

TITLE XIII: GENERAL OFFENSES

Chapters:

130. OFFENSES GENERALLY

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CHAPTER 130: OFFENSES GENERALLY

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Cross-reference:

Business Regulations, See Title XI
Traffic Code, See Title VII

§ 130.01 DISORDERLY CONDUCT.

Any person who shall knowingly start a fight, fight, commit assault or battery, make unnecessary noise, or otherwise conduct themselves in such a way to breach the peace shall be deemed to be guilty of an offense.

(Neb. RS 17-556) (1994 Code, § 6-304) Penalty, See § 10.99

§ 130.02 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.

(1994 Code, § 6-306) Penalty, See § 10.99

Statutory reference:

Additional authority, See Neb. RS 17-555 and 17-557

Authority to regulate, excavation and obstruction of streets, See Neb. RS 17-142

Penalties for injuring or obstructing roads, See Neb. RS 39-301 and 39-302

§ 130.03 DISTURBING THE PEACE.

It shall be unlawful for any person or persons to assemble or gather within the municipality with the intent to do an unlawful or disorderly act or acts, by force or violence against the municipality, 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 an offense.

(Neb. RS 28-818) (1994 Code, § 6-305)

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§ 130.04 MAINTAINING A NUISANCE.

It shall be unlawful for any person to erect, keep up, or continue and maintain any nuisance to the injury of any part of the citizens of the municipality.

(Neb. RS 28-1321(1)) (1994 Code, § 6-301) Penalty, See § 10.99

§ 130.05 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 the person first removes all doors and makes the same reasonably safe.

Penalty, See § 10.99

Statutory reference:

Authority to prohibit nuisances within zoning jurisdiction, See Neb. RS 18-1720 and 28-1321

§ 130.06 WEEDS; LITTER; STAGNANT WATER.

(A) Lots or pieces of ground within the Village shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon.

(B) The owner or occupant of any lot or piece of ground within the Village shall keep the lot or piece of ground and the adjoining street and alleys free of any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation.

(C) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the Village is prohibited, provided that grass, leaves, and worthless vegetation may be used as a ground mulch or in a compost pile.

(D) It is hereby declared to be a nuisance to permit or maintain any growth of 12 inches or more in height of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(E) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this section, be guilty of an offense.

(F) (1) Notice to abate and remove the nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by first class mail, postage prepaid, addressed to the owner or the owner's duly authorized agent at the address shown on the tax records in the office of the Lancaster County Treasurer. The outside of such mailing shall be conspicuously marked as to its importance. The notice shall also be posted on the lot or ground upon which the nuisance is to be abated and removed. Within 8 days after posting of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the Village to appeal the decision to abate or remove the nuisance by filing a written appeal with the office of the Village Clerk/Treasurer. A hearing on the appeal shall be held within 14 days after the filing of the appeal and shall be conducted by the Chairman of the Village Board. The Chairman shall render a decision on the appeal within 5 business days after the conclusion of the hearing. If the appeal fails, the Village may have such work done. If the owner or occupant of the lot or piece of ground does not request a hearing with the Village within the time provided above, or fails to comply with the order

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to abate and remove the nuisance, the Village may have the work done. The costs and expenses of the work shall be paid by the owner.

(2) If unpaid for 2 months after the work is done, the Village may either:

(a) 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

(b) Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

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

LITTER. Shall include but not be limited to:

(a) Trash, rubbish, refuse, garbage, paper, rags, and ashes;

(b) Wood, plaster, cement, brick, or stone building rubble;

(c) Grass, leaves, and worthless vegetation;

(d) Offal and dead animals; and

(e) Any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk.

WEEDS. Shall include but not be limited to bindweed (*convulvulus arvensis*), puncture vine (*tribulus terrestris*), leafy spurge (*euphorbia esula*), Canada thistle (*cirsium arvense*), perennial peppergrass (*lepidium draba*), Russian knapweed (*centaurea picris*), Johnson grass (*sorghum halepense*), nodding or musk thistle, quack grass (*agropyron repens*), perennial sow thistle (*sonchus arvensis*), horse nettle (*solanum carolinense*), bull thistle (*cirsium lanceolatum*), buckthorn (*rhamnus sp.*) (tourn), hemp plant (*cannabis sativa*), and ragweed (*ambrosiaceae*). (Neb. RS 17-563) (1994 Code, § 6-302) (Am. Ord. 2007-10.1, passed 12-10-2007; Am. Ord. 2013-10.1, passed 12-9-2013) Penalty, See § 10.99

Statutory reference:

Additional authority to regulate nuisances, See Neb. RS 18-1720

§ 130.07 ABANDONED AUTOMOBILES.

(A) (1) No person shall cause any vehicle to be an abandoned vehicle as described in divisions (B)(1)(a), (B)(1)(b), (B)(1)(c), or (B)(1)(d) of this section. (Neb. RS 60-1907)

(2) No person other than 1 authorized by the municipality or appropriate state agency shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. (Neb. RS 60-1908)

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(B) (1) A motor vehicle is an abandoned vehicle:

(a) If left unattended, with no license plates or valid “in transit” decals issued pursuant to Neb. RS 60-320 affixed thereto, for more than 6 hours on any public property;

(b) If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;

(c) If left unattended for more than 48 hours after the parking of the vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

(d) If left unattended for more than 7 days on private property if left initially without permission of the owner, or after permission of the owner is terminated; or

(e) If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner under division (E) of this section.

(2) No motor vehicle subject to forfeiture under Neb. RS 28-431 shall be an abandoned vehicle under this division (B).
(Neb. RS 60-1901)

(C) If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid “in transit” decals issued pursuant to Neb. RS 60-320 affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250 or less, title shall immediately vest in the municipality.
(Neb. RS 60-1902)

(D) (1) Except for vehicles governed by division (C) of this section, the municipality shall make an inquiry concerning the last-registered owner of an abandoned vehicle as follows:

(a) Abandoned vehicle with license plates affixed, to the jurisdiction which issued the license plates; or

(b) Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.

(2) The municipality shall notify the last-registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either:

(a) It will be sold or will be offered at public auction after 5 days from the date the notice was mailed; or

(b) Title will vest in the municipality 30 days after the date the notice was mailed.

(3) If the municipality is notified that a lien or mortgage exists, the notice described in division (D)(2) of this section shall also be sent to the lienholder or mortgagee. Any person claiming the vehicle shall be required to pay the cost of removal and storage of the vehicle.

(4) Title to an abandoned vehicle, if unclaimed, shall vest in the municipality:

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(a) Five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under division (D)(2)(a) of this section;

(b) Thirty days after the date the notice is mailed if the municipality will retain the vehicle; or

(c) If the last-registered owner cannot be ascertained, when notice of the fact is received.

(5) After title to the abandoned vehicle vests pursuant to division (D)(4) of this section, the municipality may retain for use, sell, or auction the abandoned vehicle. If the municipality has determined that the vehicle should be retained for use, the municipality shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the municipality intends to retain the abandoned vehicle for its use and that title will vest in the municipality 30 days after publication.
(Neb. RS 60-1903)

(E) (1) If the municipal law enforcement agency has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody, it shall send a certified letter to each of the last-registered owners stating that the vehicle is in the custody of the agency, that the vehicle is no longer needed for law enforcement purposes, and that after 30 days the agency will dispose of the vehicle.

(2) This division shall not apply to motor vehicles subject to forfeiture under Neb. RS 28-431.

(3) No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this division unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees.
(Neb. RS 60-1903.01)

(F) (1) Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the municipality, shall be held by the municipality without interest, for the benefit of the owner or lienholders of the vehicle for a period of 2 years.

(2) If not claimed within the 2-year period, the proceeds shall be paid into the general fund of the municipality.
(Neb. RS 60-1905)

(G) Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed, nor the municipality, shall be liable for any loss or damage to the vehicle which occurs during its removal or while in the possession of the municipality or its contractual agent or as a result of any subsequent disposition.
(Neb. RS 60-1906)

(H) The last-registered owner of an abandoned vehicle shall be liable to the municipality for the costs of removal and storage of the vehicle.
(Neb. RS 60-1909)

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(I) For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

PUBLIC PROPERTY. Any public right-of-way, street, highway, alley or park or other state, county, or municipally owned property; **PRIVATE PROPERTY** means any privately owned property which is not included within the definition of public property.
(Neb. RS 60-1901)

(J) Any person who violates the provisions of this section is guilty of an offense.
(Ord. 2000-7.7, passed 7-10-2000) Penalty, See § 10.99

Statutory reference:

Additional regulations, See Neb. RS 60-1901 through 60-1911

§ 130.08 DISCHARGE OF FIREARMS.

It shall be unlawful for any person, except an officer of the law in the discharge of official duty, to fire or discharge any gun, pistol, or other fowling piece within the municipality, except that nothing in this section shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Board of Trustees.
Penalty, See § 10.99

Statutory reference:

Authority to regulate, See Neb. RS 17-556

§ 130.09 SLINGSHOTS, AIR GUNS, BB GUNS.

It shall be unlawful for any person to discharge a slingshot, air gun, BB gun, or the like loaded with rock or other dangerous missiles at any time or under any circumstances within the municipality.
Penalty, See § 10.99

Statutory reference:

Authority to regulate, See Neb. RS 17-556

§ 130.10 SEXUAL PREDATOR RESIDENCY RESTRICTIONS; DEFINITIONS; PROHIBITED LOCATION OF RESIDENCE; MEASURING OF DISTANCE; PENALTIES; EXCEPTIONS.

(A) Definitions. For purposes of this section:

(1) Child care facility means a facility licensed pursuant to the Child Care Licensing Act;

(2) School means a public, private, denominational, or a parochial school which meets the requirements for state accreditation or approval;

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

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

(5) Sex offender means an individual who has been convicted of a crime listed in Neb. Rev. Stat. § 29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and

(6) Sexual predator means an individual 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. Rev. Stat. § 29-4013, and who has victimized a person eighteen years of age or younger.

(B) PROHIBITED LOCATION OF RESIDENCE. It is unlawful for any sexual predator to reside within five hundred feet from a school or child care facility.

(C) 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.

(D) PENALTIES. A person who violates this section is guilty of an offense and shall be punished as provided generally in the code.

(E) EXCEPTIONS. This ordinance shall not apply to a sexual predator who:

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

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

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

(Ord. 2006-11.1, passed 11-13-2006)

Statutory Reference:

See Neb. RS 29-4015, et seq.

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