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CHAPTER II

MISDEMEANORS

ARTICLE I - MISDEMEANORS

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

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

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

SECTION 2-102: DISTURBING THE PEACE

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

SECTION 2-103: EXCESSIVE NOISE

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

SECTION 2-104: DISORDERLY CONDUCT

It shall be unlawful for any person to engage in any riotous or disorderly conduct,

or to fight, strike or assault another person in a threatening manner, or to do or engage in any other disorderly act within said village.

Source: Neb. Rev. Stat. §17-556

SECTION 2-105: 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.

SECTION 2-106: 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.

SECTION 2-107: WINDOW PEEPING

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

SECTION 2-108: NON-LICENSED GAMBLING OPERATIONS

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

SECTION 2-109: GAMBLING

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

Source: Neb. Rev. Stat. §28-1101 through 28-1104

SECTION 2-110: STALKING

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

following, detaining, restraining the personal liberty of or stalking the person or repetitiously telephoning the person.

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

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

Source: Neb. Rev. Stat. §28-801 through 28-803

SECTION 2-112: HOUSE OF PROSTITUTION; DISORDERLY HOUSE

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

Source: Neb. Rev. Stat. §28-804

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

It shall be unlawful for any person within this village to make an indecent exposure of his or her person; to urinate in public view; to commit any indecent or lewd act; to sell or offer for sale or to dispense of in any manner any obscene, lewd or indecent book, 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 2-114: RESISTING OR FAILING TO ASSIST OFFICER

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

Source: Neb. Rev. Stat. §28-903, 28-904

SECTION 2-115: IMPERSONATING OFFICER

It shall be unlawful for any person in said village, other than a regular policeman or other authorized officer or employee of the village, to wear a badge similar to

or resembling the badges prescribed for or furnished to the police force or any other officer or employee of the village, or to willfully impersonate or endeavor to impersonate any such policeman, officer or employee or seek to exercise authority as such.

Source: Neb. Rev. Stat. §28-610

SECTION 2-116: LITTERING

No person shall throw or deposit or accumulate upon any street, publicway or lot or parcel of ground in the Village:

A. Any glass bottle, glass, nails, tacks, wire, cans or other substance likely to injure any person or animal or damage any vehicle upon the street, public way or other property;

B. Materials that may make the street, public way or property unsightly, such as rubbish, sewage, garbage, paper or any other material of such nature.

Any person who deposits, or permits to be deposited, upon any street, public way or other property any litter or destructive or injurious material shall immediately remove such or cause it to be removed so as to abate any nuisance occasioned thereby.

Any person who removes a wrecked or damaged vehicle from a street shall also remove any glass or other injurious substance deposited on the street from such vehicle.

If the owner fails to remove such litter, after five days notice by publication and by certified mail, the village sewer commissioner or the village police shall remove or cause the litter to be removed and shall assess the cost thereof against the property so benefited.

Source: Neb. Rev. Stat. §28-523

SECTION 2-117: DISCHARGE OF FIREARMS

It shall be unlawful for any person, except an officer of the law in the discharge of his/her official duties, to fire or discharge any gun, pistol or other firearm within the Village; provided nothing herein shall be construed to apply to any licensed shooting gallery or to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the chairman and Board of Trustees.

Source: Neb. Rev. Stat. §17-556

SECTION 2-118: 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 therefrom at any time or under any circumstances within the Village.

SECTION 2-119: PROHIBITED FENCES

It shall be unlawful for any person to erect or cause to be erected and maintain any electric fence within the corporate limits where such fence abuts a public sidewalk, street or alley.

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.

Source: Neb. Rev. Stat. §18-1720

SECTION 2-121: LOUD MUSIC, RECORDINGS, RADIOS AND SIMILAR DEVICES; EXCEPTIONS

It shall be unlawful for any person to operate any radio, tape player, compact disc player, stereophonic sound system, or similar device which reproduces or amplifies radio broadcasts or musical recordings in or upon any street, alley or other public place in such a manner as to be audible to other persons more than 50 feet from the source. Persons operating such devices while participating in licensed or permitted activities, such as parades, shall not be deemed in violation of this section.

ARTICLE II - CURFEW

SECTION 2-201: CURFEW HOURS

It shall be unlawful for any person under the age of 16 years to loiter, idle, wander, stroll, play or be in or upon the public streets, public places and public buildings, places of amusement and entertainment, vacant buildings or vacant lots or operate any bicycle or other vehicle, in, upon, over or through the streets of other public places of the Village between the hours of 12:00 P.M. of any day until 6:00 A.M. of the following day on weekdays and between the hours of 1:00 A.M. and 6:00 A.M. on weekends (Saturday and Sunday mornings), unless such person is accompanied by a parent, guardian or other adult person having the legal care and custody of said minor person or unless the minor person is upon an emergency errand or legitimate business directed by his/her parents, guardian or legal custodian, except as hereinafter provided.

SECTION 2-202: CURFEW HOURS EXTENDED

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

SECTION 2-203: VIOLATION; PARENTAL LIABILITY

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

SECTION 2-204: ENFORCEMENT; POLICE AUTHORIZATION

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

SECTION 2-205: PENALTIES

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

constitute a violation of Section 2-203 and the parents of said child shall be determined to be guilty of a misdemeanor.

ARTICLE III – DOGS

SECTION 2-301: OWNER DEFINED

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

SECTION 2-302: LICENSING OF DOGS

Any person who shall own, keep or harbor a dog over the age of six months within the Village shall, within 30 days after acquisition of the said dog, acquire a license for each such dog annually on or before the 1st day of July of each year. The license shall be delinquent from and after August 1st; provided the possessor of any dog brought into or harbored within the corporate limits subsequent to July 1st of any year shall be liable for the payment of the license levied herein and such license shall be delinquent if not paid within 30 days hereafter. Licenses shall be issued by the Village Clerk or other person designated by the Village Board upon the payment of the license fee in the sum of \$10.00 for each neutered male or spayed female dog and \$20.00 for each intact male or unspayed female dog. Said license shall not be transferrable and no refund will be allowed in case of death, sale or other disposition of the licensed dog. At the time the application is made, upon printed forms provided for such purpose, the owner shall state his/her name and address and the name, breed, color and sex of each dog owned by him/her. A certificate or tag showing that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented with the license application and no license shall be issued until the rabies certificate/tag is shown.

Upon the payment of the license fee, the Village Clerk shall issue to the owner of the 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 each dog so licensed and shall entitle the owner to keep or harbor said dog until the 30th day of June the following year. In the event that a license tag is lost, and upon satisfactory evidence that the original tag was issued in accordance with the provisions herein, the Village Clerk shall issue a new (duplicate) tag for the balance of the year for which the license fee has been paid and shall charge and collect a fee of \$5.00 for each new (duplicate) tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Village Clerk to issue tags of a suitable design that are different in appearance each year.

Source: Neb. Rev. Stat. §17-526, 54-603

SECTION 2-303: WRONGFUL LICENSING

It shall be unlawful for the owner, keeper or harbinger of any dog to permit or allow such dog to wear any license, metallic tag or other Village identification than that issued by the Village Clerk for dogs.

SECTION 2-304: REMOVAL OF TAGS

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

SECTION 2-305: UNLICENSED DOGS

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

SECTION 2-306: 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, vehicles or riders of horses while they are on public sidewalks, streets or alleys in the Village. Upon written complaint of any affected person filed with the Village Clerk that any dog owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this section, the Village shall investigate the complaint and, if in his/her opinion the situation warrants, shall notify the owner to silence and restrain such dog. The provisions of this section shall not be construed to apply to the Village animal shelter.

Source: Neb. Rev. Stat. §17-526

SECTION 2-307: DOG RUNNING AT LARGE

"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 the owner of any dog to suffer or permit such dog to run at large within said Village, and every dog found running at large in violation hereof is declared to be a public nuisance and may be picked up and impounded as provided for in Section 2-321 of this article.

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

It shall be unlawful for any person to allow a dog owned, kept or harbored by him/her, or under his charge or control, to injure or destroy any real or personal property of any description belonging to another person. The owner of any such dog, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained.

SECTION 2-309: FIGHTING DOGS

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

SECTION 2-310: KILLING AND POISONING

It shall be unlawful to kill, administer or cause to be administered to a dog poison of any sort, or in any manner to injure, maim, destroy, or in any manner attempt to injure, maim, destroy any dog that is the property of another person, or to place any poison or poisoned food where the same is accessible to a dog.

SECTION 2-311: DANGEROUS DOGS; DEFINITIONS

"Animal Control Authority" shall mean the Village Board of Oconto.

"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, control, or seizure and impoundment of animals, and shall include any state or local law enforcement personnel or other employees whose duties in whole or in part include assignments that involve seizure and impoundment of any animal.

"Dangerous dog" shall mean any dog that, according to the records of the 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 the 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 any threat, or any injury that is not a severe injury, or any 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 or cosmetic surgery, or one or more broken bones, or that creates a potential danger to the life or health of the victim.

Source: Neb. Rev. Stat. §54-617

SECTION 2-312: 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 sides and a secure top. If the pen or structure has no bottom secured to the sides, such sides shall be embedded into the ground. The pen or structure shall also protect the dog from the elements.

Source: Neb. Rev. Stat. §28-619

SECTION 2-313: 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.

Source: Neb. Rev. Stat. §28-618

SECTION 2-314: 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 a dangerous dog if the owner violated this article.

Source: Neb. Rev. Stat. §54-620

SECTION 2-315: 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 thereon, shall be posted at the Oconto Post Office as public notification of such impoundment. Upon such notice, 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 he/she pays the sum of \$25.00 for the first violation, \$50.00 for the second violation and \$100.00 for the third violation, along with evidence of a current rabies vaccination or post a bond of \$50.00, refundable upon proof of current rabies vaccination being presented with 30 days. If foregoing costs are not paid within 15 days of the hearing, the dog will be destroyed.

Source: Neb. Rev. Stat. §54-620

SECTION 2-316: RABIES VACCINATION

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

SECTION 2-317: RABIES SUSPECTED; IMPOUNDMENT

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

health authority for not less than ten days. If, upon examination by a veterinarian, the dog or other animal has no clinical signs of rabies at the end of such impoundment, it shall be released to the owner upon payment of the costs of said impoundment by said owner, or in the case of a stray, shall be disposed of in whatever manner deemed best by the Village officer.

Source: Neb. Rev. Stat. §71-4406

SECTION 2-318: RABID ANIMALS; CAPTURE IMPOSSIBLE

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

SECTION 2-319: RABID DOGS; PROCLAMATION

It shall be the duty of the Village Board whenever, in its opinion, the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping or harboring any dog to muzzle the same, or to confine it for a period of not less than 30 days or more than 90 days from the date of such proclamation, or until such danger is past. Such dogs may be harbored by any good and sufficient means in a house, garage or yard on the premises wherein the said owner may reside. Upon issuance of the proclamation, it shall be the duty of all persons owning, keeping or harboring any dogs to confine the same as herein provided.

SECTION 2-320: 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 Village animal shelter, any ambulance wagon or other vehicle used for the collecting or conveying of dogs to the shelter.

Source: Neb. Rev. Stat. §28-906

SECTION 2-321: IMPOUNDING

It shall be the duty of the animal control officer to capture, secure and remove in a humane manner to the designated Village animal shelter any dog violating any of the provisions of this article. The dogs so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day and may be transported to a veterinarian clinic for safekeeping. Each impounded dog shall be kept and maintained at the pound for a period of not less than five days after the public notice has been given, unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identification, shall be posted at the Oconto Post Office within 24 hours after impoundment as public notification of such impoundment.

Any dog may be reclaimed by its owner during the period of impoundment by paying a general impoundment fee set by resolution of the Village Board, plus any costs incurred for housing the animal at a veterinarian clinic. The owner shall be required to comply with the rabies vaccination requirements with 72 hours after release. If the dog is not claimed at the end of the required waiting period after public notice has been given, the animal control officer shall dispose of the dog in accordance with the applicable rules and regulations pertaining to the same. All dogs shall be destroyed and buried in a humane manner.

SECTION 2-322: PENALTIES

In addition to any other penalty provided by this article, any person or owner of a dog who shall violate any provisions of this article shall be fined the sum of \$25.00 for the first violation, \$50.00 for the second violation and \$100.00 for the third and each subsequent violation, not to exceed \$500.00. Each day's violation of this article shall constitute a separate offense and may be prosecuted as such.

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 over the age of 6 months are confined, treated, boarded, housed or cared for, and shall include any lot or parcel of land or place where a person, corporation or other entity engages in, conducts, manages or maintains a veterinary business, regardless of the number of animals treated, kept, confined or boarded.

SECTION 2-402: UNLICENSED KENNELS; NUISANCE

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

SECTION 2-403: LICENSE APPLICATION

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

Source: Neb. Rev. Stat. §17-526

SECTION 2-404: 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: ANIMALS; RUNNING AT LARGE

Except as permitted in writing by the Village Board, it shall be unlawful for the owner, keeper or harbinger of any animal, or any person having the charge, custody or control thereof, to permit a horse, mule, cow, sheep, goat, swine or other animal to be driven or run at large on any of the public ways and property, or upon the property of another.

SECTION 2-502: FOWL; RUNNING AT LARGE

It shall be unlawful for any person to allow poultry, chickens, turkeys, geese or any other fowls to run at large within the corporate limits, except in enclosed places on private property.

SECTION 2-503: CRUELTY TO ANIMALS

No person shall cruelly or unnecessarily beat, overwork or insufficiently shelter or feed any animal within the Village.

SECTION 2-504: ENCLOSURES

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

SECTION 2-505: ENCLOSURES; DISTANCE FROM DWELLINGS

It shall be unlawful for any person to keep or maintain within the corporate limits any horse, mule, sheep, cow, goat, swine or other livestock within 100 feet of any dwelling unit within the corporate limits.

Source: Neb. Rev. Stat. §17-547

ARTICLE VI - NUISANCE REGULATIONS

SECTION 2-601: NUISANCE; GENERALLY DEFINED

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

1. Injures or endangers the comfort, repose, health or safety of others;
 2. Offends decency;
 3. Is offensive to the senses;
 4. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street or highway in the Village;
 5. In any way renders other persons insecure in life or the use of property; or
 6. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.
- Source: Neb. Rev. Stat. §18-1720

SECTION 2-602: NUISANCES; SPECIFICALLY DEFINED

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 and shall be prohibited:

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 rats or which are foul or malodorous.
3. Filthy, littered or trash-covered cellars, houseyards, barnyards, stable yards, factory yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises; and all such sites having grass in excess of 12 inches in height or weeds growing thereon.
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 Village.

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 Village, 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, glass, or plaster, and all 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, packing hay, straw or other packing material, lumber not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats 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 a fire hazard or 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 and maintained as junk yards or dumping grounds, or for the wrecking and disassembly of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any 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 to depreciate property values in the vicinity thereof.

10. Stagnant water permitted or maintained on any lot or piece of ground.

11. 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 animal 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 or noxious odors are permitted to emanate therefrom to the annoyance of the inhabitants of the Village, or are maintained and kept in such a manner as to be injurious to the public health.

12. All other things specifically designated as nuisances elsewhere in this Code.

SECTION 2-603: ABATEMENT

Whenever the Board of Trustees, by resolution, determines that any nuisance as defined in Sections 2-601 and 2-602 is being maintained, the Village Board shall cause written notice to abate 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 that the Village Board has determined that a nuisance is being maintained on the property and must be removed or remedied within 15 days of receipt of notice. Such notice shall describe the property involved and shall define the nuisance that must be abated.

SECTION 2-604: FAILURE TO CORRECT

In the event that the owner or occupant of said premises fails to correct and eliminate said nuisance pursuant to the notice to correct delivered by the village clerk, he/she shall be guilty of a misdemeanor and fined in a sum not to exceed \$500.00. Each day's violation after the expiration of the 15 days' notice shall be a separate offense.

SECTION 2-605: COST OF REMOVAL

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

Source: Neb. Rev. Stat. §17-563, 18-1719

SECTION 2-606: JURISDICTION

The chairman and village police are directed to enforce this municipal code against all nuisances. The jurisdiction of the chairman, village police and court shall extend to, and the territorial application of this chapter shall include, all territory adjacent to the limits of the Village within one mile thereof and all territory within the corporate limits.

SECTION 2-607: UNSAFE BUILDINGS; SPECIAL ASSESSMENTS

If any owner of any building or structure fails, neglects or refuses to comply with notice by or on behalf of the Village to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, the Village may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Village Board. The Village Board may (1) levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or (2) collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction.

Source: Neb. Rev. Stat. §18-1720, 18-1722, 18-1722.01, 77-1725.01

ARTICLE VII - PENAL PROVISION

SECTION 2-701: VIOLATION; PENALTY

Any person, firm, association or corporation violating any of the provisions of Chapter II hereof for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and fined in an amount of not more than \$500.00. Each day's maintenance of a misdemeanor shall constitute a separate offense.