereof; inside vehicles while upon the public streets, alleys, roads or highways; in theaters; dance halls; or in any other place open to the public unless said place be a licensed premise where alcoholic liquors, including beer, may lawfully be consumed thereon.

(B) It shall be unlawful for any person to consume any alcoholic liquor, including beer, or be in the possession of an open container of said alcoholic liquor, on unlicensed premises within the corporate limits or for the owner, proprietor, manager, employee; or person in charge of said unlicensed premises to permit or allow any person thereon to consume or be in the possession of open containers of alcoholic liquors thereon. Unlicensed premises shall not be construed to mean any premises within said village used or employed exclusively by any person or persons for the purpose of a dwelling or residence, or any premises or parts of premises not open to the public.

(Ord. 99, passed 3-3-1980) Penalty, see § 130.99

**§ 130.99 PENALTY.**

(A) *General penalty.*

(1) Any person who violates any of the prohibitions or provisions of any section or division of this chapter shall be deemed guilty of a misdemeanor.

(2) Unless otherwise specified in the particular division or section for which the person stands convicted of violating, the penalty for such violation shall be in any amount not to exceed \$500 and/or imprisonment for any length of time not to exceed three months, in the discretion of the court.

(3) Each 24 hours in which a violation of any section or division of this chapter shall continue shall be deemed a separate and distinct offense.

(1974 Code, § 27-4-1)

(B) *Destruction of gambling equipment.* Upon the conviction of any person or persons for violating the gambling sections of this chapter, all gambling equipment and paraphernalia seized and exhibited in court shall be ordered confiscated and destroyed.

(1974 Code, § 27-4-2)

(C) *Section 130.06.* Upon conviction of § 130.06, a fine not to exceed \$10 shall be assessed.

(1974 Code, § 27-3-6)



## CHAPTER 131: SEXUAL PREDATOR RESIDENCY

### Section

- 131.01 Findings and intent
- 131.02 Definitions
- 131.03 Restrictions

### § 131.01 FINDINGS AND INTENT.

(A) The Nebraska Legislature has found that certain sex offenders present a high risk to commit repeat offenses, and has enabled municipalities to restrict such persons' place of residency as provided in the Sexual Predator Residency Restriction Act, being Neb. RS 29-4015 to 29-4017.

(B) Sex offenders who prey on children and who are high risks to repeat such acts present an extreme threat to public safety. The cost of sex offender victimization to these children and to society at large, while incalculable, is exorbitant.

(C) It is the intent of this chapter to serve the village's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the village by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sexual predators cannot reside.

(Ord. 152, passed 6-5-2006)

### § 131.02 DEFINITIONS.

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

**CHILD CARE FACILITY.** A facility licensed pursuant to the Child Care Licensing Act.

**RESIDE.** To sleep, live or dwell at a place, which may include more than one location, and may be mobile or transitory.

**RESIDENCE.** A place where an individual sleeps, lives or dwells, which may include more than one location, and may be mobile or transitory.

**SCHOOL.** Public, private, denominational or parochial school which meets the requirements for state accreditation or approval.

**SEX OFFENDER.** An individual who has been convicted of a crime listed in Neb RS § 29-4003, and who is required to register as a sex offender pursuant to the Sex Offender Registration Act.

**SEXUAL PREDATOR.** An individual who is required to register under the Sex Offender Registration Act, who has been classified as Level 3 because of a high risk of recidivism as determined by the Nebraska State Patrol under Neb RS § 29-4013, and who has victimized a person 18 years of age or younger.

(Ord. 152, passed 6-5-2006)

### § 131.03 RESTRICTIONS.

(A) *Prohibited location of residence.* It is unlawful for any sexual predator to reside within 500 feet from a school or child care facility.

(B) *Measure of distance.* For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility.

(C) *Penalties.* A person who violates this section shall be punished as provided generally in the code.

(D) *Exceptions.* This chapter shall not apply to a sexual predator who:

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

(2) Established a residence before July 1, 2005, and has not moved from that residence; or

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

(Ord. 152, passed 6-5-2006) Penalty, see § 10.99

**Statutory reference:**

*The Sexual Predator Residency Restriction Act, Laws 2006, LB 1159, §§ 27 to 29;*

*Neb. RS §§ 29-4003 through 29-4013*