City of Beatrice, Nebraska
Beatrice Regular City Council Meeting
Monday, March 2, 2026 at 6:00 PM
BPS Administration Building Board Room
320 N 5th Street
Beatrice, NE 68310

Pledge of Allegiance

1. **PLEDGE OF ALLEGIANCE**
2. **ROLL CALL**
3. **PROCLAMATION** - Proclaiming March 2026 as “Problem Gambling Awareness Month”
4. **CONSENT AGENDA**
   - 4.a. Approve agenda as submitted.
   - 4.b. Receive and place on file all notices pertaining to this meeting.
   - 4.c. Receive and place on file all materials having any bearing on this meeting.
   - 4.d. Approval of minutes of regular meeting on February 17, 2026, as on file in the City Clerk's Office.
   - 4.e. Approval of Treasurer’s Report of Claims in the amount of $589,160.93.
   - 4.f. Approval of BASWA Report of Claims in the amount of $20,289.14.
   - 4.g. Approval of BPW Report of Claims in the amount of $1,591,474.29.
   - 4.h. Approval of Manager Application for David Staab, License #122385, in connection with Staab PH Units, LLC, dba Pizza Hut of Beatrice, 2400 North 6th Street, Beatrice, Nebraska.
   - 4.i. Resolution Number 7733 executing the Agreement with Iowa Western Community College, and any and all other documents necessary for the City, through its fire department, to partner with Iowa Western Community College to provide clinical and/or field educational services for students.
5. **PUBLIC HEARINGS/BIDS -** None
6. **RESOLUTIONS**
   - 6.a. Resolution Number 7734 setting a public hearing date for the proposed annexation of a tract of land located on a part of the Northeast Quarter of Section 29, Township 4 North, Range 6 East of the 6th P.M., City of Beatrice, Gage County, Nebraska, Parcel No. 004342100.
   - 6.b. Resolution Number 7735 requesting a contract extension request for the Nebraska Department of Economic Development CDBG Downtown Revitalization Project, 23-DTR-002, from the original deadline date of May 14, 2026 to May 14, 2027.
   - 6.c. Resolution Number 7736 executing the Second Amendment to the Union Contract with the International Brotherhood of Electrical Workers Local No. 1536, A.F.L.-C.I.O., to establish a comp time – qualified and comp time – non-qualified bank.
   - 6.d. Resolution Number 7737 executing the Agreement between the City and Southeast Nebraska Development District (SENDD) to retain SENDD to administrate the Nebraska Game and Parks Commission National Park

Service Land and Water Conservation Fund (LWCF) Stateside Assistance Program for the purpose of constructing new pickleball courts at Chautauqua Park.

7. **ORDINANCES**
   - 7.a. Ordinance recodifying all the ordinances of the City of Beatrice, Nebraska adopting and enacting a new code for the City.
   - 7.b. Ordinance amending Sections 2-56, 3-27, 9-67, 13-69, 13-70, 13-71, 13-73, 13-74, 13-78, 13-79, 19-8, 19-13, 20-52, 26-229, and Chapter 27 and repealing Sections 2-314 and 13-45 of the Beatrice City Code.
   - 7.c. Ordinance vacating All of Lots Nine (9) through Fifteen (15), Jamestowne Square, City of Beatrice, Gage County, Nebraska.
   - 7.d. Ordinance approving Jamestowne Square First Addition plat.
8. **PUBLIC FORUM**
9. **DISCUSSIONS/REPORTS**
   - 9.a. **Gage Development Coalition Update -** Caleb Fjone, Director
10. **MISCELLANEOUS**
    - 10.a. The next regular City Council meeting is March 16, 2026 at 6:00 p.m. in the BPS Administration Building Board Room.

PROCLAMATION

WHEREAS, the National Council on Problem Gambling and Nebraska Council on Problem Gambling have designated March 2026 as Problem Gambling Awareness Month; and

WHEREAS, problem gambling is a public health issue affecting millions of Americans of all ages, races and ethnic backgrounds; and

WHEREAS, problem gambling has a significant societal and economic cost for individuals, families, businesses and communities; and

WHEREAS, problem gambling is treatable, and treatment is effective in minimizing this harm to both individuals and society as a whole; and

WHEREAS, numerous individuals, professionals and organizations have dedicated their efforts to the education of the public about problem gambling and the availability and effectiveness of treatment; and

WHEREAS, the National Council on Problem Gambling invite all residents of Beatrice, Nebraska to participate in Problem Gambling Awareness Month.

NOW, THEREFORE, I, ROBERT MORGAN, Mayor of the City of Beatrice, Nebraska, do hereby proclaim March 2026, as

PROBLEM GAMBLING AWARENESS MONTH

in the City of Beatrice and encourage all citizens to support the National Council on Problem Gambling in their efforts to mitigate gambling-related harm nationwide.

SEAL OF THE CITY OF BEATRICE INCORPORATED MARCH 21, 1901 NEBRASKA

WITNESS MY HAND AND THE OFFICIAL SEAL of the City of Beatrice, this 2nd day of March, 2026.

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Robert Morgan, Mayor

NOTICE OF MEETING

Notice is hereby given that a meeting of the Mayor and Council of the City of Beatrice, Nebraska will be held at 6:00 P.M. on March 2, 2026, in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska, and will be open to the public. An agenda for such meeting is available for public inspection at the office of the City Clerk, 400 Ella Street, Beatrice, Nebraska, and on the City website, www.beatrice.ne.gov.

Erin Saathoff, MMC, City Clerk

February 25, 2026

STAKE YOUR CLAIM
BEATRICE
CITY • BOARD OF PUBLIC WORKS

CITY OF BEATRICE, NEBRASKA
MINUTES OF THE REGULAR CITY COUNCIL MEETING
FEBRUARY 17, 2026
6:00 P.M.

The Mayor and City Council of the City of Beatrice, Nebraska met in regular session in the BPS Administration Building Board Room, 320 North 5th Street, Beatrice, Nebraska on the 17th day of February, 2026, beginning at 6:00 p.m.

Notice of this meeting was given in advance thereof by publication in the Beatrice Daily Sun on February 12, 2026, a copy of the proof of publication being on file in the City Clerk's office. Notice of this meeting was simultaneously given to the Mayor and all members of the City Council and a copy of their acknowledgement of receipt of the advance notice and agenda is filed in this office. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and City Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

Mayor Morgan led those in attendance in the Pledge of Allegiance.

ROLL CALL

Attending: Mayor Morgan, Councilmembers: Barnard, Eckhoff, Eskra, Fairbanks, Hydo, McLain, Ruh
Absent: Doyle

Mayor Morgan announced that a copy of the Open Meetings Act is posted in the meeting room and is accessible to members of the public.

CONSENT AGENDA

a. Approve agenda as submitted.
b. Receive and place on file all notices pertaining to this meeting.
c. Receive and place on file all materials having any bearing on this meeting.
d. Approval of minutes of regular meeting on February 2, 2026, as on file in the City Clerk's Office.
e. Approval of Treasurer's Report of Claims in the amount of $1,168,419.55.
f. Approval of BASWA Report of Claims in the amount of $53,819.85.
g. Approval of BPW Report of Claims in the amount of $676,504.82.
h. Resolution Number 7722 executing Amendment No. 5 to the Lottery Operator Agreement with EHPV Lottery Services LLC, dba Big Red Keno, to extend the Lottery Operator Agreement to expire on February 28, 2031.
i. Resolution Number 7723 granting permission to Kevin Kramer, d/b/a Pappys Camels, permission to sell or offer for sale or peddle goods, wares, or merchandise at Chautauqua Park and the Skate Park periodically beginning May 1, 2026 and terminating on October 31, 2026 for camel rides and a petting zoo.
j. Resolution Number 7724 granting permission to Blue Valley Indivisible, and their designees, permission to sell or offer for sale or peddle goods, wares, or merchandise at Charles Park on March 28, 2026, between 12:00 p.m. and 3:00 p.m, as part of their rally/festival.
k. Resolution Number 7725 appointing Amber Tempelmeyer to the City of Beatrice Library Advisory Board.

l. Resolution Number 7726 executing any and all contracts or documents between the City and the Nebraska Department of Economic Development (NDED) regarding the Planning Opportunity CDBG Grant 25-PP-001 to update the City's comprehensive plan.

Councilmember Fairbanks inquired how long the comprehensive plan will take to be finalized and Tobias J. Tempelmeyer, City Administrator/General Manager, stated he would anticipate it will take one (1) year to complete.

Moved by McLain, seconded by Barnard, that the items listed under the consent agenda, be approved, accepted, and/or ratified as presented.

Roll Call: Yea: Barnard, Eckhoff, Eskra, Fairbanks, Hydo, McLain, Ruh
Nay: None MOTION CARRIED.

DISCUSSIONS/REPORTS

Proposed Electric Generation Facility Presentation

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council the City has been looking at the possibility of building an electric generation facility. A siting study has been conducted and the City has been working with HDR on various options of the project. Tempelmeyer noted John Krajewski, JK Energy Consulting, Inc., is here to present his recommendations with the next steps of the proposed electric generation facility and what the next steps are.

Krajewski gave the Council a review of the background of the proposed project. Krajewski noted the proposed project would serve the City's capacity needs, as well as the capacity needs of potential partners. Krajewski stated the proposed location, which is on City property located in the Industrial Park southwest of the Airport, is a great location due to adequate gas access and good transmission access. Krajewski explained to the Council the two (2) types of transmission technologies they looked at are reciprocating internal combustion energy (RICE) generation or combustion turbines. Krajewski noted RICE units emissions technology has improved and are capable of generating capacity quickly. This facility will provide the City's capacity and energy needs, as well as give an option of selling the excess capacity in the market when the timing is right. Krajewski explained if the City goes with a two hundred (200) megawatt project instead of the fifty (50) megawatt project we were looking at last year, the savings is approximately twenty percent (20%) on the cost per kilowatt.

Krajewski reviewed the opinion of probable costs with the Council and explained the City will go out for bids for both options and will have to make a decision on which way to proceed later on. Krajewski noted the combustion turbines would have life cycle costs of approximately $154.00/MWh and the RICE unites would cost approximately $163.00/MWh, which is more expensive than what the City is paying now, however it is consistent with where the market is at. The City is currently paying approximately $3.00/kW per month for capacity, and Krajewski reported he just talked to someone who just recently signed a capacity agreement for approximately $8.50/kW per month. The Southwest Power Pool (SPP) recently raised their penalty rate for capacity from $7.25/kW per month to $12.00/kW per month. Councilmember Hydo asked for clarification that these costs are higher than what the City is paying now, but it will not be more than what the City will likely be facing in 2030. Krajewski stated he believes if the City does not proceed with the project, the option to purchase capacity from the market would be more expensive than these rates. Krajewski reported he recently went out for an RFP for another company and their rates went up approximately sixty percent (60%).

Krajewski reviewed the project priorities in order to meet SPPs accredited capacity, as well as having a flexible and reliable resource of generating the City's needs. Krajewski stated many manufacturers sign an O&M agreement to conduct any major maintenance on the units for a number of years. Krajewski estimated the Plant would employ six (6) to ten (10) people depending on which site the City proceeds with. Krajewski explained those employees may be City employees or they may be employees of a joint ownership group, which may be formed. Krajewski noted in order to meet the December 2030 start-up date, the major equipment needs to be purchased within the next three (3) months. The City will need to finalize the size and generator vendor, as well as finalizing partners to commit to the project. Krajewski reviewed the potential project ownership, whether it be a stand-alone entity that owns it, one that is jointly owned, or a sole ownership with power purchasing agreements in place. Krajewski noted the most favorable option is the stand-alone entity with that entity issuing the bonds instead of each entity having to issue its own revenue bonds for a project that is estimated to cost $400 million. By setting up a stand-alone entity, the City would be able to issue revenue bonds as part of their obligation for generation costs, but the obligations would not show up on the financial statements as a liability. Krajewski noted once a group is formed, it would be his recommendation to form an interlocal agreement, and within that interlocal agreement, the stand-alone entity would issue its own bonds. Krajewski explained the process the Public Power Generation Agency (PPGA), the interlocal agency established to operate the Whelan Energy Center Unit 2 project in Hastings, Nebraska, which would be his recommendation. Krajewski noted while the rolling blackouts in February 2021 may be some of the reason for the changes, an even bigger driver is the increase of data centers. Krajewski noted there are data centers that are thousand megawatts, which is twenty-five (25) times what the City uses on it's coldest day, and they are using that much power almost every hour of the year.

Krajewski stated the next steps is for the Council to be in agreement to pursue the project, looking for potential partners to finalize commitments, and developing a purchased power agreement (PPA). The City also needs to work with HDR as the engineer to prepare bid documents to purchase the major equipment. Krajewski noted this project will be an asset to serve the City for the next thirty (30) to forty (40) years. Krajewski reported they have been in contact with several potential partners who would like to set up meetings next week, as well as an onsite meeting, go through the numbers, and finalize commitments to move forward. Krajewski noted bid documents will need to be prepared for the purchase of major equipment soon in order to meet the December 2030 start-up date.

Councilmember Barnard noted this project is very important to our community, noting the real threat is if the City does not move forward with it. Mayor Morgan noted this is an additional step in providing our community for years to come, much like the expansion of the wellhead protection expansion, and the new landfill that will serve this community for the next seventy (70) years. Mayor Morgan thanked Krajewski, Tempelmeyer, and Pat Feist, Electric Superintendent, for being forward thinkers to take on a project like this.

RESOLUTIONS

Resolution Number 7727 committing to pursuing the next steps in the construction of a natural gas fired electric generation facility

Mayor Morgan introduced Resolution Number 7727 committing to pursuing the next steps in the construction of a natural gas fired electric generation facility.

Moved by McLain, seconded by Fairbanks, that Resolution Number 7727 be passed and adopted.

Councilmember McLain noted he believes this project will be good for economic development in the future, as well as a reliable source of power.

Jim Nelson, 430 East Hickory Road, inquired what the City has paid for this project so far and what is anticipated will be spent moving forward. Tobias J. Tempelmeyer, City Administrator/General Manager, reported the City has had two (2) studies done by Burns & McDonnell and HDR, which would total between $200,000 to $250,000. Tempelmeyer stated depending upon the size of the project and what partners may be brought in, moving forward the project may be upwards of $400 million. Nelson inquired what the next cost is and Tempelmeyer stated it is unknown at this time, and the cost will be determined by proceeding to look at the next steps of this project.

Councilmember Fairbanks inquired how Mayor Morgan would vote, and Mayor Morgan stated he would vote yes, noting it makes sense to proceed for the future of the community. Councilmember Hydo noted the City hired an expert to tell us what to do, and she believes we need to go forward with their recommendation.

There was no further discussion by the Council or public.

Roll Call: Yea: Barnard, Eckhoff, Eskra, Fairbanks, Hydo, McLain, Ruh
Nay: None

MOTION CARRIED.

RESOLUTION NUMBER 7727 – Passed and Adopted – committing to pursuing the next steps in the construction of a natural gas fired electric generation facility
Incorporated into the Minute Record by Reference

PUBLIC HEARINGS/BIDS

Public Hearing for the purpose of considering adoption of Plan Modification "26-1" to the Redevelopment Plan for Redevelopment Area No. 2. (Stoddard Place II - LIHTC Redevelopment Project)

Mayor Morgan announced that the public hearing will now be held for the purpose of considering adoption of Plan Modification "26-1" to the Redevelopment Plan for Redevelopment Area No. 2. (Stoddard Place II - LIHTC Redevelopment Project)

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council this public hearing and the following are in regard to Hoppe Development's Stoddard Place II redevelopment projects, which will consist of thirty-eight (38) housing units. The LIHTC project will consist of thirty-three (33) apartment units, which will look similar to the row of housing along Highway 77 north through Lincoln. The total of these two (2) projects will be $616,000 in TIF revenue over fifteen (15) years. Tempelmeyer explained to qualify for the low-income housing in Lincoln is $45,000 annually for a single person or $64,000 annually for a family of four (4). The median household income in Gage County is approximately $67,000.

Mayor Morgan inquired if anyone from the public wished to comment, and no one came forward.

Moved by McLain, seconded by Fairbanks, that the public hearing be closed at 6:50 p.m.

Roll Call: Yea: Barnard, Eckhoff, Eskra, Fairbanks, Hydo, McLain, Ruh
Nay: None MOTION CARRIED.

Public Hearing for the purpose of considering adoption of Plan Modification "26-2" to the Redevelopment Plan for Redevelopment Area No.2. (Stoddard Place II – Workforce Housing Redevelopment Project)

Mayor Morgan announced that the public hearing will now be held for the purpose of considering adoption of Plan Modification "26-2" to the Redevelopment Plan for Redevelopment Area No.2. (Stoddard Place II – Workforce Housing Redevelopment Project)

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council this is for five (5) workforce housing units, which will be market rate. The Redeveloper is still waiting on the final numbers from the County Assessor and the total of these two (2) projects will be $616,000 in TIF revenue over fifteen (15) years.

Mayor Morgan inquired if anyone from the public wished to comment, and no one came forward.

Moved by McLain, seconded by Fairbanks, that the public hearing be closed at 6:51 p.m.

Roll Call: Yea: Barnard, Eckhoff, Eskra, Fairbanks, Hydo, McLain, Ruh
Nay: None MOTION CARRIED.

Public Hearing for the purpose of considering the rezoning of a tract of land located on a part of the Northeast Quarter of Section 29, Township 4 North, Range 6 East of the 6th P.M., City of Beatrice, Gage County, Nebraska, Parcel No. 004342100, from Agricultural District "AG" to General Industrial District "GI"

Mayor Morgan announced that the public hearing will now be held for the purpose of considering the rezoning of a tract of land located on a part of the Northeast Quarter of Section 29, Township 4 North, Range 6 East of the 6th P.M., City of Beatrice, Gage County, Nebraska, Parcel No. 004342100, from Agricultural District "AG" to General Industrial District "GI".

Tobias J. Tempelmeyer, City Administrator/General Manager, explained to the Council this parcel consisting of approximately 10.01 acres, is located just west of the Industrial Park along SW 32nd Road. The owner has requested to rezone the property from Agricultural District "AG" to General Industrial District "GI". Tempelmeyer noted the Planning and Zoning Commission recommended approval of this rezone.

Mayor Morgan inquired if anyone from the public wished to comment, and no one came forward.

Moved by McLain, seconded by Fairbanks, that the public hearing be closed at 6:52 p.m.

Roll Call: Yea: Barnard, Eckhoff, Eskra, Fairbanks, Hydo, McLain, Ruh
Nay: None MOTION CARRIED.

Resolution Number 7728 adopting Plan Modification 26-1 to the Redevelopment Plan for Redevelopment Area No. 2. (Stoddard Place II - LIHTC Redevelopment Project)

Mayor Morgan introduced Resolution Number 7728 adopting Plan Modification 26-1 to the Redevelopment Plan for Redevelopment Area No. 2. (Stoddard Place II - LIHTC Redevelopment Project).

Moved by McLain, seconded by Fairbanks, that Resolution Number 7728 be passed and adopted.

There was no further discussion by the Council or public.

Roll Call: Yea: Barnard, Eckhoff, Eskra, Fairbanks, Hydo, McLain, Ruh
Nay: None MOTION CARRIED.

RESOLUTION NUMBER 7728 – Passed and Adopted – adopting Plan Modification 26-1 to the Redevelopment Plan for Redevelopment Area No. 2. (Stoddard Place II - LIHTC Redevelopment Project)
Incorporated into the Minute Record by Reference

Resolution Number 7729 adopting Plan Modification 26-2 to the Redevelopment Plan for Redevelopment Area No. 2. (Stoddard Place II - Workforce Housing Redevelopment Project)

Mayor Morgan introduced Resolution Number 7729 adopting Plan Modification 26-2 to the Redevelopment Plan for Redevelopment Area No. 2. (Stoddard Place II - Workforce Housing Redevelopment Project)

Moved by McLain, seconded by Fairbanks, that Resolution Number 7729 be passed and adopted.

There was no further discussion by the Council or public.

Roll Call: Yea: Barnard, Eckhoff, Eskra, Fairbanks, Hydo, McLain, Ruh
Nay: None MOTION CARRIED.

RESOLUTION NUMBER 7729 – Passed and Adopted – adopting Plan Modification 26-2 to the Redevelopment Plan for Redevelopment Area No. 2. (Stoddard Place II - Workforce Housing Redevelopment Project)
Incorporated into the Minute Record by Reference

Resolution Number 7730 executing the Grant Agreement with the United States Department of Transportation (USDOT), and any and all other documents necessary for USDOT to grant funds to the City for the purpose of funding the City's CAST Initiative, and any and all other documents necessary to implement the CAST Initiative

Mayor Morgan introduced Resolution Number 7730 executing the Grant Agreement with the United States Department of Transportation (USDOT), and any and all other documents necessary for USDOT to grant funds to the City for the purpose of funding the City's CAST Initiative, and any and all other documents necessary to implement the CAST Initiative.

Moved by McLain, seconded by Fairbanks, that Resolution Number 7730 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council after twenty (20) months from being notified the City was awarded the grant, the Grant Agreement was received Thursday. Tempelmeyer noted the timeline is very condensed in order to get the project done within the allotted timeframe. Tempelmeyer stated the final design is expected to be completed by early 2028, with the project being bid in August 2028 and construction completed by December 15, 2030. Tempelmeyer noted the State will work closely with the Federal government, similar to the trails projects that have been done, further noting the City will be involved, however, the grant will be administered by the State. Councilmember Fairbanks reported he spoke with Tempelmeyer earlier today and shared the checklist to completion has one hundred fifty-three (153) items that need to be done prior to the project being completed, and we are currently on item eleven (11). Councilmember Hydo inquired if the Court Street Corridor project will be handled similar to this grant or if the City will have more say on the aesthetics of the downtown, such as where bump outs are located. Tempelmeyer stated he believes the City will have more say on the Court Street project based upon other projects that have been done in the past. Councilmember Fairbanks read a letter from Councilmember Doyle who was unable to attend the meeting thanking the Mayor, Council, City Administration, and Department Heads for their efforts and supporting this milestone achievement. Councilmember Eckhoff inquired if the State has done any other highway rerouting projects like this in other communities and Tempelmeyer noted they have moved other highways before. Tempelmeyer stated one (1) of the items that has been completed is selecting an engineer for the project, which is JEO, and an amended timeline will be brought forward in order to ensure construction is completed within the allotted time of the grant.

There was no further discussion by the Council or public.

Roll Call: Yea: Barnard, Eckhoff, Eskra, Fairbanks, Hydo, McLain, Ruh
Nay: None MOTION CARRIED.

RESOLUTION NUMBER 7730 – Passed and Adopted – executing the Grant Agreement with the United States Department of Transportation (USDOT), and any and all other documents necessary for USDOT to grant funds to the City for the purpose of funding the City's CAST Initiative, and any and all other documents necessary to implement the CAST Initiative
Incorporated into the Minute Record by Reference

Resolution Number 7731 executing the Memorandum of Agreement with First Star Recycling for the processing of recyclable material generated by the City

Mayor Morgan introduced Resolution Number 7731 executing the Memorandum of Agreement with First Star Recycling for the processing of recyclable material generated by the City.

Moved by McLain, seconded by Fairbanks, that Resolution Number 7731 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, explained to the Council First Star Recycling is who the City takes our recycling to. First Star secured a grant from the State and have reached out to the City to give us part of the grant they received. First Star will give the City $95,682.85 for us to purchase six (6) new recycling trailers. Two (2) trailers will be for cardboard only and four (4) trailers will be for mixed use. Part of the agreement states the City will take our recycling to First Star for the next three (3) years, however, there is an out clause allowing either party to terminate the agreement by providing a sixty (60) day notice.

There was no further discussion by the Council or public.

Roll Call: Yea: Barnard, Eckhoff, Eskra, Fairbanks, Hydo, McLain, Ruh
Nay: None MOTION CARRIED.

RESOLUTION NUMBER 7731 – Passed and Adopted – executing the Memorandum of Agreement with First Star Recycling for the processing of recyclable material generated by the City
Incorporated into the Minute Record by Reference

Resolution Number 7732 approving and adopting the Aquatic Master Plan developed by Waters Edge Aquatic Design, for the redevelopment of the City's Water Park

Mayor Morgan introduced Resolution Number 7732 approving and adopting the Aquatic Master Plan developed by Waters Edge Aquatic Design, for the redevelopment of the City's Water Park.

Moved by McLain, seconded by Fairbanks, that Resolution Number 7732 be passed and adopted.

Tobias J. Tempelmeyer, City Administrator/General Manager, explained to the Council at the last meeting, Waters Edge reviewed their study and made their recommendations. This resolution will adopt the Aquatic Master Plan, which is sometimes required when applying for a grant.

There was no further discussion by the Council or public.

Roll Call: Yea: Barnard, Eckhoff, Eskra, Fairbanks, Hydo, McLain, Ruh
Nay: None MOTION CARRIED.

RESOLUTION NUMBER 7732 – Passed and Adopted – approving and adopting the Aquatic Master Plan developed by Waters Edge Aquatic Design, for the redevelopment of the City's Water Park
Incorporated into the Minute Record by Reference

ORDINANCES

Ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of Parcel No. 004342100, from Agricultural District "AG" to General Industrial District "GI"

Mayor Morgan introduced an ordinance amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of Parcel No. 004342100, from Agricultural District "AG" to General Industrial District "GI".

Moved by McLain, seconded by Fairbanks, that said ordinance be given number 26-5, the title thereof be approved, the rules be suspended, and said ordinance be read by number only three (3) times tonight.

Roll Call: Yea: Barnard, Eckhoff, Eskra, Fairbanks, Hydo, McLain, Ruh
Nay: None MOTION CARRIED.

Mayor Morgan read Ordinance Number 26-5 by number only the first, second, and third time.

Moved by McLain, seconded by Fairbanks, that Ordinance Number 26-5 be passed and approved.

Tobias J. Tempelmeyer, City Administrator/General Manager, reported to the Council this is for the rezoning of the property located adjacent to the Industrial Park as discussed earlier during the public hearing.

There was no further discussion by the Council or public.

Roll Call: Yea: Barnard, Eckhoff, Eskra, Fairbanks, Hydo, McLain, Ruh
Nay: None MOTION CARRIED.

ORDINANCE NUMBER 26-5 – Passed and Approved – amending the Zoning Map for the City of Beatrice, Nebraska by changing the zoning of Parcel No. 004342100, from Agricultural District "AG" to General Industrial District "GI"

The passage and adoption of said motion having been concurred in by a majority of the members elected to the City Council, said ordinance was by the Mayor declared passed and approved and the Mayor signed and approved said ordinance and the City Clerk attested the passage and approval of the same and affixed her signature and the Seal of the City thereto.

PUBLIC FORUM

Jim Nelson, 430 East Hickory Road, appeared before the Council requesting an answer of why his utility bill went up twelve percent (12%), when the public was told rates would be going up six percent (6%), plus the surcharge of three dollars ($3.00).

Caleb Fjone, 1012 North 10th Street, appeared before the Council to introduce himself as the new NGage Director, which will soon be the Gage Development Coalition Director. Fjone stated he is excited to get involved in Beatrice and Gage County and has already met with the County and Tobias J. Tempelmeyer, City Administrator/General Manager. Fjone would like to be on the agenda within the next month to discuss some tourism ideas. Councilmember McLain noted he sat in on Fjone's interview and is excited for him to share his fresh, new ideas.

DISCUSSIONS/REPORTS

City Administrator's Monthly Report

Tobias J. Tempelmeyer, City Administrator/General Manager, presented the City Administrator's Monthly Report to the Council. Tempelmeyer noted JEO is progressing through the tree inventory faster than they anticipated and will be able to inventory the entire City for a cost that will fit within the grant. Concrete has been poured at Heritage Heights Addition with the nicer weather. Concrete was also poured for the third building of the Crest Drive Apartments, located at 25th and Scott, and the first two (2) buildings are full. Tempelmeyer noted a lot of staff time has been spent on plan reviews of upcoming projects, such as Beatice Commons, the Landmark Snack addition, and an addition at Southeast Community College (SCC).

ADJOURNMENT

The next regular City Council meeting is March 2, 2026 at 6:00 p.m. in the BPS Administration Building Board Room.

Moved by McLain, seconded by Fairbanks, that the meeting be adjourned at 7:15 p.m.

Roll Call: Yea: Barnard, Eckhoff, Eskra, Fairbanks, Hydo, McLain, Ruh
Nay: None

MOTION CARRIED.

Erin Saathoff, MMC, City Clerk

Robert Morgan, Mayor

City Claims approved as follows: (*Abbreviations are: Ex, Expenses; Fe, Fees; Re, Reimbursement; Se, Services; Su, Supplies)*: 3 & 33 Mutual Aid Assoc, Fe, $25.00; 911 Custom, Su, $1,502.00; Adams Rural Fire District, Re, $15,938.32; Adams Village Of, Re, $12,862.05; Alfred Benesch And Company, Ex, $36,868.78; All Copy Products, Se, $896.34; Barneston Rural Fire Distric, Re, $14,708.81; Beatrice Area Solid Waste Agnc, Re, $70,757.05; Beatrice Community Hospital, Se, $432.00; Beatrice Fire Protection Llc, Se, Su, $173.60; Beatrice Humane Society, Re, $6,000.00; Beatrice Iron And Metal Co, Su, $725.86; Beatrice Ready Mixed, Su, $569.26; Beatrice Rural Fire Dept., Re, $21,240.34; Bizco Inc, Su, $168.36; Blue Springs Fire District, Re, $13,789.05; Blue Springs, City, Re, $10,807.84; Board Of Public Works, Re, $8,988.13; Bockmann Inc, Se, $2,577.00; Bomgaars Supply Inc, Su, $526.78; Bound Tree Medical Llc, Su, $420.95; Cardmember Service, Ex, Fe, Se, Su, $9,378.22; Central Community College, Fe, $885.00; Charter Communications, Se,$363.46; City Motor Supply, Su, $288.17; City Self Insured Health Plan, Re, $313,600.00; City Treas. Petty Cash, Re, $67.50; City Treasurer, Re, $49,577.55; Clatonia Fire District, Re, $11,522.30; Clatonia Village Of, Re, $13,295.38; Column Software Pbc, Fe, $623.02; Cortland Lancaster Rural Fire, Re, $14,121.33; Cortland Village Of, Re, $11,793.18; Datashield Corporation, Se, $109.06; Dawgs Sports Specialties, Su, $100.00; Diode Communications, Se, $544.48; Eakes, Inc, Su, $7,081.01; Elliott Equipment Co, Se, Su, $1,888.30; Enerspect Medical Solutions, Se, Su, $1,869.94; Environmental Maintenance Services Llc, Se, $670.39; Esri, Inc, Fe, $30,200.00; Extreme Motorsports, Su, $250.00; Farmers Cooperative, Su, $6,909.65; Filley Rural Fire District, Re, $14,105.18; First National Bank Of Omaha, Re, $11,001.49; Gage County Eqpt Inc, Su, $410.33; Gage County Register Of Deeds, Fe, $44.00; Galls Llc, Su, $146.15; George Ulrick Iii Forklift Service, Se, Su, $481.61; Ghd Services Inc, Se, $21,049.58; Grainger, Su, $2,161.60; Harms Farms Trucking Inc, Se, Su, $449.76; Heartland Business Systems Llc, Se, $1,597.62; Hometown Leasing, Se, $1,802.66; Huls Body Shop Inc, Se, $160.00; Intermedia.Net Inc, Se, $299.30; Interstate Power Systems, Inc, Se, Su, $16,681.40; J And B Window And Graphics Inc, Se, $115.00; Jeo Consulting Group Inc, Ex, $15,376.78; Jim's Carpet And Supplies Inc, Su, $175.00; Johnny's Welding Inc, Se, Su, $1,833.59; Johnstone Supply, Se, Su, $336.54; Jones Automotive, Inc, Se, Su, $767.01; Lammel Plumbing Inc, Su, $304.00; Lampton Welding Supply Co., Inc, Su, $1,641.61; Language Line Services, Se, $7.67; Macqueen Equipment Llc, Su, $4,447.39; Mead Lumber And Rental-Beatrice, Su, $173.04; Nmc, Inc, Su, $623.95; Noakes, Inc, Su, $56.60; Norris Public Power District, Se, $7,295.53; Nutrien Ag Solutions, Su, $1,169.00; Odell Rural Fire District, Re, $16,286.14; Odell, Village Of, Re, $10,832.30; O'reilly Auto Parts, Su, $429.43; Overdrive, Su, $5,000.00; Pickrell Rural Fire District, Re, $14,599.30; Pickrell Village Of, Re, $10,665.76; Pinnacle Bank, Fe, $405.00; Precision Auto Tune Inc, Se, Su, $52.62; Priority Printing, Su, $1,277.18; Rdo Truck Center Co, Su, $16,929.70; Roehr's Machinery Inc, Su, $65.12; Rollins Inc, Se, $162.87; Sack Lumber Company, Su, $31.18; Sapp Brothers, Su, $5,823.59; Schuster's Outdoor And Rv Inc, Su, $407.85; Sheridan Industries, Se, $72.00; Southeast Nebr Development District, Se, $5,535.71; Streetscan Usa Inc, Se, $9,620.00; Sunny Smith, Se, $900.00; Tempelmeyer, Tobias, Re, $60.18; The Will-Burt Company, Su, $225.00; Tmk Enterprises, Se, $350.00; Tractor Supply, Su, $151.90; Transunion Risk And Alternative, Se, $100.00; U.S. Cellular, Se, $1,366.04; Unite Private Networks Llc, Se, $78.40; Visa, Se, Su, $1,706.82; Vogts Parga Construction Llc, Ex, $263,631.92; Walker Uniform Rental, Se, $155.11; Westlake Ace Hardware, Su, $434.26; Windstream, Se, $625.97; Witmer Public Safety Group, Inc, Su,

$51.46; Wps Government Health Administrators, Re, $1,183.99; Wymore City Of, Re, $13,917.57; Wymore Rural Fire District, Re, $13,589.39; Zabokrtsky, Tracy, Re, $38.29

BPW Claims approved as follows: (*Abbreviations are: Ex, Expenses; Fe, Fees; Re, Reimbursement; Se, Services; Su, Supplies)*: Apx Inc, Fe, $101.60; Baswa, Fe, $12,320.03; Beatrice Mechanical Service, Inc., Se, Su, $220.05; Beatrice Ready Mixed, Su, $1,522.01; Bomgaars Supply Inc, Su, $46.39; Border States Industries, Inc, Su, $5,465.83; Bpw - Bldg Repair, Re, $2,100.00; Bpw - Bond Reserve, Re, $49,864.00; Bpw - Engineering Charges, Re, $7,806.00; Bpw - Utilities, Se, $37,669.94; Cintas Loc 749, Se, $35.00; City Economic Development Fund, Re, $25,000.00; City Treasurer, Re, $248,690.26; Collection Associates Llc, Se, $643.28; Column Software Pbc, Se, $13.02; Dawgs Sports Specialties, Su, $267.34; Echo Group, Inc., Su, $634.67; Employee Benefit Account, Re, $106,400.00; Farmers Cooperative, Su, $612.34; Fastenal Company, Su, $335.53; Ge Software Inc, Se, $80.00; General Traffic Controls, Inc., Su, $786.00; Grainger, Su, $192.34; Hdr Engineering Inc, Se, $25,628.22; Husker Electric Supply, Se, $1,515.13; Hydro Optimization And Automat, Inc, Se, $10,946.88; Jeo Consulting Group, Inc., Se, $1,968.75; Johnny's Welding, Inc., Su, $48.65; Landis And Gyr Technology, Inc., Se, $3,645.00; Lincoln Winwater Works, Su, $11,275.61; Mead Lumber Company, Su, $2,335.38; Midwest Laboratories, Inc., Se, $1,560.15; Nebraska Public Power District, Se, $23,011.72; Norris Public Power District, Se, $4,792.87; One Call Concepts, Inc., Se, $94.57; O'reilly Automotive, Inc., Su, $257.70; Philippi Electric Inc, Se, Su, $33,379.12; Pinnacle Bank, Fe, $196.30; Plymouth Electric, Inc., Se, $1,249.52; Premier Gmc Beatrice Llc, Se, Su, $1,136.93; Priority Printing, Se, Su, $749.95; Quadient Leasing Usa Inc, Se, $4,010.10; Roehr's Machinery, Inc., Su, $1,007.35; Sapp Bros. Petroleum, Inc., Su, $5,117.34; Sunbelt Solomon Services, Llc, Su, $2,203.75; The Wilson Bohannan Padlock Company, Su, $347.79; Tractor Supply Company, Su, $117.14; Tredz Central Llc, Su, Se, $1,177.16; Uline, Su, $2,060.34; Us Postmaster, Su, $3,142.72; Usa Bluebook, Su, $65.15; Viking Painting Llc, Se, $15,000.00; Visa, Se, Su, $17,034.88; Westlake Hardware, Inc., Su, $623.02

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount
GENERAL FUND					
12705	AMBETTER	REFUND 25-0255	Refund Call #25-0255	02/11/2026	551.60
Total :					551.60
ADMINISTRATION					
12310	CivicPlus LLC	361843	Municode Gender Neutralization	01/31/2026	867.31
12490	COLUMN SOFTWARE PBC	7FF24556-0646	Notice of P&Z Mtg - 2/17/26	01/23/2026	9.63
12490	COLUMN SOFTWARE PBC	7FF24556-0647	Notice of Mtg - 2/17/26	01/23/2026	10.19
12490	COLUMN SOFTWARE PBC	7FF24556-0656	Notice of CRA Mtg - 2/20/26	02/09/2026	8.49
12490	COLUMN SOFTWARE PBC	7FF24556-0657	CC Minutes - 2/2/26	02/12/2026	125.72
12490	COLUMN SOFTWARE PBC	7FF24556-0658	Ad f/Bids - Fuel 2026	02/17/2026	13.02
12490	COLUMN SOFTWARE PBC	7FF24556-0659	Ord 26-5	02/17/2026	40.21
12490	COLUMN SOFTWARE PBC	7FF24556-0664	Notice of Mtg - 3/2/26	02/17/2026	9.63
12490	COLUMN SOFTWARE PBC	7FF24556-0665	Notice of P&Z Mtg - 3/2/26	02/17/2026	9.06
2940	Eakes, Inc.	9282415-0	1,250) blue statements f/Ambulance billing	02/18/2026	250.63
2940	Eakes, Inc.	9284122-0	correction tape, calculator ribbon, binder clips, pocket	02/10/2026	723.98
2940	Eakes, Inc.	9288045-0	24) sticky notes	02/17/2026	20.59
3600	GAGE COUNTY COURT	02032026	CR 24-584	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	CR 24-678	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	CR 25-709	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	CR 25-763	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	CR 25-783	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	CR 25-785	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	CR 25-817	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	CR 26-28	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	TR 24-853	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	TR 24-934	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	TR 25-700	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	TR 25-781	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	TR 25-818	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	TR 25-820	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	TR 25-873	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	TR 25-916	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	TR 25-937	02/03/2026	17.00
3600	GAGE COUNTY COURT	02032026	TR 25-996	02/03/2026	17.00
3680	GAGE COUNTY REGISTER OF DEEDS	02102026	Plat Landmark Addition	02/10/2026	40.00
3680	GAGE COUNTY REGISTER OF DEEDS	02102026	Ord Landmark Addition	02/10/2026	46.00
3920	Government Finance Officers Assoc	3131365	Registration f/Accounting Academy - McMurphy	02/12/2026	1,850.00
5220	LEAGUE OF NEBR. MUNICIPALITIES	TEMPLEMEYER-FY26	NMCA Full Membership - Templemeyer	02/26/2026	1,069.62
12424	MERCHANT MCINTYRE & ASSOC LLC	152-2026-03	Federal Funding Opportunities - Monthly Services - J	02/15/2026	8,000.00
11509	Nationwide	ANELLO - 2026	Notary renewal - Anello,Kris	02/11/2026	50.00
6600	NEBRASKA TITLE COMPANY	02252026	ALTA 2021 Owners Policy RE Landmark Snacks RE t	02/25/2026	931.50
11311	Paymentech	5707000-JAN26	Monthly CC Fees - City	01/31/2026	430.76
7640	PRIORITY PRINTING	125263	50% City - 10,200 "The Beat" flyer	02/06/2026	684.11
1088	Saathoff, Erin	REIMB FEB26	Reimb. Mil. - SEACA Mtg in Ashland	02/24/2026	101.50
9070	TEMPELMEYER, TOBIAS	REIMB-FEB26	Reimb mileage f/League Conf	02/24/2026	120.35
1052	Travelers	3744C0129-WC AUDIT 20	Workers Comp Audit 2024/2025	02/09/2026	4.00-
12005	TriZetto Provider Solutions	4G14022600	Electronic Claims - 173 - January 2026	02/01/2026	106.91
11312	Xpress Bill Pay	INV-XPR032033	Monthly CC Fees - City	01/31/2026	283.75
Total ADMINISTRATION:					16,104.96
COMMUNITY DEVELOPMENT					
1052	Travelers	3744C0129-WC AUDIT 20	Workers Comp Audit 2024/2025	02/09/2026	135.00

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount
	Total COMMUNITY DEVELOPMENT:				135.00
POLICE ADMINISTRATION					
1440	BRAGG, ROBERT	913236	Animal Control Services	02/23/2026	6,000.00
1052	Travelers	3744C0129-WC AUDIT 20	Workers Comp Audit 2024/2025	02/09/2026	50.00
	Total POLICE ADMINISTRATION:				6,050.00
POLICE COMMUNICATIONS					
100	3 & 33 MUTUAL AID ASSOC	MURPHY-2026	2026 Membership Dues - Murphy	02/19/2026	25.00
11267	DAS STATE ACCTG-CENTRAL FINANC	1512431	TELETYPE- January 2026	02/11/2026	45.00
2620	FIRST WIRELESS INC.	132671	Service contract annual maintenance	02/28/2026	874.53
2620	FIRST WIRELESS INC.	132784	Tower Rental	02/28/2026	165.00
11289	MOTOROLA SOLUTIONS, INC	8230556963	Extended Warranty f/camera 5/11/26 - 5/10/27	02/03/2026	2,300.00
1052	Travelers	3744C0129-WC AUDIT 20	Workers Comp Audit 2024/2025	02/09/2026	158.00
	Total POLICE COMMUNICATIONS:				3,567.53
POLICE PATROL					
12704	ACE INTERDICTION TACTICS	13541	Registration f/Cartel Traps - Samuelson	02/10/2026	299.00
650	AUTOZONE	01650128988	1) bulb	02/13/2026	9.97
11938	Bizco Inc	INV00466834	Panasonic Toughbook w/docking station - Grant 75%	02/16/2026	1,944.01
11938	Bizco Inc	INV00466834	Panasonic Toughbook w/docking station - Grant 75%	02/16/2026	648.00
3720	GALLS LLC	034030705	1) uniform boot	02/10/2026	107.96
3720	GALLS LLC	034030705	Shipping	02/10/2026	6.95
3720	GALLS LLC	034030711	1) uniform cap	02/10/2026	56.70
3720	GALLS LLC	034030711	Shipping	02/10/2026	3.70
3720	GALLS LLC	034033815	1) name tag	02/10/2026	17.15
3720	GALLS LLC	034033815	Shipping	02/10/2026	1.10
12166	Industrial Networking Solutions	INV-1719431	Wireless AirLink MP70 Modem w/antenna - Grant 75	02/13/2026	967.19
12166	Industrial Networking Solutions	INV-1719431	Wireless AirLink MP70 Modem w/antenna - Grant 75	02/13/2026	322.40
12166	Industrial Networking Solutions	INV-1719431	Shipping	02/13/2026	31.69
12178	Kiesler Police Supply	IN269618	30-cs) Federal American Eagle 223Rem 55-grain	10/29/2025	7,398.90
12178	Kiesler Police Supply	IN269618	15-cs) Federal Tactical Tru 223rem 55-grain	10/29/2025	4,450.80
11866	L-Tron Corporation	690337	Microphone Style Driver License Reader - Grant 75%	02/11/2026	310.50
11866	L-Tron Corporation	690337	Microphone Style Driver License Reader - Grant 75%	02/11/2026	103.50
11866	L-Tron Corporation	690337	PocketJet Printer - Grant 75%	02/11/2026	355.63
11866	L-Tron Corporation	690337	PocketJet Printer - Grant 75%	02/11/2026	118.54
12003	Oakview Veterinary Clinic	162682	K Brovet-CA1 180-ct chew tab f/Toro	02/11/2026	165.19
12702	T-MOBILE USA INC	L2602060337	cell phone record search	02/06/2026	50.00
1052	Travelers	3744C0129-AUTO AUDIT2	Auto Audit - Police	02/09/2026	634.00
1052	Travelers	3744C0129-WC AUDIT 20	Workers Comp Audit 2024/2025	02/09/2026	7,802.00
	Total POLICE PATROL:				25,804.88
FIRE ADMINISTRATION					
4270	HOLIDAY INN-KEARNEY	112274	Lodging f/Les Lukert Conf - Kieper	02/08/2026	404.85
4270	HOLIDAY INN-KEARNEY	462711	Lodging f/Les Lukert Conf - Koch, Nathan	02/08/2026	404.85
4270	HOLIDAY INN-KEARNEY	462728	Lodging f/Les Lukert Conf - Kinghorn	02/08/2026	404.85
12029	Lighthouse Uniform Co	A-330699	Shipping	02/11/2026	66.40
11513	State Fire Marshal Training Division	3485	Hazmat Technician Cert - Jones	02/20/2026	50.00
11513	State Fire Marshal Training Division	3485	Hazmat Technician Cert - Lamer	02/20/2026	50.00
1052	Travelers	3744C0129-WC AUDIT 20	Workers Comp Audit 2024/2025	02/09/2026	1,248.00
	Total FIRE ADMINISTRATION:				2,628.95

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount
FIRE SUPPRESSION					
12029	Lighthouse Uniform Co	A-330699	Firefighter Class A; Uniform package	02/11/2026	620.95
12029	Lighthouse Uniform Co	A-330699	2) Firefighter Class A; cap, cap device, dress pant	02/11/2026	419.70
12029	Lighthouse Uniform Co	A-330699	Firefighter Class A; belt, dress shirt	02/11/2026	82.71
7470	PLYMOUTH ELECTRIC INC	125170	Labor - duct detector repairs	02/16/2026	204.00
8150	SACK LUMBER COMPANY	2602-150400	bulk fasteners	02/19/2026	4.59
12657	SUMMIT FIRE PROTECTION CO	3873847	Labor - 4) SCBA Cylinder Service	02/19/2026	28.00
12657	SUMMIT FIRE PROTECTION CO	3873847	4) SCBA o-ring	02/19/2026	40.00
1052	Travelers	3744C0129-WC AUDIT 20	Workers Comp Audit 2024/2025	02/09/2026	11,503.00
9730	WALKER UNIFORM RENTAL	1457109	Shop Towel Service	02/19/2026	26.70
9760	Westlake Ace Hardware	10359423	bulk fasteners f/props	02/19/2026	48.19
12465	WITMER PUBLIC SAFETY GROUP, INC	INV842092	1) badge shirt, ls	02/19/2026	95.00
	Total FIRE SUPPRESSION:				13,072.84
FIRE AMBULANCE					
890	BEATRICE COMMUNITY HOSPITAL	707	16) CPR classes	02/12/2026	160.00
890	BEATRICE COMMUNITY HOSPITAL	710	ACLS f/Kieper	02/23/2026	200.00
1420	BOUND TREE MEDICAL LLC	86095006	4) transfer sheet	02/10/2026	511.96
1420	BOUND TREE MEDICAL LLC	86095007	4) tourniquet	02/10/2026	165.16
1420	BOUND TREE MEDICAL LLC	86095007	4) chest seal	02/10/2026	56.76
1420	BOUND TREE MEDICAL LLC	86095007	4) combat gauze	02/10/2026	170.36
1420	BOUND TREE MEDICAL LLC	86095007	4) emergency blanket	02/10/2026	2.16
1420	BOUND TREE MEDICAL LLC	86095007	1) sharpie	02/10/2026	25.20
1420	BOUND TREE MEDICAL LLC	86095007	4) shears	02/10/2026	6.76
1420	BOUND TREE MEDICAL LLC	86095007	4) emergency bandage	02/10/2026	48.36
1420	BOUND TREE MEDICAL LLC	86096892	2) Masimo reusable SpO2 sensor	02/11/2026	699.98
1420	BOUND TREE MEDICAL LLC	86105008	2) Maismo Rainbow patient cables	02/18/2026	1,019.98
2040	CITY TREAS. PETTY CASH	P-CASH 03-02-2026	9) Meal - OTT	02/25/2026	67.50
2080	CITY TREASURER	W-O AMBUL-FEB26	W-O Ambulance bad debt - send to CA	02/23/2026	28,603.36
5110	LAMPTON WELDING SUPPLY Co., INC	0020328271	Medical Oxygen	02/11/2026	310.32
5110	LAMPTON WELDING SUPPLY Co., INC	0020331132	Medical Oxygen	02/18/2026	508.03
1052	Travelers	3744C0129-WC AUDIT 20	Workers Comp Audit 2024/2025	02/09/2026	4,955.00
	Total FIRE AMBULANCE:				37,510.89
PUBLIC PROPERTIES					
130	ABBOTT PORTABLE TOILETS	8179	1) Handi-cap accessible Portable Toilet f/Pickleball C	11/30/2025	125.00
130	ABBOTT PORTABLE TOILETS	8180	1) Handi-cap accessible Portable Toilet f/Pickleball C	12/31/2025	125.00
130	ABBOTT PORTABLE TOILETS	8181	1) Handi-cap accessible Portable Toilet f/Pickleball C	01/31/2026	125.00
130	ABBOTT PORTABLE TOILETS	8182	1) Handi-cap accessible Portable Toilet f/Pickleball C	02/28/2026	125.00
980	BEATRICE IRON AND METAL CO	112146	grease f/seeder	02/17/2026	15.79
980	BEATRICE IRON AND METAL CO	112231	pipe fitting f/Aud air compressor	02/20/2026	8.62
980	BEATRICE IRON AND METAL CO	112232	pipe fitting f/Aud air compressor	02/20/2026	2.33
11281	Black Hills Energy	0420672199-FEB26	Gas Service - Probation - February 2026	02/12/2026	489.78
11281	Black Hills Energy	3806703634-FEB26	Gas Service - Police Dept - February 2026	02/12/2026	653.17
11281	Black Hills Energy	3806703634-FEB26	Gas Service - Fire Dept - February 2026	02/12/2026	2,053.34
11281	Black Hills Energy	4584289228-FEB26	Gas Service - 201 Cedar - February 2026	02/12/2026	1,330.89
12095	Bomgaars Supply Inc	549699	drain auger f/buildings	02/06/2026	22.99
12095	Bomgaars Supply Inc	553118	filter	02/19/2026	4.99
12095	Bomgaars Supply Inc	553127	toilet shims f/Senior Center	02/19/2026	6.99
12214	Cary's Cleaning	6673	Office cleaning - February 2026 f/Library	02/23/2026	2,000.00
12214	Cary's Cleaning	6674	Office cleaning - February 2026 f/FD	02/23/2026	1,360.00
12214	Cary's Cleaning	6677	Office cleaning - February 2026 f/PD	02/23/2026	1,560.00
12214	Cary's Cleaning	6677	Supplies - filter, belt f/vacuum	02/23/2026	15.72
2010	CITY MOTOR SUPPLY	915209	3) curved jaw pliers	02/18/2026	72.41
2010	CITY MOTOR SUPPLY	915270	bulk filters f/equipment	02/23/2026	921.28

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount
2010	CITY MOTOR SUPPLY	915277	gear oil	02/23/2026	10.49
2940	Eakes, Inc.	9283942-2	5) ecobowl clip	02/17/2026	12.75
2940	Eakes, Inc.	9288458-0	5) trash bag	02/17/2026	164.35
2940	Eakes, Inc.	C9293150-0	Credit - return 5) trash bag	02/23/2026	108.65-
4700	ECHO GROUP, INC	S011625835.001	electrical supplies f/HP	02/09/2026	20.53
3630	GAGE COUNTY EQPT INC.	I713099	2) filter f/UTV	02/13/2026	43.68
3116	Hamm Glass, Inc.	02242026	door sweep f/Library	02/24/2026	35.00
4770	JOHNNY'S WELDING INC.	194570	Labor - repair plank f/Dog Run	02/18/2026	140.00
4770	JOHNNY'S WELDING INC.	194570	Supplies f/Dog Run plank	02/18/2026	20.00
5100	LAMMEL PLUMBING INC	86570	hot/cold faucet repair kit f/Library	02/12/2026	64.70
5100	LAMMEL PLUMBING INC	86570 2	3) sloan kit f/Library	02/05/2026	108.99
5100	LAMMEL PLUMBING INC	86600	wax flange f/Library	02/09/2026	7.38
5100	LAMMEL PLUMBING INC	86659	Labor - R&R hydrant f/#3, Cleanout (retrieve brick) f/#	02/19/2026	1,141.00
5100	LAMMEL PLUMBING INC	86659	Supplies - hydrant f/#3 - Chautauqua Park Campgrou	02/19/2026	325.45
5160	LARRY'S TIRE AND SERVICE INC.	985699	Labor - 1) tire repair f/tractor	02/19/2026	150.00
5690	MEAD LUMBER AND RENTAL-BEATRI	13114904	pipe f/PD plumbing	02/06/2026	34.99
5690	MEAD LUMBER AND RENTAL-BEATRI	13157916	9) air filters f/chainsaw	02/19/2026	113.21
11729	Nutrien Ag Solutions	58466524	22.5 lb) opensight chemical f/Trails	02/18/2026	2,362.50
11729	Nutrien Ag Solutions	58483222	3.75 lb) opensight f/CSBT	02/25/2026	393.75
1073	Rewound Power Motors Sls and Svc Inc	S20610	capacitor f/Aud air compressor	02/20/2026	13.53
8000	ROEHR'S MACHINERY INC.	IV92455	sprocket f/seeder	02/17/2026	203.54
8150	SACK LUMBER COMPANY	2602-148705	5) concrete	02/12/2026	29.95
8370	SCHUSTER'S OUTDOOR AND RV INC.	32312	5) screws	02/17/2026	35.95
8370	SCHUSTER'S OUTDOOR AND RV INC.	32334	mulch kit f/Exmark 72	02/26/2026	592.05
11525	Sun Blockers	949015	Tint 8 door windows f/Aud	02/10/2026	630.00
12521	SUNNY SMITH	FEB9 2026 - FEB20 2026	Office cleaning f/Aud offices	02/20/2026	405.00
12521	SUNNY SMITH	FEB9 2026 - FEB20 2026	Office cleaning f/BPW offices	02/20/2026	405.00
1052	Travelers	3744C0129-WC AUDIT 20	Workers Comp Audit 2024/2025	02/09/2026	511.00
9760	Westlake Ace Hardware	10359325	electrical supplies f/outdoor hitting cage outlets	02/09/2026	5.56
9760	Westlake Ace Hardware	10359360	2-cs) 2-cycle engine oil	02/12/2026	52.18
9760	Westlake Ace Hardware	10359360	2) swiffer refills	02/12/2026	23.38
9760	Westlake Ace Hardware	10359399	2) paper towels, 1) dawn	02/17/2026	26.62
9760	Westlake Ace Hardware	10359408	2) paper towels	02/18/2026	18.89
9760	Westlake Ace Hardware	10359440	2) plunger	02/20/2026	21.22
9760	Westlake Ace Hardware	10359465	plumbing supplies f/Aud	02/23/2026	36.14
9760	Westlake Ace Hardware	10359471	brass nozzle	02/24/2026	8.99
9760	Westlake Ace Hardware	10359496	tune-up kit f/stihl equipment	02/25/2026	29.68
10030	WRIGHTSMAN PLBG AND HEAT INC	108079	10) salt f/water softener	02/16/2026	105.00
10030	WRIGHTSMAN PLBG AND HEAT INC	108079	3) shut-off, 2) coupling, 1) valve, 2) supply line, 1) sho	02/16/2026	329.96
	Total PUBLIC PROPERTIES:				19,542.06
PP-WATER PARK					
6640	Nebraska Dept. Environment and Energy	2026 POOL PERMIT	2026 Swimming Pool Permit Renewal	02/19/2026	40.00
	Total PP-WATER PARK:				40.00
LIBRARY					
11652	American Horticulture Society	RENEW. MEM. 26	Membership to American Horticultural Society	02/24/2026	50.00
12088	Biblionix	12272	Apollo Automation annual subscription	02/23/2026	98.00
12088	Biblionix	12272	Unbound basic	02/23/2026	330.00
12088	Biblionix	12272	Gabbie Option	02/23/2026	165.00
11255	Reef Tectonics, Inc.	43798	Regular Aquarium Maintenance	01/24/2026	73.00
11255	Reef Tectonics, Inc.	43798	Gin Penguin cart size C	01/24/2026	13.49
11255	Reef Tectonics, Inc.	43798	Hik Cich Gold Sink 12oz	01/24/2026	15.99
11255	Reef Tectonics, Inc.	43798	2) Parrot cichlid	01/24/2026	63.98
11255	Reef Tectonics, Inc.	43798	1) white/blue parrot	01/24/2026	59.99

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount
11255	Reef Tectonics, Inc.	43798	1) blue acara	01/24/2026	10.00
1052	Travelers	3744C0129-WC AUDIT 20	Workers Comp Audit 2024/2025	02/09/2026	60.00
9471	U.S. Postal Service (Postage By Phone)	13252085-FEB26	Postage for postage meter	02/25/2026	3,000.00
	Total LIBRARY:				3,939.45
LIBRARY-COUNTY					
12088	Biblionix	12272	Apollo Automation annual subscription	02/23/2026	3,202.00
	Total LIBRARY-COUNTY:				3,202.00
	Total GENERAL FUND:				132,150.16
STREET FUND					
STREET FUND					
870	Beatrice Ready Mixed	B1 749659	4cy)47B1S383500HW @192.50 (s 9th st)	02/18/2026	770.00
870	Beatrice Ready Mixed	B1 749659	4yd)NCA 10oz@7.50	02/18/2026	30.00
870	Beatrice Ready Mixed	B1 749659	Winter service	02/18/2026	28.00
870	Beatrice Ready Mixed	B1 749676	2.50cy)L10AE3500@188.50(s 9th)	02/19/2026	471.25
870	Beatrice Ready Mixed	B1 749676	2.50yd)NCA 20oz-2%@15.00	02/19/2026	37.50
870	Beatrice Ready Mixed	B1 749676	Winter service	02/19/2026	17.50
3960	GRAINGER	9820413640	150) 60lb bags Pavement Patch @22.14/ea	02/25/2026	3,321.00
3960	GRAINGER	9820413640	Shipping	02/25/2026	169.00
12591	Interstate Power Systems, Inc	R023066101 01	Labor-Right Rear Flasher Wiring	02/19/2026	225.00
12591	Interstate Power Systems, Inc	R023066102 01	Labor-Update ECM ECU	02/19/2026	225.00
12591	Interstate Power Systems, Inc	R023066102 01	Service-DTS	02/19/2026	35.00
12591	Interstate Power Systems, Inc	R023066103 01	Labor-Replace Battery Cable	02/19/2026	225.00
4770	JOHNNY'S WELDING INC.	195762	65)Inches of 3/8" Hose 4800 PSI @.57	02/02/2026	37.05
4770	JOHNNY'S WELDING INC.	195762	1)6G-6MJ Hose Fitting @8.91	02/02/2026	8.91
4770	JOHNNY'S WELDING INC.	195762	1)6g-8MP Hose Fitting @13.15	02/02/2026	13.15
4770	JOHNNY'S WELDING INC.	195762	Labor-Make Hose	02/02/2026	8.00
4770	JOHNNY'S WELDING INC.	195774	Labor-Repair step and tail gate latch	02/03/2026	420.00
5690	MEAD LUMBER AND RENTAL-BEATRI	13150691	10)2x8-10 SPF #2@10.50	02/17/2026	105.00
9260	TRACTOR SUPPLY	475221	1)Husq Bar&Chain Oil @24.99	02/24/2026	24.99
9260	TRACTOR SUPPLY	475221	4)Cnl Gr5 Hitch Pin@8.99	02/24/2026	35.96
1052	Travelers	3744C0129-AUTO AUDIT2	Auto Audit - Street	02/09/2026	540.00
1052	Travelers	3744C0129-WC AUDIT 20	Workers Comp Audit 2024/2025	02/09/2026	1,082.00-
	Total STREET FUND:				5,665.31
	Total STREET FUND:				5,665.31
CDBG Fund					
CDBG-GRANTS					
2080	CITY TREASURER	CDBG PWI TR	TR f/ CDBG to Street - Federal Share PWI Project	02/20/2026	257,058.98
3440	FLETCHER'S DECORATING INC.	23-DTR-002 #7	23-dtr-002 Drawdown #7	02/20/2026	14,065.00
	Total CDBG-GRANTS:				271,123.98
	Total CDBG Fund:				271,123.98
AIRPORT FUND					
AIRPORT-GENERAL					
11281	Black Hills Energy	2208569044-FEB26	Airport Gas Service	02/09/2026	268.75
2100	CITY SERVICE VALCON LLC.	0913013	8,004 gal 100LL @ 3.941390	02/09/2026	31,546.89
5690	MEAD LUMBER AND RENTAL-BEATRI	13174328	2) padlock f/fuel	02/24/2026	35.87
7060	O'REILLY AUTO PARTS	0749-133255	3) 1-gal wiper fluid	02/18/2026	12.78

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount
6170	STATE OF NEBRASKA	1511846	Monthly AWOS/VOR	02/01/2026	818.33
1052	Travelers	3744C0129-WC AUDIT 20	Workers Comp Audit 2024/2025	02/09/2026	1,828.00
9850	UNIFIRST CORPORATION	1910108894	Launder mats, shop towel	02/09/2026	87.88
9760	Westlake Ace Hardware	10359326	padlock w/key f/fuel system	02/09/2026	43.17
9760	Westlake Ace Hardware	10359458	bulk fasteners f/tire chocks	02/23/2026	4.90
9760	Westlake Ace Hardware	10359464	rope, bulk fasteners f/tire chocks	02/23/2026	35.32
	Total AIRPORT-GENERAL:				34,681.89
	Total AIRPORT FUND:				34,681.89
BEATRICE AREA SOLID WASTE AGNC					
BASWA					
980	BEATRICE IRON AND METAL CO	111982	33 lb welding spool	02/10/2026	124.38
980	BEATRICE IRON AND METAL CO	112003	6) antifreeze	02/11/2026	95.70
980	BEATRICE IRON AND METAL CO	112003	3) steel line, 3) adapter	02/11/2026	12.75
980	BEATRICE IRON AND METAL CO	112273	2) tire pressure gauge	02/23/2026	56.94
3049	Beatrice Sand and Gravel	S1 212732	34.76 tn) 1 1/2" screen rock	02/09/2026	879.43
3049	Beatrice Sand and Gravel	S1 212916	32.58 tn) 1 1/2" crusher run	02/18/2026	677.67
3049	Beatrice Sand and Gravel	S1 212916	67.29 tn) screenings	02/18/2026	995.90
12095	Bomgaars Supply Inc	550752	heavy duty bolt cutters	02/10/2026	49.99
12095	Bomgaars Supply Inc	550752	adapter	02/10/2026	13.99
12095	Bomgaars Supply Inc	554778	50% - BASWA - 164 cs) water	02/25/2026	335.16
2690	DAWGS SPORTS SPECIALTIES	11121	City logo clothing - Moore	02/13/2026	187.00
12656	ENDICOTT CLAY PRODUCTS COMPA	388910	216.0 yd) crushed brick	02/10/2026	3,672.00
12221	GB Auto Service Inc	511713918	Labor - R&R 1) tire	12/26/2025	47.98
12221	GB Auto Service Inc	511713918	Supplies - 1) tire	12/26/2025	216.99
12688	Global Payments	6921-JAN26	Monthly credit card fees	01/31/2026	48.80
12505	HARD ROCK QUARRIES LLC	6476	14.58 tn) 1 1/2" screened limestone	02/11/2026	364.50
12591	Interstate Power Systems, Inc	R023065940.01	Labor - Remove transmission	02/17/2026	1,575.00
12591	Interstate Power Systems, Inc	R023065940.01	Shop supplies	02/17/2026	336.58
12591	Interstate Power Systems, Inc	R023065997.01	Labor - Re align, weld broken brackets f/D6	02/11/2026	900.00
12549	MES I ACQUISITION INC	IN2438564	Rent - Landtec GEM2000	02/03/2026	181.00
6430	NMC, INC	CUI1579217	6) bolt, 6) wash f/D6D	02/09/2026	13.74
6430	NMC, INC	CUI1580100	left-hand step asy f/D6D	02/11/2026	510.06
12393	Rollins Inc	292232490	Pest Control Standard - February 2026	02/12/2026	75.00
8260	SAPP BROTHERS	IN4952475	65.2 gal DEF @ 2.104646	02/06/2026	137.22
8950	SWANA	1291100	SWANA Membership f/Moore	02/21/2026	355.00
9260	TRACTOR SUPPLY	759283	pressure relief valve	02/24/2026	34.99
1052	Travelers	3744C0129-WC AUDIT 20	Workers Comp Audit 2024/2025	02/09/2026	2,255.00
11450	TSYS Merchant Solutions	11573762-DEC25	monthly credit card fees	12/31/2025	1,945.66
11450	TSYS Merchant Solutions	11573762-JAN26	monthly credit card fees	01/31/2026	3,858.32
9730	WALKER UNIFORM RENTAL	1455863	Uniform Service	02/12/2026	43.97
9730	WALKER UNIFORM RENTAL	1457112	Uniform Service	02/19/2026	42.22
9760	Westlake Ace Hardware	10359416	2) 12-pc socket set	02/18/2026	140.96
9760	Westlake Ace Hardware	10359416	4' ladder	02/18/2026	80.99
9760	Westlake Ace Hardware	10359416	tape	02/18/2026	13.49
9760	Westlake Ace Hardware	10359462	4) pipe insulation	02/23/2026	10.76
	Total BASWA:				20,289.14
	Total BEATRICE AREA SOLID WASTE AGNC:				20,289.14
CAPITAL IMP FUND					
CAPITAL IMPROVEMENTS-GENERAL					
4670	JEO CONSULTING GROUP INC	171372	Tree Inventory	02/06/2026	2,070.00
4670	JEO CONSULTING GROUP INC	171424	Residential Development f/Paddock Site - Final Plat	02/09/2026	3,377.50

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount
12580	PLAY-PRO RECREATION LLC	1400303111	Heritage Heights Playground	01/28/2026	87,315.58
7640	PRIORITY PRINTING	125263	2) 8' x 4' banner f/Corral Crossing	02/06/2026	308.00
12639	WATERS EDGE AQUATIC DESIGN LLC	11387	Develop Aquatic Park Master Plan	02/16/2026	4,350.00
	Total CAPITAL IMPROVEMENTS-GENERAL:				97,421.08
	Total CAPITAL IMP FUND:				97,421.08
ECONOMIC DEVELOPMENT FUND					
6980	OLSSON INC	570020	Wellhead Protection Area Support	02/26/2026	4,000.00
	Total :				4,000.00
	Total ECONOMIC DEVELOPMENT FUND:				4,000.00
INFO TECH SERV FUND					
11930	A T and T Mobility	287301368820X02112026	Cell service f/ Chief's Phone - Fire	02/03/2026	52.06
12056	ALL COPY PRODUCTS	573536430 CXXN	Copier Rental - Zab Office	01/17/2026	138.87
12056	ALL COPY PRODUCTS	575753710	Copier Rental - Zab Office	02/14/2026	132.67
12667	CARAHSOFT TECHNOLOGY CORPOR	IN2185492	MS-ISAC Single Organization Membership Annual Bu	01/22/2026	2,740.08
11714	Caselle, Inc.	INV-16158	Maintenance & Support - Mar 2026	02/03/2026	3,937.00
11714	Caselle, Inc.	INV-16158	Cloud Hosting - Mar 2026	02/03/2026	903.00
1034	CHARTER COMMUNICATIONS	1290027030-FEB26	Cable charges/City - February 2026	02/09/2026	12.37
12699	DLT SOLUTIONS LLC	5385019A	1) IMAGINiT - 3/12/26 - 3/11/27	02/18/2026	395.00
12699	DLT SOLUTIONS LLC	5385019A	2) Architecture Engineering & Construction Subscripti	02/18/2026	2,691.50
12419	HEARTLAND BUSINESS SYSTEMS LL	863070-H	35) Microsoft Apps - Feb2026	02/17/2026	441.00
9610	VERIZON WIRELESS	6135503708	ICAC Phone & Data	02/08/2026	91.01
9610	VERIZON WIRELESS	6135757551	5) 11" iPadAir	02/10/2026	2,499.95
9610	VERIZON WIRELESS	6135757551	3) MARS tablet	02/10/2026	120.03
9610	VERIZON WIRELESS	6135757551	Fire AVL Card	02/10/2026	40.01
9610	VERIZON WIRELESS	6135757551	Fire AVL Card	02/10/2026	40.01
9610	VERIZON WIRELESS	6135757551	Police AVL Cards	02/10/2026	668.82
9610	VERIZON WIRELESS	6135757551	1) IT tablet	02/10/2026	77.44
9610	VERIZON WIRELESS	6135757551	2) Street tablet	02/10/2026	154.88
9610	VERIZON WIRELESS	6135757551	2) Fire tablet	02/10/2026	154.88
9610	VERIZON WIRELESS	6135864644	Machine 2 Machine activity - BPW	02/12/2026	154.12
9610	VERIZON WIRELESS	6135993449	Community Development-Ipad services (2)	02/13/2026	80.02
9920	WINDSTREAM	090051577-FEB26	Water Park Phone Service	02/12/2026	125.27
9920	WINDSTREAM	090063150-FEB26	Crime Stoppers phone service	02/12/2026	89.62
9920	WINDSTREAM	092071685-FEB26	Fire Alarm Phone Lines	02/20/2026	161.37
9920	WINDSTREAM	092221690-FEB26	backup Dispatch phone line	02/18/2026	93.05
9920	WINDSTREAM	092227280-FEB26	911 Telephone Service	02/10/2026	156.74
9920	WINDSTREAM	092229158-FEB26	dispatch fax line	02/20/2026	84.17
	Total :				16,234.94
	Total INFO TECH SERV FUND:				16,234.94
SANITATION FUND					
980	BEATRICE IRON AND METAL CO	112224	tool	02/19/2026	2.65
980	BEATRICE IRON AND METAL CO	112235	6' iron	02/20/2026	78.96
11281	Black Hills Energy	3806703634-FEB26	Gas Service - MARS - February 2026	02/12/2026	1,810.22
12095	Bomgaars Supply Inc	554492	bulk fasteners	02/24/2026	46.21
12095	Bomgaars Supply Inc	554778	50% - MARS - 164 cs) water	02/25/2026	335.16

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount
2010	CITY MOTOR SUPPLY	915280	2) oil filter	02/23/2026	26.80
4490	INLAND TRUCK PARTS AND SERVICE	IN-1948655	10-bolt mounting gasket	02/17/2026	7.29
12591	Interstate Power Systems, Inc	R023066084.01	Labor - Clear codes-transmission not shifting	02/18/2026	225.00
12591	Interstate Power Systems, Inc	R023066086.01	Labor - R&R battery	02/18/2026	450.00
12591	Interstate Power Systems, Inc	R023066087.01	Labor - R&R hydraulic load valve	02/18/2026	506.25
4770	JOHNNY'S WELDING INC.	195752	32") 1/2" hose	02/02/2026	19.20
4770	JOHNNY'S WELDING INC.	195752	2) hose fitting	02/02/2026	32.90
4770	JOHNNY'S WELDING INC.	195752	Labor to make hose	02/02/2026	8.00
3052	Landmark Implement Inc	12049252	wheel f/skid	02/23/2026	363.24
12084	One Source Parts, LLC	1052700	hose harness	02/13/2026	1,335.16
7060	O'REILLY AUTO PARTS	0749-131933	11) multi-purpose grease	02/12/2026	73.59
7060	O'REILLY AUTO PARTS	0749-131933	1) mini bulb	02/12/2026	8.80
7060	O'REILLY AUTO PARTS	0749-132023	mini bulb	02/12/2026	7.26
7060	O'REILLY AUTO PARTS	0749-133073	o-rings	02/17/2026	16.05
7060	O'REILLY AUTO PARTS	0749-133704	wiper blade	02/20/2026	22.99
7060	O'REILLY AUTO PARTS	0749-134642	12) 64-oz diesel treatment	02/25/2026	161.88
11311	Paymentech	5707000-JAN26	Monthly CC Fees - Sanitation	01/31/2026	430.76
7640	PRIORITY PRINTING	125263	1,300 MARS Newsletter	02/06/2026	374.61
3011	RDO Truck Center Co	129904L	seat	02/13/2026	750.00
3011	RDO Truck Center Co	130057L	10) diesel oil	02/19/2026	314.50
12460	Refuse Inc.	2393	2) camera	12/30/2025	1,255.18
12393	Rollins Inc	292232489	Pest Control Standard f/MARS - February 2026	02/20/2026	87.60
8260	SAPP BROTHERS	IN4953302	800.0 gal ULSD #2 Clear Winter Diesel @ 2865999	02/09/2026	2,292.80
8260	SAPP BROTHERS	IN4964890	927.2 gal ULSD #2 Clear Winter Diesel @ 2.996001	02/23/2026	2,777.89
1052	Travelers	3744C0129-AUTO AUDIT2	Auto Audit - Saniation Trucks	02/09/2026	1,700.00
1052	Travelers	3744C0129-WC AUDIT 20	Workers Comp Audit 2024/2025	02/09/2026	7,151.00
11678	Truck Center Companies	RA108049831.01	Labor - oil leaks	02/11/2026	180.00
11678	Truck Center Companies	RA108049831.01	Labor - R&R front main seal	02/11/2026	540.00
11678	Truck Center Companies	RA108049831.01	Labor - R&R tin cover	02/11/2026	360.00
11678	Truck Center Companies	RA108049831.01	Labor - R&R oil pan gasket	02/11/2026	720.00
11678	Truck Center Companies	RA108049831.01	Supplies - seal kit, gear cover, oil pan gasket	02/11/2026	701.73
11678	Truck Center Companies	RA108049831.01	Labor - coolant leaks	02/11/2026	180.00
11678	Truck Center Companies	RA108049831.01	Labor - R&R radiator hose	02/11/2026	360.00
11678	Truck Center Companies	RA108049831.01	Supplies - radiator hose	02/11/2026	116.86
11678	Truck Center Companies	RA108049831.01	Shop supplies	02/11/2026	350.00
11678	Truck Center Companies	XA108210093.01	bulk filters	02/25/2026	1,419.28
11312	Xpress Bill Pay	INV-XPR032033	Monthly CC Fees - Sanitation	01/31/2026	283.75
	Total :				27,883.57
	Total SANITATION FUND:				27,883.57
	Grand Totals:				609,450.07

Vendor	Vendor Name	Invoice Number	Description	Invoice Date	Net Invoice Amount

Dated: _____

Mayor: _____

City Council: _____

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Invoice Number	Invoice Date	Description	Segment Fund	Net Invoice Amount
Altec Industries, Inc.				
13455903	02/19/2026	1)Switch, Rocker@67.75	ELECTRIC FUND	67.75
13455903	02/19/2026	1)Acutator Rocker Button@13.51	ELECTRIC FUND	13.51
13455903	02/19/2026	Freight	ELECTRIC FUND	12.50
13455903	02/19/2026	Sales Tax	ELECTRIC FUND	7.03
Total Altec Industries, Inc.:				100.79
American Electric Power				
175-21605548	02/11/2026	SPP Charges for January 2026 17,639 MWH @ 38.95	ELECTRIC FUND	687,039.05
175-21605548	02/11/2026	Radiant Tech Admin Fee f/ Jan 2026 4,985 MWH @ 0.85	ELECTRIC FUND	4,237.59
175-21605548	02/11/2026	Congestion/Imbalance credit/chg for Jan 2026	ELECTRIC FUND	249,870.12
175-21605548	02/11/2026	SPP Initial Charges for Jan 2026	ELECTRIC FUND	177,053.69
175-21605548	02/11/2026	SPP charges for prior months	ELECTRIC FUND	23,467.08-
175-21605548	02/11/2026	SPP settlement - Final	ELECTRIC FUND	981.45-
Total American Electric Power:				1,093,751.92
Beatrice Iron and Metal				
112319	02/25/2026	11)ft 1/4 3 flat @3.39(cust#1070)	WATER FUND	37.29
112319	02/25/2026	Sales Tax	WATER FUND	2.80
Total Beatrice Iron and Metal:				40.09
Beatrice Ready Mixed				
1B 52989	02/23/2026	1)Kraft 16x3 1/8 Pro Mag Flt@36.68	ELECTRIC FUND	36.68
1B 52989	02/23/2026	Sales Tax	ELECTRIC FUND	2.75
B1 749660	02/18/2026	1.25cy)LS0AE3500(pickleball court)	ELECTRIC FUND	235.63
B1 749660	02/18/2026	Winter Service	ELECTRIC FUND	8.75
B1 749660	02/18/2026	Sales Tax	ELECTRIC FUND	18.33
Total Beatrice Ready Mixed:				302.14
Black Hills Energy				
0660445975-FEB26	02/12/2026	Gas Bill/ 820 Herbert LS #5/FEB26	WPC	69.76
2096271272-FEB26	02/12/2026	Gas Bill/ 300 Irving LS #6/FEB26	WPC	82.93
4320807688-FEB26	02/12/2026	Gas Bill/321 Grant Street -FEB26	WATER FUND	106.63
7743125526-FEB26	02/12/2026	Gas Bill/1300 Beaver -FEB26	WPC	1,520.02
7743125526-FEB26	02/12/2026	Gas Bill/1300 Beaver/Dewatering Bldg-FEB26	WPC	379.18
7743125526-FEB26	02/12/2026	Gas Bill/1831 1/2 Carlyle Street/LS#4/FEB26	WPC	56.86
9197736828-FEB26	02/12/2026	Gas Bill/312 Grant Street -JAN26	WATER FUND	57.14
Total Black Hills Energy:				2,272.52
Bomgaars Supply Inc				
00549292	02/05/2026	1)Screw, Sheet Metal, PHP 14x1 25/pk@6.79	ELECTRIC FUND	6.79
00549292	02/05/2026	1)Screw, Self-Drill, HWH 1/4x1 25/pk@7.29	ELECTRIC FUND	7.29
00549292	02/05/2026	1)Screw, Self-Drill, HWH 1/4x3/4 25/pk@6.79	ELECTRIC FUND	6.79
00549292	02/05/2026	Sales Tax	ELECTRIC FUND	1.57
553430	02/20/2026	2)Discharge Hose @79.99	WATER FUND	159.98
553430	02/20/2026	Sales Tax	WATER FUND	12.00
Total Bomgaars Supply Inc:				194.42
Border States Industries, Inc				
931970927	02/17/2026	UT176-A-78 COLLAPSIBLE TAKE UP REEL (1-2 WEEKS)	ELECTRIC FUND	2,849.50
932001499	02/23/2026	50)DEADEND CLAMP 6-1/0 STR AL&COP CHN - GDW2010 4-20	ELECTRIC FUND	2,335.44

Invoice Number	Invoice Date	Description	Segment Fund	Net Invoice Amount
932001499	02/23/2026	100)BUR - YC28C28 4/0 CU TAP CONN	ELECTRIC FUND	671.88
932001510	02/23/2026	1)MADI-FBSK-3B FIX BLD SKIN KNIFE BLNT BLADE (2-3 WEEKS)	ELECTRIC FUND	20.44
932001510	02/23/2026	1)MADI-BB-2 KNIFE SKINNING BRUSH BLD LINEM (2-3 WEEKS)	ELECTRIC FUND	28.74
Total Border States Industries, Inc:				5,906.00
Carpenter Paper Company				
419649	02/16/2026	1cs)Soap Hand Free Faom Cleanser@51.78	ELECTRIC FUND	51.78
419649	02/16/2026	2)Can Liner 40x48@68.767	ELECTRIC FUND	137.53
419649	02/16/2026	Sales Tax	ELECTRIC FUND	14.20
Total Carpenter Paper Company:				203.51
Cary D Udell				
6675	02/23/2026	Service Center Cleaning for Feb 2025	ELECTRIC FUND	840.00
6675	02/23/2026	1)Vacuumn Bags (pk of 10)	ELECTRIC FUND	17.99
6675	02/23/2026	2)360 Duster Refills	ELECTRIC FUND	28.88
6675	02/23/2026	Sales Tax	ELECTRIC FUND	66.52
6676	02/23/2026	Office Cleaning WPC for Feb26	WPC	360.00
Total Cary D Udell:				1,313.39
CINTAS LOC 749				
4259939247	02/17/2026	Uniform Cleaning/Rental WPC	WPC	35.00
4260653552	02/24/2026	Uniform Cleaning/Rental WPC	WPC	35.00
Total CINTAS LOC 749:				70.00
City Treasurer				
AR7196-FEB26	02/17/2026	MARS AR payment -Rahorst, Casey	ELECTRIC FUND	94.50
Total City Treasurer:				94.50
Column Software PBC				
77FF24556-0645	01/23/2026	Notice of Meeting 2/25/26	WPC	13.02
Total Column Software PBC:				13.02
Core and Main				
Y374156	02/17/2026	2)Iperl+ 3/4 1000G 4WHI SM (prorated warranty yr 12)	WATER FUND	219.44
Y374156	02/17/2026	1)Iperl+ 3/4"S 1000G (prorated Warranty yr 12)	WATER FUND	97.85
Y374156	02/17/2026	1)Iperl+ 1" 1000G (prorated Warranty yr 12)	WATER FUND	146.29
Y374156	02/17/2026	Sales Tax	WATER FUND	34.77
Y553640	02/18/2026	1)Iperl+ 3/4 1000G 4WHI SM (prorated warranty yr13)	WATER FUND	125.40
Y553640	02/18/2026	Sales Tax	WATER FUND	9.41
Total Core and Main:				633.16
Craig, Duane L				
CREDIT REFUND	02/23/2026	Credit Refund - 15087601 520 Sargent	ELECTRIC FUND	28.00
Total Craig, Duane L:				28.00
DataShield Corporation				
0186294	02/23/2026	Fuel Surcharge	ELECTRIC FUND	5.03
0186294	02/23/2026	Onsite Certified Destruction Weight Per Order	ELECTRIC FUND	49.50

Invoice Number	Invoice Date	Description	Segment Fund	Net Invoice Amount
Total DataShield Corporation:				54.53
Dawgs Sports Specialties				
11131	02/23/2026	State Sales/Use	WATER FUND	12.54-
11131	02/23/2026	City Sales/Use	WATER FUND	4.56-
11131	02/23/2026	12)Port Authority Flex fit-shirts@19.00	WATER FUND	228.00
11131	02/23/2026	Use Tax	WATER FUND	17.10
Total Dawgs Sports Specialties:				228.00
Diamond T Truck and Trailer				
260210	02/19/2026	Shop Misc	WATER FUND	25.31
260210	02/19/2026	Labor-Diagnose transmission leak	WATER FUND	168.75
Total Diamond T Truck and Trailer:				194.06
Dutton-Lainson Co				
924989-1	02/05/2026	1)3/8 Line Hose@269.9865	ELECTRIC FUND	269.99
924989-1	02/05/2026	Sales Tax	ELECTRIC FUND	20.25
924989-2	02/10/2026	5)3/8 Line Hose@269.9865	ELECTRIC FUND	1,349.93
924989-2	02/10/2026	Sales Tax	ELECTRIC FUND	101.25
925604-1	02/19/2026	6)4" 90 DEG. 36" FIBER. ELBOW	ELECTRIC FUND	1,509.82
Total Dutton-Lainson Co:				3,251.24
Echo Group, Inc.				
S011621837.002	02/16/2026	1)LEDrv180UNV1250DIMAUX12P6NFC/75855@97.73	ELECTRIC FUND	97.73
S011621837.002	02/16/2026	Sales Tax	ELECTRIC FUND	7.33
S011634222.001	02/13/2026	12)1" Locknut @.6768	ELECTRIC FUND	8.12
S011634222.001	02/13/2026	1)BRI 1lb Duct Seal@7.20	ELECTRIC FUND	7.20
S011634222.001	02/13/2026	12)Scepter PVC Male Adapter 1"@7.481	ELECTRIC FUND	8.98
S011634222.001	02/13/2026	Sales Tax	ELECTRIC FUND	1.82
S011648488.001	02/24/2026	7)Scepter PVC Elbow 90 degree 2" @50.4480	ELECTRIC FUND	353.14
S011648488.001	02/24/2026	Sales Tax	ELECTRIC FUND	26.49
Total Echo Group, Inc.:				510.81
Fischer Estate, John E				
CREDIT REFUND	02/23/2026	Credit Refund - 22023500 1710 Washington	ELECTRIC FUND	355.58
Total Fischer Estate, John E:				355.58
Government Fianace Officers Assoc				
3131359	02/12/2026	Advanced Budget Academy-Class Registration/Bell	ELECTRIC FUND	1,650.00
Total Government Fianace Officers Assoc:				1,650.00
Grainger				
9805136349	02/12/2026	1)Wire Rope Sling 6ft@218.53	WATER FUND	218.53
9805136349	02/12/2026	Sales Tax	WATER FUND	16.39
9812439686	02/18/2026	1)Wire Rope Sling 4ft@19.25	WATER FUND	19.25
9812439686	02/18/2026	1)Wire Rope Sling 6ft@23.28	WATER FUND	23.28
9812439686	02/18/2026	Sales Tax	WATER FUND	3.20
9821554145	02/25/2026	1)Wire Rope Sling 6ft@218.53-returned	WATER FUND	218.53-
9821554145	02/25/2026	Sales Tax	WATER FUND	16.39-

Invoice Number	Invoice Date	Description	Segment Fund	Net Invoice Amount
Total Grainger:				45.73
Husker Electric Supply				
80036	02/24/2026	200)CONDUIT PLSTC 1 IN PVC 40 10 FT. LENGTHS	ELECTRIC FUND	105.35
80208	02/26/2026	3)CABLE TRI.4/0 4/0 2/0 URD "SWEETBRIAR"	ELECTRIC FUND	7,846.43
80237	02/26/2026	35)CONDUIT L 2"PVC-40 36" 90 DEG. IPEX 068054	ELECTRIC FUND	622.69
80237	02/26/2026	12)S100 QT PVC GLUE QT	ELECTRIC FUND	193.37
Total Husker Electric Supply:				8,767.84
JK Energy Consulting LLC				
2594	02/16/2026	.5) Draft Response related to REC's for retail	ELECTRIC FUND	80.00
2595	02/16/2026	11)Potential Generation Addition Study	ELECTRIC FUND	1,760.00
2596	02/16/2026	2hr) Value Hash monthly invoice-Dec25	ELECTRIC FUND	320.00
Total JK Energy Consulting LLC:				2,160.00
Johnny's Welding, Inc.				
197917	02/11/2026	6)feet of 4" channel @5.05	ELECTRIC FUND	30.30
197917	02/11/2026	Sales Tax	ELECTRIC FUND	2.27
Total Johnny's Welding, Inc.:				32.57
Lammel Plumbing, Inc.				
86637	02/11/2026	1)1 1/4" Shark Bite Cap @48.18(eye wash station)	WPC	48.18
86654	02/12/2026	2)1 1/4" SWT90@18.90	WPC	37.80
86654	02/12/2026	2)1 1/4" SWT45@10.08	WPC	20.16
86654	02/12/2026	3)1 1/4" ID L Copper Pipe Per Foot @27.54	WPC	82.62
86661	02/12/2026	1) 1 1/4" SWT x MIP ADAP @18.62	WPC	18.62
86674	02/12/2026	1) 1 1/2" SWT Coup @11.84	WPC	11.84
86674	02/12/2026	1)WB Teflon Paste 8oz@17.24	WPC	17.24
86680	02/13/2026	1)1 1/4" Swt Union@45.84	WPC	45.84
86681	02/20/2026	Repair sewer mian behind 2021 Jefferson	WPC	939.40
Total Lammel Plumbing, Inc.:				1,221.70
Lincoln Winwater Works				
117156 03	02/23/2026	6)Coupling Pins Stainless Steel @18.00	WATER FUND	108.00
117156 03	02/23/2026	3)Stem Breaking Coupling@108.00	WATER FUND	324.00
117874 02	02/19/2026	24" DI MJ LONG SLEEVE	WATER FUND	3,170.15
117874 02	02/19/2026	6)MGP24 24 MJGSKT/T-BOLT PK	WATER FUND	768.20
117874 02	02/19/2026	6)2024PV 24PVC MEGLUG	WATER FUND	4,135.61
Total Lincoln Winwater Works:				8,505.96
Mead Lumber Company				
13169124	02/23/2026	5)Climate Pro 44.6SF@R49 B-7700@56.83	WATER FUND	284.15
13169124	02/23/2026	Sales Tax	WATER FUND	21.31
13169516	02/23/2026	1)4x8-3/4" CDX Treated Plywood @ 68.59	ELECTRIC FUND	68.59
13169516	02/23/2026	Sales Tax	ELECTRIC FUND	5.14
13171722	02/24/2026	4) 1x2-18" stake 25/bdl @17.00	ELECTRIC FUND	68.00
13171722	02/24/2026	Sales Tax	ELECTRIC FUND	5.10
13172542	02/24/2026	1)14x2-3/4" FH SD Reamer Screw 5#@67.19	ELECTRIC FUND	67.19
13172542	02/24/2026	Sales Tax	ELECTRIC FUND	5.04
13181013	02/26/2026	1)10x3 1/2 Bronze Star Screw 1#12.47	ELECTRIC FUND	12.47
13181013	02/26/2026	1)Hammer@39.99	ELECTRIC FUND	39.99

Invoice Number	Invoice Date	Description	Segment Fund	Net Invoice Amount
13181013	02/26/2026	Sales Tax	ELECTRIC FUND	3.94
Total Mead Lumber Company:				580.92
NE Department of Revenue				
393274-JAN26	01/31/2026	Use Tax - AP - State	ELECTRIC FUND	128.94
393274-JAN26	01/31/2026	Sales Tax - AR - State	ELECTRIC FUND	.00
393274-JAN26	01/31/2026	Sales Tax - Util - State	ELECTRIC FUND	79,080.70
393274-JAN26	01/31/2026	Use Tax - AP - City	ELECTRIC FUND	55.98
393274-JAN26	01/31/2026	Sales Tax - AR - City	ELECTRIC FUND	.00
393274-JAN26	01/31/2026	Sales Tax - Util - City	ELECTRIC FUND	27,575.77
393274-JAN26	01/31/2026	Use Tax - AP - County	ELECTRIC FUND	.00
393274-JAN26	01/31/2026	Sales Tax - AR - County	ELECTRIC FUND	.00
393274-JAN26	01/31/2026	Sales Tax - Util - County	ELECTRIC FUND	.00
393274-JAN26	01/31/2026	Sales Tax - Coll Fee Credit	ELECTRIC FUND	75.00-
393274-JAN26	01/31/2026	Use Tax - AP - State	WATER FUND	65.69
393274-JAN26	01/31/2026	Sales Tax - AR - State	WATER FUND	873.24
393274-JAN26	01/31/2026	Use Tax - AP - City	WATER FUND	10.01
393274-JAN26	01/31/2026	Sales Tax - AR - City	WATER FUND	317.54
393274-JAN26	01/31/2026	Use Tax - AP - County	WATER FUND	.00
393274-JAN26	01/31/2026	Sales Tax - AR - County	WATER FUND	.00
Total NE Department of Revenue:				108,032.87
NE DEPT WATER ENERGY AND ENVIRONMENT				
TEST-HEIDEMAN	03/02/2026	Municipal II Test-Heideman	WPC	150.00
Total NE DEPT WATER ENERGY AND ENVIRONMENT:				150.00
Nebraska Public Health Environmental Lab				
600379	02/17/2026	2)Coliform by Colilert Quantitray@17.00Quantitray (N Res)	WATER FUND	34.00
600379	02/17/2026	10)Coiform by Colilert @ 15.00/ea	WATER FUND	150.00
Total Nebraska Public Health Environmental Lab:				184.00
Nebraska Public Power District				
47094	01/06/2026	Power Bill/Transmission-Dec25	ELECTRIC FUND	22,372.48
Total Nebraska Public Power District:				22,372.48
NEXTERA ENERGY RESOURCES				
1004270	02/03/2026	SPP System Capacity - January 2026	ELECTRIC FUND	127,022.00
11598	02/11/2026	Cottonwood Wind/Energy Charge - January 2026	ELECTRIC FUND	99,405.99
Total NEXTERA ENERGY RESOURCES:				226,427.99
North American Electric Reliability Corp				
10001815	02/15/2026	NERC Assessment - 2026 2nd Quarter	ELECTRIC FUND	1,154.82
10001815	02/15/2026	MRO Region Assessment-2026 2nd quarter	ELECTRIC FUND	2,386.85
Total North American Electric Reliability Corp:				3,541.67
Northern Safety Company				
907419467	02/09/2026	State Sales/Use	ELECTRIC FUND	19.66-
907419467	02/09/2026	City Sales/Use	ELECTRIC FUND	7.15-
907419467	02/09/2026	5)Pura Fit Ear Plugs Uncoreded @66.40	ELECTRIC FUND	332.00
907419467	02/09/2026	Shipping	ELECTRIC FUND	25.40

Invoice Number	Invoice Date	Description	Segment Fund	Net Invoice Amount
907419467	02/09/2026	Use Tax	ELECTRIC FUND	26.81
Total Northern Safety Company:				357.40
Olsson, Inc.				
000000567989	02/17/2026	Inspection of 2 underground water reservoirs @ 4th & Grant	WATER FUND	6,039.67
Total Olsson, Inc.:				6,039.67
O'Reilly Automotive, Inc.				
0749-133800	02/20/2026	1)Switch Red @10.97	ELECTRIC FUND	10.97
0749-133801	02/20/2026	1)Switch Red @10.97-ret-need tax	ELECTRIC FUND	10.97-
0749-133802	02/20/2026	1)Switch Red @10.97	ELECTRIC FUND	10.97
0749-133802	02/20/2026	Sales Tax	ELECTRIC FUND	.82
0749-134220	02/23/2026	1)Toggle Swtch@8.45	ELECTRIC FUND	8.45
0749-134220	02/23/2026	Sales Tax	ELECTRIC FUND	.63
0749-134437	02/24/2026	1)Oil Filter@11.97	ELECTRIC FUND	11.97
0749-134437	02/24/2026	2)5qtMotorOil@36.95	ELECTRIC FUND	73.90
0749-134437	02/24/2026	Sales Tax	ELECTRIC FUND	6.44
Total O'Reilly Automotive, Inc.:				113.18
Pace, Elliot D				
REFUND DEPOSIT	02/20/2026	Refund Deposit-515 N 13th	ELECTRIC FUND	150.00
Total Pace, Elliot D:				150.00
PowerTech LLC				
91768610	02/17/2026	Service/Consumable Fee	WATER FUND	50.00
91768610	02/17/2026	Mileage	WATER FUND	206.00
91768610	02/17/2026	Generator Tech Labor	WATER FUND	735.00
Total PowerTech LLC:				991.00
Priority Printing				
125263	02/06/2026	State Sales/Use Tax	ELECTRIC FUND	37.63-
125263	02/06/2026	City Sales/Use Tax	ELECTRIC FUND	13.68-
125263	02/06/2026	The Beat Flyer/split cost	ELECTRIC FUND	684.10
125263	02/06/2026	USE TAX	ELECTRIC FUND	51.31
Total Priority Printing:				684.10
Quadient Leasing USA Inc				
Q2216189	02/05/2026	State Sales/Use Tax	ELECTRIC FUND	24.33-
Q2216189	02/05/2026	City Sales/Use Tax	ELECTRIC FUND	8.85-
Q2216189	02/05/2026	Postage Machine Lease	ELECTRIC FUND	475.50
Q2216189	02/05/2026	State Sales/Use Tax	WATER FUND	14.60-
Q2216189	02/05/2026	City Sales/Use Tax	WATER FUND	5.31-
Q2216189	02/05/2026	Postage Machine Lease	WATER FUND	285.30
Q2216189	02/05/2026	Postage Machine Lease	WPC	176.93
Total Quadient Leasing USA Inc:				884.64
Roehr's Machinery, Inc.				
IV92647	02/24/2026	3)Gauge Water @38.65	WATER FUND	115.95
IV92647	02/24/2026	1)Air coupler @12.24	WATER FUND	12.24
IV92647	02/24/2026	1)Nipple 1/4@1.53	WATER FUND	1.53

Invoice Number	Invoice Date	Description	Segment Fund	Net Invoice Amount
IV92647	02/24/2026	Sales tax	WATER FUND	9.73
Total Roehr's Machinery, Inc.:				139.45
Sack Lumber Company				
2602-149016	02/13/2026	5)4x20 white wall base@26.99	WATER FUND	134.95
2602-149016	02/13/2026	Sales Tax	WATER FUND	10.12
2602-150544	02/20/2026	3)3/4 Treated 4/8 plywood @59.99	ELECTRIC FUND	179.97
2602-150544	02/20/2026	Sales Tax	ELECTRIC FUND	13.50
2602-151156	02/24/2026	1)1x4-8 Select Pine@5.99	WATER FUND	5.99
2602-151156	02/24/2026	Sales Tax	WATER FUND	.45
2602-151372	02/25/2026	1bx)1lb 7x2-1/2 finish screw@15.99	WATER FUND	17.19
2602-151372	02/25/2026	2)1x4-8 slect pine@5.99	WATER FUND	12.88
2602-151372	02/25/2026	1bx)5lb 9x3" Yellow Screws @41.99	WATER FUND	45.14
2602-151374	02/25/2026	1)Brz DynaFlex 230 Sealant@7.29	WATER FUND	7.29
2602-151374	02/25/2026	Sales Tax	WATER FUND	.55
Total Sack Lumber Company:				428.03
Sapp Bros. Petroleum, Inc.				
IN4957581	02/12/2026	1100)UNLEADED GASOLINE@2.186	ELECTRIC FUND	2,404.60
IN4957581	02/12/2026	1130)DIESEL 50/50 blend@2.75	ELECTRIC FUND	3,107.52
Total Sapp Bros. Petroleum, Inc.:				5,512.12
Tractor Supply Company				
475322	02/25/2026	1)FG Grg Clev Grab Hk 3/8@25.99	ELECTRIC FUND	25.99
475322	02/25/2026	Sales Tax	ELECTRIC FUND	1.95
Total Tractor Supply Company:				27.94
Travelers				
3744C0129-AUTO AUDIT	02/09/2026	Auto Premium Audit	ELECTRIC FUND	1,817.00
3744C0129-AUTO AUDIT	02/09/2026	Auto Premium Audit	WATER FUND	3,407.00
3744C0129-AUTO AUDIT	02/09/2026	Auto Premium Audit	WPC	3,290.00
3744C0129-WC AUDIT 20	02/09/2026	Workers Comp Audit 2024/2025	ELECTRIC FUND	4.00
3744C0129-WC AUDIT 20	02/09/2026	Workers Comp Audit 2024/2025	ELECTRIC FUND	1,395.00
3744C0129-WC AUDIT 20	02/09/2026	Workers Comp Audit 2024/2025	WATER FUND	7.00
3744C0129-WC AUDIT 20	02/09/2026	Workers Comp Audit 2024/2025	WPC	1,471.00
Total Travelers:				11,391.00
Truck Center Companies				
RA108050120 01	02/20/2026	Radiator Core Tank, AC Seal Kit, Clamp, Clip	ELECTRIC FUND	1,568.24
RA108050120 01	02/20/2026	Sensor Nitrogen Oxide, Kit	ELECTRIC FUND	1,140.72
RA108050120 01	02/20/2026	Purge Valve Kit, Cartridge-air dryer standar	ELECTRIC FUND	150.78
RA108050120 01	02/20/2026	Shop Supplies	ELECTRIC FUND	337.50
RA108050120 01	02/20/2026	Sales Tax	ELECTRIC FUND	231.79
RA108050120 01	02/20/2026	Labor-Assessment Coolant Leak	ELECTRIC FUND	180.00
RA108050120 01	02/20/2026	Labor-Replace Radiator	ELECTRIC FUND	1,080.00
RA108050120 01	02/20/2026	Labor-Test Drive-CEL Intermittent	ELECTRIC FUND	90.00
RA108050120 01	02/20/2026	Labor -Engine	ELECTRIC FUND	270.00
RA108050120 01	02/20/2026	Labor-Turbo Sensor	ELECTRIC FUND	180.00
RA108050120 01	02/20/2026	Labor-NOX Sensor	ELECTRIC FUND	270.00
RA108050120 01	02/20/2026	Labor-Aire System	ELECTRIC FUND	180.00

Invoice Number	Invoice Date	Description	Segment Fund	Net Invoice Amount
Total Truck Center Companies:				5,679.03
Tyndale Company, Inc.				
4306563	02/13/2026	4)Ariat M4 Rlaxed fit boot cut jean @128.00/Ruffrecht	ELECTRIC FUND	512.00
4306563	02/13/2026	shipping	ELECTRIC FUND	16.95
4306563	02/13/2026	sales tax	ELECTRIC FUND	39.67
4312739	02/18/2026	4)Drifire Lightweight SS Tshirt @66.00/Rupprecht	ELECTRIC FUND	264.00
4312739	02/18/2026	Embroidery	ELECTRIC FUND	12.00
4312739	02/18/2026	shipping	ELECTRIC FUND	14.95
4312739	02/18/2026	sales tax	ELECTRIC FUND	21.82
Total Tyndale Company, Inc.:				881.39
Viking Painting LLC				
PS-INV106624	02/16/2026	North Tank Year 1 - Q2	WATER FUND	7,500.00
PS-INV106625	02/16/2026	South Tank Year 1 -Q2	WATER FUND	5,500.00
Total Viking Painting LLC:				13,000.00
Western Area Power Administration				
BFPB000850126	02/11/2026	Power Bill/Jan 2026	ELECTRIC FUND	51,497.01
Total Western Area Power Administration:				51,497.01
Westlake Hardware, Inc.				
10359364	02/12/2026	1)Tbng Ctr Enclsd@33.29	WPC	33.29
10359366	02/12/2026	1)Tbng Ctr Enclsd@33.29-returned	WPC	33.29-
10359367	02/12/2026	1)Pipe Cutter 2-1.8@33.29	WPC	33.29
10359371	02/13/2026	1)WD40 Smart @8.09	WPC	8.09
10359371	02/13/2026	2)Tape PTFE 1/2x260@4.13	WPC	8.26
10359371	02/13/2026	1)Cloth Plumber 1.5x2@4.13	WPC	4.13
10359375	02/13/2026	1)Paint .5pt glos black @8.99	WPC	8.99
10359375	02/13/2026	1)Ace better Brush Ang@6.29	WPC	6.29
10359395	02/17/2026	2)Synthetic Ultra Oil @16.19	ELECTRIC FUND	32.38
10359395	02/17/2026	Sales Tax	ELECTRIC FUND	2.43
10359436	02/20/2026	1)Hole Saw Bulk @23.39	ELECTRIC FUND	23.39
10359436	02/20/2026	1)DW T20 Bit 2 2pk@5.39	ELECTRIC FUND	5.39
10359436	02/20/2026	1)DW T25 Bit 2 2pk @5.39	ELECTRIC FUND	5.39
10359436	02/20/2026	1)DW T30 Bit 2 2pk @5.39	ELECTRIC FUND	5.39
10359436	02/20/2026	Sales Tax	ELECTRIC FUND	2.97
10359439	02/20/2026	2)Caulk Lexel Clear @12.59	WATER FUND	25.18
10359439	02/20/2026	Sales Tax	WATER FUND	1.89
10359447	02/20/2026	2)Ace better Rlr@5.39	ELECTRIC FUND	10.78
10359447	02/20/2026	Ace Pnt appl gogo 50%off	ELECTRIC FUND	2.69-
10359447	02/20/2026	1)Flex Seal Liqid @98.99	ELECTRIC FUND	98.99
10359447	02/20/2026	Sales Tax	ELECTRIC FUND	8.03
10359459	02/23/2026	2)Paint Marker Mt Whte@4.49	WATER FUND	8.98
10359459	02/23/2026	1)Paint Pen Stain Whit@12.59	WATER FUND	12.59
10359459	02/23/2026	Sales Tax	WATER FUND	1.62
10359490	02/25/2026	1)Solder Flux Brush@5.03	WPC	5.03
10359490	02/25/2026	1)Purell Adv aloe@5.03	WPC	5.03
10359498	02/25/2026	1)Spry Paint@7.73	WATER FUND	7.73
10359498	02/25/2026	1)Step Drlbit#3@45.89	WATER FUND	45.89
10359498	02/25/2026	Sales Tax	WATER FUND	4.56
10359498	02/25/2026	1)Sprypnt 2x white@7.19	WATER FUND	7.19
10359499	02/25/2026	1)Bar Pry Super wonder@16.19	ELECTRIC FUND	16.19

Invoice Number	Invoice Date	Description	Segment Fund	Net Invoice Amount
10359499	02/25/2026	1)Pry Bar@14.39	ELECTRIC FUND	14.39
10359499	02/25/2026	1)Wreching Bar@17.99	ELECTRIC FUND	17.99
10359499	02/25/2026	Sales Tax	ELECTRIC FUND	3.64
Total Westlake Hardware, Inc.:				439.40
Wrightsman Plbg, Heat and Cool, Inc.				
108083	02/16/2026	1)3/4" Copper Pipe @7.84)Well F-4)	WATER FUND	7.84
108083	02/16/2026	1)3/4" Sweat Union @20.06	WATER FUND	20.06
108083	02/16/2026	1)3/4" Sweat Male @6.05	WATER FUND	6.05
108083	02/16/2026	1)3/4" Thread Valve @28.86	WATER FUND	28.86
108083	02/16/2026	Sales Tax	WATER FUND	4.71
Total Wrightsman Plbg, Heat and Cool, Inc.:				67.52
Grand Totals:				1,591,474.29

Dated: _____

Mayor: _____

City Council: _____

_____

_____

_____

_____

_____

_____

_____

MANAGER AMENDMENT

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
EMAIL: lcc.frontdesk@nebraska.gov
WEBSITE: www.lcc.nebraska.gov

MANAGER INFORMATION

Last Name: David First Name: Staab MI: W

Home Address: 3103 Brentwood Blvd

City: Grand Island County: Hall Zip Code: 68801

Home Phone Number: 308-390-3874

Email address: dstaab@staabmgt.com

Are you married? If yes, complete spouse's information (Even if a spousal affidavit has been submitted)

☒ YES ☐ NO

Spouse's information

Spouses Last Name: Staab First Name: Jill MI: K

*If the manager is married; their spouse must also meet the same requirements
*The spouse of the manager may submit the Affidavit of non-participation if they have no involvement in the business whatsoever. Affidavit of Non-Participation means your spouse will not have anything to do with the business holding the liquor license. They will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices, represent themselves as the owner or in any way participate in the day-to-day operations of this business in any capacity.

1. **READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY.**

Has any officer, member, owner, or manager named in this application; or their spouse, EVER been convicted of or plead guilty to any charge?

Charge means any charge alleging a felony, misdemeanor, violation of a federal or state law; a violation of a local law, ordinance or resolution. List the nature of the charge, where the charge occurred and the year (& month if known) of the conviction or plea. This question includes traffic violations other than speeding. PLEASE NOTE: NOTIFICATION IS REQUIRED TO THE LIQUOR COMMISSION IF ANY ARRESTS OR CONVICTIONS OCCUR AFTER THE SUBMISSION OF THIS APPLICATION.

☒ YES ☐ NO

If yes, please explain below or attach a separate page.

Name of Applicant	Date of Conviction (mm/yyyy)	Where Convicted (City & State)	Description of Charge	Disposition
David Staab	1986	Aurora, NE	DUI	Guilty
David Staab	1987	Siuox Falls, SD	DUI	Guilty
David Staab	1982	Lincoln, NE	Reckless Dr 1st	Guilty
David Staab	2010	ST Paul, NE	Speeding	Guilty
David Staab	2011	Valentine, NE	Speeding	Guilty

2. Have you or your spouse ever been approved or made application for a liquor license in Nebraska or any other state?

■YES ☐NO

IF YES, list the name of the premise(s):

_____

3. Do you, as a manager, qualify under Nebraska Liquor Control Act (§53-131.01) and do you intend to supervise, in person, the management of the business?

■YES ☐NO

Nebraska Liquor Control

301 Centennial Mall South - 1st Floor PO Box 95046 Lincoln NE 68508

Application Copy

File Number: 153327

AMENDMENT TYPE	APPLICATION DATE RECEIVED
Manager Change Amendment	2026-02-23
CURRENT MANAGER NAME	CURRENT MANAGER EMAIL
NEW MANAGER NAME	NEW MANAGER EMAIL

QUESTIONS

Class A Beer On Sale Only

1. Per Nebraska Revised Statute 53-103.18 - Manager, defined: Manager means a person appointed by a corporation or limited liability company to oversee the daily operation of the business licensed in Nebraska. A manager shall meet all the requirements of the Nebraska Liquor Control Act as though he or she were the applicant, including residency.

   What is the premises manager's name?

   David Staab

2. What is the manager's address?

   3103 Brentwood Blvd, Grand Island

3. What is the manager's phone number?

   308-390-3874

4. What is the manager's email address? An email will be sent to them to obtain their personal information.

   dstaab@stabbmgt.com

5. What county is the manager registered to vote in?

   The manager must be a resident of the state of Nebraska. If the manager is not registered to vote they can complete their voter registration here - https://www.nebraska.gov/apps-sos-voter-registration/

   Hall

6. Is the manager married?

   Yes
   Jill Staab

7. Do you have prior experience or training in selling, serving or managing alcohol sales?

8. Do you qualify under Nebraska Liquor Control Act (53-131.01) and do you intend to supervise, in person, the management of the business?

   Yes

9. READ CAREFULLY. ANSWER COMPLETELY AND ACCURATELY

   Has the new manager, or their spouse, EVER been convicted of or plead guilty to any charge?

   *The Commission must be notified of any arrests and/or convictions that may occur after the date of this application.

   Yes
   (document uploaded)

APPLICANT

DECLARATION

☐ I (We) the applicant(s) agree and consent

I declare under penalty of perjury that I have read the contents of this amendment application and, to the best of my knowledge, believe all statements made in this amendment application are true, correct, and complete.

SPOUSAL AFFIDAVIT OF NON PARTICIPATION INSERT

NEBRASKA LIQUOR CONTROL COMMISSION
301 CENTENNIAL MALL SOUTH
PO BOX 95046
LINCOLN, NE 68509-5046
PHONE: (402) 471-2571
FAX: (402) 471-2814
Website: www.lcc.nebraska.gov

Office Use

✓ I acknowledge that I am the spouse of a liquor license holder. My signature below confirms that I will not have any interest, directly or indirectly in the operation of the business (§53-125(13)) of the Liquor Control Act. I will not tend bar, make sales, serve patrons, stock shelves, write checks, sign invoices, represent myself as the owner or **in any way participate in the day to day operations of this business in any capacity**. The penalty guideline for violation of this affidavit is cancellation of the liquor license.

✓ I acknowledge that I am the applicant of the non-participating spouse of the individual signing below. I understand that my spouse and I are responsible for compliance with the conditions set out above. If, it is determined that my spouse has violated (§53-125(13)) the commission may cancel or revoke the liquor license.

Jill K. Staab
Signature of **NON-PARTICIPATING SPOUSE**

Jill K Staab
Print Name

State of Nebraska, County of Hall

The foregoing instrument was acknowledged before me

this 2-25-2026 (date)

by Jill K Staab
Name of person acknowledged (Individual signing document)

Kirk D. Shuck
Notary Public Signature

GENERAL NOTARY - State of Nebraska
KIRK D. SHUCK
My Comm. Exp. April 10, 2028
Affix Seal

David W. Staab
Signature of **APPLICANT**

David W Staab
Print Name

State of Nebraska, County of Hall

The foregoing instrument was acknowledged before me

this 2-25-2026 (date)

by David W. Staab
Name of person acknowledged (Individual signing document)

Kirk D. Shuck
Notary Public Signature

GENERAL NOTARY - State of Nebraska
KIRK D. SHUCK
My Comm. Exp. April 10, 2028
Affix Seal

In compliance with the ADA, this spousal affidavit of non participation is available in other formats for persons with disabilities.
A ten day advance period is requested in writing to produce the alternate format.

STAKE YOUR CLAIM

BEATRICE

CITY • BOARD OF PUBLIC WORKS

CITY HALL
400 Ella Street | Beatrice, NE 68310
Phone: 402.228.5200 Fax: 402.228.2312

BEATRICE POLICE DEPARTMENT
201 North 5th Street | Beatrice, NE 68310
Phone: 402.223.4080 Fax: 402.228.3765

February 26th, 2026

Mayor Robert Morgan
Beatrice City Council
400 Ella Street
Beatrice, NE 68310

Dear Mayor and City Council:

In reference to the Liquor License Commission Manager Amendment submitted by Staab PH Units, LLC dba Pizza Hut at 2400 North 6th Street in Beatrice, NE, the background investigation into the manager has been completed. Please be advised that the background investigation into manager, David Staab, revealed nothing which would prohibit the issuance of the manager license for the existing Class A Liquor License at that location.

Sincerely,

Sgt. Erin Byrne #322
Beatrice Police Department

RESOLUTION NUMBER _____

A resolution authorizing the Mayor and City Clerk to enter into an Agreement with Iowa Western Community College, whereby the City, through its fire department, will partner with Iowa Western Community College to provide clinical and/or field educational services for students.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the Mayor and City Clerk are hereby authorized to execute the Agreement with Iowa Western Community College, and any and all other documents necessary for the City, through its fire department, to partner with Iowa Western Community College to provide clinical and/or field educational services for students. A copy of said Agreement, marked as Exhibit "A", is attached hereto and incorporated by reference.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 2nd day of March, 2026.

Attest:

_____	_____
Erin Saathoff, MMC, City Clerk	Robert Morgan, Mayor

Exhibit "A"

AFFILIATION AGREEMENT
FOR
EMERGENCY MEDICAL SERVICES TRAINING
BETWEEN
IOWA WESTERN COMMUNITY COLLEGE
AND
CITY OF BEATRICE

This agreement of affiliation is made and entered into February 17, 2026, by and between **City of Beatrice** and Iowa Western Community College.

PURPOSE

This agreement establishes a relationship between Iowa Western Community College and **City of Beatrice** and its staff. The purpose of the relationship is to provide clinical and/or field experience to Emergency Medical Services (EMS) students who are enrolled in training programs at Iowa Western Community College.

TERMS OF AGREEMENT

This agreement is valid for five (5) years after its acceptance date. At the expiration of this agreement, Iowa Western Community College shall contact **City of Beatrice** and renew this agreement. This agreement is subject to modification by consent of both parties. This agreement may be revised or terminated before expiration of its term by either party, provided written notice is given to the other party at least three (3) months prior to the proposed date of revision or termination.

SUPERVISION AND EVALUATION

The staff of **City of Beatrice** agrees to provide supervision and preceptorship to Iowa Western Community College EMS students and to report to Iowa Western Community College on individual student performance using digital forms provided. Decisions regarding which **City of Beatrice** Paramedics and staff who may serve as preceptors will be the joint responsibility of **City of Beatrice** and Iowa Western Community College. Preceptor training is provided by Iowa Western Community College for each preceptor to establish common goals and objectives for the student's clinical or field experience.

City of Beatrice may remove an individual from the clinical setting whose work conduct, health or other factors may have detrimental effect on the staff or patients of **City of Beatrice. City of Beatrice** agrees to provide Iowa Western Community College with a written explanation of any removal. Any disciplinary action concerning students shall be the responsibility of Iowa Western Community College.

Iowa Western Community College faculty may enter the clinical or field area for the purpose of observation and evaluation of student performance with the permission of **City of Beatrice.** Iowa Western Community College faculty shall enter only those areas as permitted by **City of Beatrice**.

At no time will a student be substituted as a working member of a team or position within the agency. Students must always work within the student role.

INSTITUTIONAL LIABILITY

Each party hereto shall be responsible only for activities in its own facility and associated patient care setting. Nothing in this agreement shall be construed to impose an obligation or liability on either party for medical care or hospital services provided to patients of the other party. Iowa Western Community College shall provide its students with proper training of infectious disease and bloodborne pathogen precautions.

Iowa Western Community College shall assure that all students have been tested for Tuberculosis and have been properly informed of state laws pertaining to Hepatitis B.

Iowa Western Community College students and faculty agree to treat all patient conditions and medical records with confidentiality.

Iowa Western Community College will have documentation that faculty and students participating in the program will have appropriate immunization requirements (MMR, negative Tuberculosis test or chest x-ray, Hepatitis B or signed waiver refusing the series) and program specific training and skills including universal precautions and bloodborne pathogen instruction. At any time, **City of Beatrice** may request that Iowa Western Community College provides **City of Beatrice** with copies of documentation of immunization and training records for any student scheduled for clinical or field instruction at **City of Beatrice**. Students will complete an Iowa Western Community College 'Physical and Immunization Form' or provide a copy of another form containing the same information. Students will complete any additional paperwork **City of Beatrice** requires before attending clinical or field internship time.

City of Beatrice shall not be held liable for the loss or damage of personal property of any student or employee of Iowa Western Community College.

Iowa Western Community College shall provide professional liability coverage for all students currently enrolled in an EMS education program for a period covering clinical and field experience. Nothing in this agreement shall be construed to impose an obligation or liability for medical care or ambulance services provided to a student who may be injured during the duration of clinical and field time.

FACULTY LIABILITY

Iowa Western Community College faculty shall not be considered employees of **City of Beatrice**. Iowa Western Community College shall provide Workman's Compensation protection for its faculty.

PUBLICITY

It is agreed that all publicity related to this clinical and field experience at **City of Beatrice** be released simultaneously by Iowa Western Community College and **City of Beatrice**. At no time shall there be an employer-employee relationship between Iowa Western Community College, its personnel, or students and **City of Beatrice**. Employees of **City of Beatrice** who are students of an Iowa Western Community College EMS program shall be considered students while attending clinical and field training at **City of Beatrice**. Employees of **City of Beatrice** may receive credit for skills performed while on duty, but the student will not receive credit for time. Students must also be a third (3rd) person when performing these skills and must clearly identify themselves as students (EMT, AEMT, Paramedic, etc.).

STATEMENT OF NON-DISCRIMINATION

Iowa Western Community College and **City of Beatrice** shall not discriminate against any individual based on race, sex, age, religion, or national origin.

SIGNATURES

IOWA WESTERN COMMUNITY COLLEGE

Ryan Garrison
Paramedic Program Director

Date: 2/10/26

Matthew Mancuso
Executive Director of Business and Community Education

Date: 2/17/26

CITY OF BEATRICE

Robert Morgan
Mayor

Date

Erin Saafhoff
City Clerk

Date

RESOLUTION NUMBER _____
NOTICE OF PUBLIC HEARINGS

WHEREAS, the City of Beatrice desires to annex certain lands owned by Armstrong Rentals, LLC, a Nebraska limited liability company, under the provisions of Sections 16-117 and 16-118, Revised Statues of Nebraska, 1943 as amended, such lands are contiguous and adjacent to the present corporate limits and to annex the same to include the same within the corporate limits within the City of Beatrice, and, the City, is considering annexation of such lands as hereinafter described and a plan for extending City services to said lands.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That a public hearing be held at 5:00 p.m., March 16, 2026 in the Beatrice Public Schools Administration Building, 320 North 5th Street, Beatrice, Nebraska, at which time the Planning and Zoning Commission will receive testimony from the public and from all interested persons upon said proposed annexation and plan.

SECTION 2. That a public hearing be held at 6:00 p.m., March 16, 2026 in the Beatrice Public Schools Administration Building, 320 N. 5th Street, Beatrice, Nebraska, at which time the City Council will receive testimony from the public and from all interested persons upon said proposed annexation and plan.

SECTION 3. That a description of the boundaries of the land proposed to be annexed is as follows:

A tract of land located on a part of the Northeast Quarter of Section 29, Township 4 North, Range 6 East of the 6th P.M., City of Beatrice, Gage County, Nebraska and more particularly described as follows:

For the purpose of this legal description, the basis of bearings is the North line of the Northeast Quarter of said Section 29 having an assumed reference bearing of S 89°30'06" W.

Beginning at the Northeast Corner of said Section 29, thence westerly S 89°30'06" W, on the North line of the Northeast Quarter of said Section 29, 519.10 feet; thence southwesterly S 40°00'32" W, 131.10 feet; thence southwesterly S 35°04'57" W, 225.85 feet; thence easterly S 89°18'55" E, 204.56 feet, thence southerly S 10°36'35" E, 274.39 feet; thence southeasterly S 24°33'38" E, 50.41 feet; thence southeasterly S 38°45'34" E, 63.38 feet; thence southeasterly S 47°31'17" E, 374.74 feet; thence southeasterly S 52°50'22" E, 173.09 feet, to a point of intersection on the East line of the Northeast Quarter of said Section 29; thence northerly N 00°04'35" E, on the East line of the Northeast Quarter of said

Section 29, 1,012.37 feet, to the Northeast Corner of said Section 29, said Corner also being the True Point of Beginning.

SECTION 4. That all City services shall be made available to the aforesaid tract in accordance with the Plan for providing City services and said plan is available for inspection during regular business hours in the office of the City Clerk, 400 Ella Street, Beatrice, Nebraska.

SECTION 5. That attached hereto and marked as Exhibits "A" and "B" are maps delineating the boundaries of the City and the boundaries of the tracts of land proposed for annexation.

SECTION 6. That a copy of this shall be published in The Beatrice Daily Sun, an official newspaper in the City, at least once, but not less than ten (10) days preceding the date of the public hearing as heretofore ordered to be held and a map drawn to scale delineating the lands proposed for annexation shall be published with the Resolution.

SECTION 7. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 2nd day of March, 2026.

Attest:

_____ _____

Erin Saathoff, MMC, City Clerk Robert Morgan, Mayor

EXHIBIT A- CURRENT CITY LIMITS

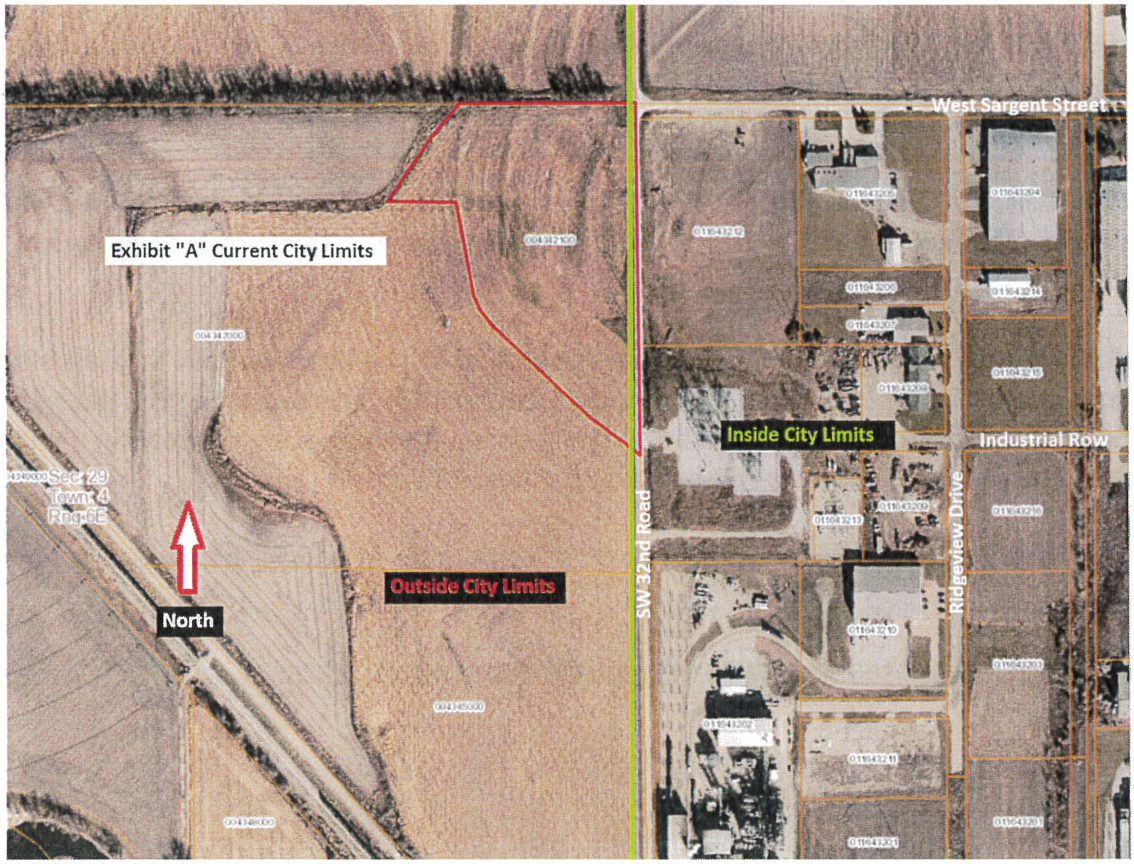
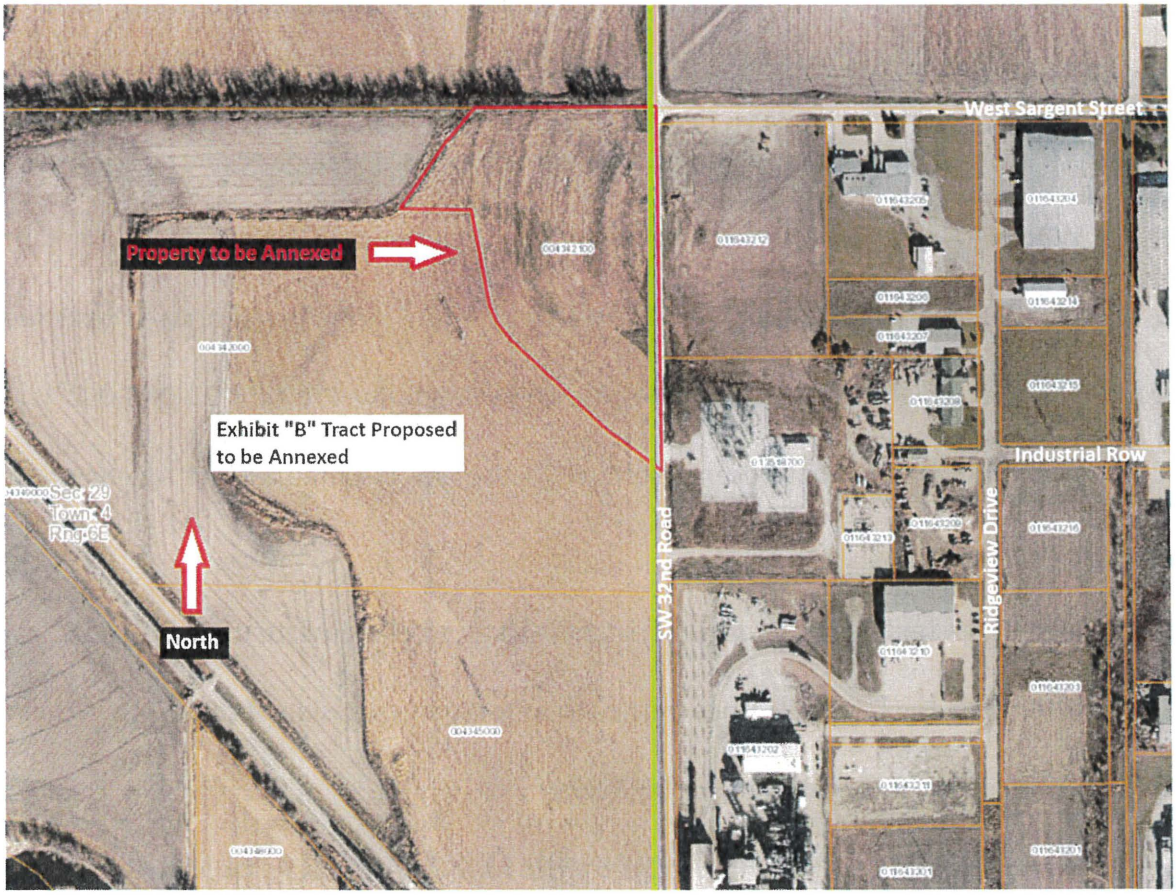


EXHIBIT B – TRACT PROPOSED TO BE ANNEXED



RESOLUTION NUMBER _____

WHEREAS, the City of Beatrice, Nebraska, is an eligible unit of a general local government authorized to file an application under the Housing and Community Development Act of 1974 as amended for Small Cities Community Development Block Grant Program; and

WHEREAS, the City of Beatrice was awarded a Four Hundred Thirty-Five Thousand Dollars ($435,000.00) Community Development Block Grant ("CDBG") from the Nebraska Department of Economic Development ("NDED") for a Downtown Revitalization Project ("23-DTR-002"); and

WHEREAS, on or about December 18, 2023, the City executed a Grant Agreement with NDED; and

WHEREAS, said Grant Agreement established a completion date of May 14, 2026; and

WHEREAS, the City of Beatrice desires to request an extension of said Grant Agreement to change the completion date to May 14, 2027.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the Mayor and City Clerk are authorized to execute any and all documents necessary between the City and the Nebraska Department of Economic Development to request and effectuate an extension of said Grant Agreement to May 14, 2027.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 2nd day of March, 2026.

Attest:

_____	_____
Erin Saathoff, MMC, City Clerk	Robert Morgan, Mayor

STAKE YOUR CLAIM
BEATRICE
CITY • BOARD OF PUBLIC WORKS

CITY HALL
400 Ella Street | Beatrice, NE 68310
Phone: 402.228.5200 Fax: 402.228.2312

SERVICE CENTER
500 North Commerce Street | Beatrice, NE 68310
Phone: 402.228.5211 Fax: 402.223.5181

February 10, 2026

Nebraska Department of Economic Development
Community Development Division
Gina Doose
P.O. Box 94666
Lincoln, NE 68509

RE: CDBG Agreement Amendment Request – Beatrice (23DTR002)

Dear Ms. Doose:

The City of Beatrice respectfully requests a one-year extension of the Beatrice Downtown Revitalization Project contract, extending the current end date from May 14, 2026 to May 14, 2027.

This extension request was formally approved by the Beatrice City Council on February 17, 2026. The certified meeting minutes documenting this action are attached for your review.

The extension is necessary due to several factors that affected the project timeline. Early in the grant period, property owners struggled to obtain contractor bids, which delayed the start of most renovation projects. Additionally, by the time the City received the executed grant contract and was authorized to proceed, the 2024 building season had largely passed. The 2025 building season was wetter than normal, further limiting construction progress.

Participation has increased significantly in recent months. To date, 1 business has been awarded funds; 3 businesses have completed renovations, and 4 additional businesses are scheduling renovation work. The proposed extension will allow property owners to fully utilize the 2026 building season to complete their projects.

To ensure timely progress moving forward, the City has maintained regular communication with the participating businesses to complete grant documentation quickly and efficiently.

This extension does not require additional local matching funds beyond those already committed. The City certifies that all required matching funds for the project remain fully secured and available.

We appreciate your consideration of this request and remain committed to the successful completion of the Beatrice Downtown Revitalization project. Please let us know if any additional information or documentation is needed.

Sincerely,

Robert Morgan, Mayor
City of Beatrice

Attachments:
City Council Meeting Minutes Approving Amendment

RESOLUTION NUMBER _____

WHEREAS, the City of Beatrice Nebraska ("City"), recognizes the International Brotherhood of Electrical Workers Local No. 1536, A.F.L.-C.I.O, ("Union"), as the exclusive bargaining agent for certain employees of the City of Beatrice; and

WHEREAS, on or about April 4, 2022, the City of Beatrice entered into a Union Contract with the Union (the "Union Contract"); and

WHEREAS, on or about September 15, 2025, the City and Union executed the First Amendment to the Union Contract, regarding work performed as part of mutual aid and to eliminate the maximum pay for employees represented by the Union; and

WHEREAS, the City and Union desire to amend the Union Contract to establish a comp time – qualified and comp time – non-qualified bank.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the Mayor and City Clerk are hereby authorized to execute the Second Amendment to the Union Contract with the International Brotherhood of Electrical Workers Local No. 1536, A.F.L.-C.I.O., to establish a comp time – qualified and comp time – non-qualified bank. A copy of said Amendment, marked as Exhibit "A", is attached hereto and incorporated by reference.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 2nd day of March, 2026.

Attest:

Erin Saathoff, MMC, City Clerk	Robert Morgan, Mayor

Exhibit "A"

AGREEMENT AMENDMENT #2

This Agreement Amendment is made and entered into by and between the City of Beatrice, Nebraska, and a Municipal Corporation, hereinafter referred to as "City," and International Brotherhood of Electrical Workers, Local No. 1536, hereinafter referred to as the "Union."

WHEREAS, the City Council of the City of Beatrice, has recognized the Union as the exclusive collective bargaining agent for all employees of the City/BPW, except for those job classifications set for on Appendix "A" of the Union Contract; and

WHEREAS, the Union recognizes the prerogative of the City of Beatrice to operate and manage its affairs in all respects in accordance with its responsibilities and powers which the City of Beatrice must retain in order to properly operate and manage its affairs as required by law; and

WHEREAS, it is the intention of this agreement amendment to alter the Union Contract to establish a comp time – qualified and comp time – non-qualified bank.

NOW, THEREFORE, the parties agree with each other that the articles and sections identified herein, replace those similarly numbered articles and sections found in the Union Contract between the City of Beatrice, Nebraska and the and International Brotherhood of Electrical Workers, Local No. 1536, executed on April 4, 2022 and Amendment #1 executed on September 15, 2025 and that all other articles and sections in the Union Contract remain in their original form:

ARTICLE 11
LEAVES OF ABSENCE WITH AND WITHOUT PAY

Section 4 When an employee covered by this agreement hereby is subpoenaed as a witness related to their employment, the employee shall immediately advise his/her supervisor of the service of such subpoena and the date and time such employee is required to appear in court. Such employee shall be granted sufficient leave of absence to enable him/her to make timely appearance in obeyance to such subpoena and to return to his/her work after his release from further attendance in court. Such employee shall be paid by the City/BPW the difference between the witness fee and mileage paid at his/her regular rate for each hour in attendance in court, not to exceed eight (8) hours for each day while in attendance.

When an employee covered by this agreement hereby is subpoenaed as a witness not related to their employment, the employee shall immediately

advise his/her supervisor of the service of such subpoena and the date and time such employee is required to appear in court. Such employee shall take vacation time, comp time - qualified, comp time – non-qualified, or personal leave to enable him/her to make timely appearance in obeyance to such subpoena and to return to his/her work after his release from further attendance in court.

Section 9 **Leave of Absence.** Any employee who has completed their probationary period may request a leave of absence up to ninety (90) days. Before any employee may request a leave of absence the employee must have exhausted all of their accumulated sick leave, personal leave, comp time – qualified, comp time – non-qualified, vacation time, and any applicable Family Medical Leave Act time. Any employee requesting a leave of absence must state the reason they are requesting a leave of absence in writing. While an employee is on leave of absence they shall not receive or accrue any comp time – qualified, comp time – non-qualified, vacation time, sick time, personal leave, and the City/BPW shall not pay the employee, City/BPW shall not pay for the employee's health insurance, and the employee shall not receive any other benefits set forth in this agreement.

An employee shall not be granted more than ninety (90) days of a leave of absence during a rolling calendar year.

ARTICLE 12
GROUP HEALTH, DENTAL INSURANCE, AND LONG TERM DISABILITY

Section 6 **Long term Disability Insurance.** All full-time employees shall have long term disability insurance. All employees shall pay the premium for said long term disability insurance. The City/BPW shall withhold the insurance premium for the long-term disability insurance from each employee's paycheck.

If an employee is receiving long term disability and they wish to receive the difference between their normal net wage after taxes and their long term disability payment then the employee shall charge the necessary hours of their accumulated sick leave per day to make up the difference.

While an employee is receiving long term disability, they shall not accrue any comp time – qualified, comp time – non-qualified, vacation time, sick time, and/or personal leave.

ARTICLE 16

OVERTIME AND CALL-TIME

Section 1 **Overtime.** All employees shall be paid overtime at the rate of one and one-half times their regular hourly rate for all hours worked in excess of their regularly scheduled shift time, provided this is in excess of a forty (40) hour work week.

Section 2 **Stand-by time.** If no calls are received by the regular scheduled stand-by servicemen during the night, he/she shall be paid one (1) hour at the regular overtime rate of pay for such employee with a call-out pay basis of a 1-hour minimum. Regular scheduled stand-by servicemen shall be paid in accordance with the other provisions of this Agreement, for all hours worked in addition to the one (1) hour stand-by allowed in the preceding paragraph, except that such employee relinquishes said provision to his/her Department Head/Superintendent-approved replacement when he/she reports sick. An employee, other than the regularly scheduled stand-by servicemen, called to work outside of his/her shift time shall be paid for a minimum of one (1) hour of work, but he/she must complete the requirements of the forty (40) hour work week as described in Section 1 before overtime will be computed. Stand-by time does not qualify as hours worked for FLSA; therefore, a compensatory time earned from stand-by time shall be comp time – non-qualified.

Section 3 When an employee has put in sixteen (16) consecutive hours on the job, the employee shall be given an eight (8) hour rest period and if such rest period extends into his regularly scheduled working day, the lost regularly scheduled working hours will not affect any overtime accrued in the previous work period, it will count toward the forty (40) hour work week for the purpose of overtime computation in the work week that the hours are lost. Notwithstanding the provisions of this section, the employee may opt to work more than sixteen (16) consecutive hours upon request of the Department Head/Superintendent.

Section 4 **Definition of Compensatory Time.** Compensatory time as used in this Article shall mean hours during which an employee is not working, which are counted as hours actually worked during the applicable work period and for which the employee is compensated at the employee's base hourly rate. Comp time – qualified shall be compensatory time earned by the employee subject to the Fair Labor Standard Act. Comp time – non-qualified shall be compensatory time earned by the employee that does not satisfy the Fair Labor Standard Act.

Section 5 **Compensatory Time.** For all employees, compensatory time rather than overtime compensation may be given for all hours actually worked in excess of forty (40) hours in the 7-day work period established for the employee and indicated on the time sheet of the employee.

The decision as to whether compensatory time is given in lieu of overtime payment in cash shall be in the discretion of the employee; but compensatory time shall not be given unless first requested by the employee. Such compensatory time shall be at the rate of one and one-half hours of compensatory time for each hour of overtime work or standby time. No employee shall ever have more than one hundred and twenty (120) hours of comp time-qualified and comp time – non-qualified on the books. The one hundred and twenty (120) hours of comp time may be split between comp time-qualified and comp time – non-qualified but shall not exceed one hundred and twenty (120) hours. No employee shall use more than one hundred and twenty (120) hours of comp time in a year (January 1st to December 31st). An employee may be able to use more than one hundred and twenty (120) hours of comp time in a year if the additional comp time is used pursuant to the Return-to-Work Policy. Any employee with accrued comp time at time this Amendment is signed shall be classified as comp time – non-qualified.

Section 6 **Use of Compensatory Time.** Any employee who has accrued compensatory time as set forth in Section 5 of this Article and request use of such compensatory time shall be permitted to use such time off within a reasonable period after making the request so long as such use does not unduly disrupt the operations of the department. The employee shall specify whether they desire to use their comp time – qualified or comp time – non-qualified. If the employee fails to specify whether they desire to use their comp time – qualified or comp time – non-qualified, then the City/BPW shall select which account is used.

Section 7 **Payment for Compensatory Time Upon Termination of Employment.** An employee who has accrued compensatory time off pursuant to Section 5 shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than -

(a) the average base hourly rate of pay received by such employee during the last three (3) years of the employee's employment, or

(b) the final base hourly rate received by such employee, whichever is higher.

IN WITNESS WHEREOF, the parties hereto have set their hands this _____ day of _____, 2026.

INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS
Local No. 1536 A.F.L.-C.I.O.

By _____
President

By _____
Vice President

CITY OF BEATRICE, NEBRASKA,
A Municipal Corporation

By _____
Robert Morgan, Mayor

Attest: _____
Erin Saathoff, City Clerk

RESOLUTION NUMBER _____

WHEREAS, the City of Beatrice, Nebraska, has been awarded Two Hundred Fifty-Six Thousand Six Hundred Sixty-Five Dollars ($256,665.00) in financial assistance from the Nebraska Game and Parks Commission National Park Service Land and Water Conservation Fund ("LWCF") Stateside Assistance Program for the purpose of constructing new pickleball courts at Chautauqua Park; and

WHEREAS, the Mayor and City Council of the City of Beatrice desire to enter into an Agreement with Southeast Nebraska Development District ("SENDD") to retain SENDD to administrate said grant award.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the Mayor and City Clerk be authorized and directed to execute the Agreement between the City of Beatrice and SENDD to retain SENDD to administrate said grant award. A copy of the Agreement is attached hereto as Exhibit "A and incorporated herein by reference.

SECTION 2. That all resolutions or parts of resolutions in conflict herewith are hereby repealed.

RESOLUTION PASSED AND ADOPTED this 2nd day of March, 2026.

Attest:

_____ _____

Erin Saathoff, MMC, City Clerk Robert Morgan, Mayor

Exhibit "A"

AGREEMENT BY AND BETWEEN
CITY OF BEATRICE, NEBRASKA AND
SOUTHEAST NEBRASKA DEVELOPMENT DISTRICT

THIS AGREEMENT is made by and between CITY OF BEATRICE, NE (hereinafter referred to as the *"City"),* and the SOUTHEAST NEBRASKA DEVELOPMENT DISTRICT, (hereinafter referred to as *"SENDD").*

For the consideration stated herein, the City and *SENDD* do mutually agree as follows:

I. SCOPE OF SERVICES

The Scope of Services to be performed by *SENDD shall* be generally described as assistance to the City in the administrative requirements for the **Land and Water Conservation Fund (LWCF) Chautauqua Park Pickleball Courts project.**

The Special Services shall include the following:

- Assist the City in project set-up for financial management and compliance files.
- Assist the City in review of Architectural/Engineering (A/E) plan documents to meet requirements of the funding agencies (Nebraska Game and Parks Commission - NGP).
- Assist the City and the A/E in a procurement process for construction contracts, to meet compliance requirements of the funding agency.
- Assist the City in interim reporting on finances and general progress of the project to meet compliance requirements.
- Assist the City in review of project completion to meet compliance requirements of the funding agencies.
- Assist the City in preparing final financial and final project completion reports to meet compliance issues of the funding agencies.

To facilitate *SENDD's* accomplishment of the services set forth above, the City agrees to provide *SENDD* with the following supportive services:

A. Complete copy of accepted application to the LWCF programs.
B. Copy of all contract and compliance agreements between the City and the funding agencies
C. Copy of all proposed contracts and/or proposals from A/E firm for the project

II. EFFECTIVE DATE

This Agreement shall be in full force and effective **March 2nd, 2026** which was the date in which the City Board authorized the Board Chair to execute the Agreement.

III. TIME OF PERFORMANCE

The services of *SENDD* shall commence as of the date this Agreement is executed by an Authorized Representative of the City and shall be undertaken in such sequence as to assure completion within the Project timeline as established by the NGP.

The City, at its discretion, may extend the time period of this Agreement upon good cause shown by SENDD. Any such extension must be approved in writing by the City.

IV. COMPENSATION AND METHOD OF PAYMENT

SENDD's total cost for performing services outlined in Article I of this Agreement shall be a fixed fee of **$10,000.00,** payable within a reasonable amount of time following presentation of *SENDD* invoices. Invoices will be distributed after the execution of this agreement is completed (50%), and a final invoice (50%) following submission of the Final Progress and Financial reports for the project.

V. AMENDMENTS

The City may, from time to time, request changes in the Scope of Services of *SENDD* to be performed hereunder. Such changes, including any increase or decrease in the amount of *SENDD's* compensation, which are mutually agreed upon by and between the City and *SENDD,* shall be incorporated in written amendments to this Agreement.

VI. PERSONNEL

In entering into this Agreement with the City, *SENDD* represents that:

A. It has, or will secure at its own expense, all personnel required to perform the services under this Agreement and that said personnel shall not be employees of, or have any contractual relationship with, the City.
B. All services required hereunder will be performed by *SENDD* or under its supervision and all personnel engaged in the work shall be fully qualified.
C. None of the work or services covered by this Agreement shall be subcontracted without the prior written approval of the City and any work or services subcontracted hereunder shall be specified by written contract or agreement and shall be subject to each provision of this Agreement.

VII. ASSIGNABILITY

SENDD shall not assign any interest in this Agreement, and shall not transfer any interest in the same, whether by assignment or novation, without the prior written consent of the City thereto provided, however, that claims for money by *SENDD* from the City under this Agreement may be assigned to a bank, trust company , or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the City.

VIII. TERMINATION FOR CAUSE

If, through any cause, *SENDD* shall fail to fulfill in a timely and proper manner, its obligations under this Agreement, or if *SENDD* shall violate any of the covenants, agreements, or stipulations of this Agreement, the City shall thereupon have the right to terminate said Agreement by giving written notice to *SENDD* of such termination and specifying the effective date thereof, at least 5-days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs, and reports prepared by *SENDD* under this Agreement shall, at the option of the City, become its property and *SENDD* shall be entitled to receive just equitable compensation for any work satisfactorily completed hereunder.

IX. TERMINATION FOR CONVENIENCE OF THE City

The City may terminate this Agreement at any time by giving at least 15-day notice, in writing, to *SENDD.* If the Agreement is terminated by the City as provided herein, *SENDD* will be paid for the time provided and expenses incurred up to the termination date. If the Agreement is terminated due to the fault of *SENDD,* Article VIII hereof relative to termination shall apply.

X. TERMINATION FOR OTHER GROUNDS

This contract may also be terminated in whole or in part:

A. By the City, with the consent of *SENDD,* or by *SENDD* with the consent of the City, in which case the two parties shall devise by mutual agreement, the conditions of termination including effective date and in case of termination in part, that portion to be terminated; and,
B. In the event the City fails to pay *SENDD* promptly or within thirty (30) days after invoices are rendered, the City agrees that *SENDD* shall have the right to consider said failure a breach of this agreement and the duties of *SENDD* under this agreement terminated. In such an event, the City shall then promptly pay *SENDD* for all services performed and all allowable expenses incurred.

IN WITNESS WHEREOF, legal representatives of the parties to this Agreement have executed the same on the dates indicated.

SOUTHEAST NEBRASKA DEVELOPMENT DISTRICT

Tom Bliss, Executive Director

CITY OF BEATRICE, NE

Robert Morgan, Mayor

ORDINANCE NUMBER 26-___

An ordinance to revise all the ordinances of the City of Beatrice, Nebraska adopting and enacting a new code for the City; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and to repeal conflicting ordinances or parts of ordinances; and to provide for publication in electronic form and for an effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. The Code entitled "Code of the City of Beatrice, Nebraska," published by CivicPlus, LLC is adopted.

SECTION 2. All ordinances of a general and permanent nature enacted on or before July 7, 2025, and not included in the Code or recognized and continued in force by reference therein, are repealed.

SECTION 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

SECTION 4. Violations of such Code shall be punished as provided in such Code.

SECTION 5. Additions or amendments to the Code when passed in such form as to indicate the intention to make the same a part of the Code shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

SECTION 6. Ordinances adopted after the date specified in Section 2 hereof that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

SECTION 7. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. That this ordinance shall be in full force and effect from and after its passage, approval, and publication in electronic form as provided by law.

PASSED AND APPROVED this 2nd day of March, 2026.

Attest:

Erin Saathoff, MMC, City Clerk	Robert Morgan, Mayor

CODE

OF THE CITY OF

BEATRICE, NEBRASKA

Published in 2026 by Order of the City Council

municode
POWERED BY CIVICPLUS

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P.O. Box 2235 Tallahassee, FL 32316

OFFICIALS

of the

CITY OF

BEATRICE, NEBRASKA

AT THE TIME OF THIS RECODIFICATION

Robert Morgan
Mayor

Mike McLain, President
Gary Barnard
Terry Doyle
Alex Eckhoff
Dave Eskra
Ted Fairbanks
Rita Hydo
Duane Ruh
City Council

Tobias J. Tempelmeyer
City Administrator

Taylor Rivera
City Attorney

Erin Saathoff
City Clerk

PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the City of Beatrice, Nebraska.

Source materials used in the preparation of the Code were the 1987 Code, as supplemented through November 20, 2023, and ordinances subsequently adopted by the city council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 1987 Code, as supplemented, and any subsequent ordinance included herein.

Acknowledgments

This publication was under the direct supervision of Roger D. Merriam, Senior Code Attorney, and Howard George, Editor, of CivicPlus, LLC, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Mr. Tobias Tempelmeyer, City Administrator; Mr. Taylor Rivera, City Attorney; and Ms. Erin Saathoff, City Clerk, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a code of ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

Copyright

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Sec. 1-1. How Code designated and cited.

(a) The chapters, articles, divisions and sections embraced in this Code of Ordinances shall constitute and be designated as the "Code of the City of Beatrice, Nebraska," and may be so cited. The Code may also be cited as the "Beatrice City Code."

(b) All references to the 1987 Code, or prior codes, or ordinances in or on all forms, notices, and signs promulgated by the city shall be deemed to reference successor provisions in this Code. (Code 1971, § 1-1; Code 1987, § 1-1)

State law reference—Revision, publication of ordinances, R.R.S. §§ 16-247, 16-403—16-405.

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances, the following definitions and rules of construction shall be observed, unless the context requires otherwise:

Generally.

(1) In the interpretation and application of any provisions of this Code, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

(2) Where any provision of this Code imposes greater restrictions upon the subject matter than the general provisions imposed by another provision of this Code, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

(3) When provisions conflict, the specific shall prevail over the general.

(4) All provisions shall be liberally construed so that the intent of the city may be effectuated.

(5) Words and phrases shall be construed according to the common and approved usage of the language, but technical words, technical phrases and words and phrases that have acquired peculiar and appropriate meanings in law shall be construed according to such meanings.

(6) Grammatical errors shall not vitiate, and a transposition of words and clauses may be resorted to when the sentence or clause is without meaning as it stands.

Bond. When a bond is required by law, an undertaking in writing, without seal, is sufficient; and in all bonds where the names of the obligors do not appear in the bond, but are subscribed thereto, they shall be bound thereby.

City. The term "city" means the City of Beatrice, Gage County, Nebraska.

City council, council. The term "city council" or "council" means the city council of the City of Beatrice.

Code. The term "Code" means the Code of the City of Beatrice, Nebraska, as designated in section 1-1. The Code does not consist of the appendices, tables that are not a part of a chapter of this Code, and indexes.

Computation of time. The time within which an act is to be done shall be computed by excluding the first and including the last day; and if the last day is Saturday, Sunday or a legal holiday, that day shall be excluded.

Corporate limits. The term "corporate limits" means the corporate limits of the city.

County. The term "county" means Gage County, Nebraska.

Delegation of authority. Whenever a provision requires the head of a city department or a city official to do some act or perform some function, it shall be construed to authorize the head of such department or the official to designate, delegate and authorize subordinates to do the required act or perform the required function, unless the terms of the provisions designate otherwise.

Gender. Words of gender include all genders.

In the city. The term "in the city" means any territory within the corporate limits and the extraterritorial jurisdiction thereof, and any other territory over which regulatory power has been conferred on the city by law.

Joint authority. A joint authority given to any number of persons or officers may be executed by a majority of them, unless it is otherwise declared.

May. The term "may" is to be construed as permissive.

Month. The term "month" means a calendar month.

Names of officers, departments, etc. References to officers, departments, boards, commissions, or employees are to city officers, city departments, city boards, city commissions, and city employees.

Number. The singular or plural number shall each include the other.

Oath. The term "oath" includes an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the terms "swear" and "sworn" are equivalent to the terms "affirm" and "affirmed."

Owner. The term "owner," applied to a building or land, includes not only the owner of the whole, but any part owner, joint owner, tenant in common, or joint tenant of the whole or a part of such building or land.

Person. The term "person" shall include a firm, partnership, association of persons, corporation, organization or any other group acting as a unit, as well as an individual.

Personal property. The term "personal property" includes every species of property, except real property.

Preceding, following. The terms "preceding" and "following" mean, generally, next before and next after.

Property. The term "property" includes real and personal property.

Real property. The term "real property" includes lands, tenements and hereditaments and all rights thereto and interests therein, other than a chattel interest.

Shall. The term "shall" is to be construed as mandatory.

Sidewalk. The term "sidewalk" means that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

Signature, subscription. The term "signature" or "subscription" includes a mark when the person cannot write, when his/her name is written near such mark and is witnessed by a person who writes his/her own name as witness.

State. The term "state" means the State of Nebraska.

State statutes, state acts. All references to the state statutes are to such statutes as now or hereafter amended. Any reference to a state act by title is a reference to such act as now or hereafter amended. The abbreviation "R.R.S." refers to the state statutes.

Street. The term "street" means the entire width between the boundary limits of any street, road, avenue, boulevard or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Tenant, occupant. The terms "tenant" and "occupant," applied to a building or land, means any person who occupies the whole or a part of such building or land, whether alone or with others.

Tense. Words used in the past or present tense shall include the future as well as the past and present.

Writing, written. The terms "writing" and "written" include typewriting, printing on paper and any other mode of representing words and letters.

Year. The term "year" means a calendar year.

(Code 1971, §§ 1-2, 32-1; Code 1987, § 1-2)

State law references—Definitions, construction and citation, R.R.S. § 49-801 et seq.; authority of city to enforce certain ordinances beyond corporate boundaries, R.R.S. § 16-901; computation of time, R.R.S. § 25-2221.

Sec. 1-3. Portions of Code not official; Code references.

(a) The following, including when found in subsequent amendments and reenactments, shall have no legal effect:

(1) Section titles;

(2) Any or all of the following when they appear in this Code after sections, subsections, or paragraphs, or in footnote form:

a. Source notes;

b. Editor's notes;

c. Cross references;

d. State law references.

(b) All references to chapters, articles, divisions, subdivisions or sections are to chapters, articles, divisions, subdivisions or sections of this Code, unless otherwise specified.
(Code 1971, §§ 1-2, 1-3, 1-52-1; Code 1987, §§ 1-2, 1-3, 1-5)

State law reference—Similar provisions, R.R.S. § 49-802(8).

Sec. 1-4. Effect of repeal of ordinances.

(a) Unless specifically provided otherwise, the repeal of an ordinance does not revive any previously repealed ordinance.

(b) The repeal or amendment of an ordinance does not affect any punishment or penalty incurred before the repeal took effect, nor does such repeal or amendment affect any suit, prosecution or proceeding pending at the time of the amendment or repeal.
(Code 1987, § 1-23)

State law reference—Repealed law not revived, R.R.S. § 49-802(10).

Sec. 1-5. Amendments to Code; effect of new ordinances; amendatory language.

(a) All ordinances passed subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. Repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of these subsequent ordinances until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code.

(b) Amendments to any of the provisions of this Code may be made by amending those provisions by specific reference to the section number of this Code in the following language: "Section __ of the Beatrice City Code is hereby amended to read as follows: …." The new provisions may then be set out in full as desired.

(c) If a new section not heretofore existing in the Code is to be added, the following language may be used: "The Beatrice City Code is hereby amended by adding a section (or article or chapter) to be numbered ___, which section reads as follows: …." The new section may then be set out in full as desired.

(d) All sections, articles, chapters or provisions desired to be repealed should be specifically repealed by section, article or chapter number, as the case may be, or by setting them out at length in the repealing ordinance.

(e) Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the city council to make the same a part hereof, shall be deemed to be incorporated in this Code, so that reference to the "Code of the City of Beatrice, Nebraska," shall be understood and intended to include such additions and amendments.
(Code 1971, §§ 2-66, 2-68—2-70; Code 1987, §§ 1-17, 1-19—1-21)

Sec. 1-6. Altering Code.

It shall be unlawful for any person, not authorized to do so, to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages, or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the city to be misrepresented thereby.
(Code 1971, § 1-7; Code 1987, § 1-7)

State law reference—Offenses involving fraud, R.R.S. § 28-601 et seq.

Sec. 1-7. Supplementation of Code.

(a) By contract or by city personnel, supplements to this Code shall be prepared whenever authorized or directed by the city council. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the city council during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

(1) Organize the ordinance material into appropriate subdivisions.

(2) Provide appropriate section titles, headings and titles for sections and other portions of the Code printed in the supplement, and make changes in such section titles, headings and titles.

(3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.

(4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections ___ to __" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code).

(5) Make other nonsubstantive changes necessary to preserve the original meanings of ordinance sections inserted into the Code;

but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.
(Code 1987, § 1-24)

Sec. 1-8. General penalty; continuing violations.

(a) In this section, the term "violation of this Code" means:

(1) Doing an act that is prohibited or made or declared to be an unlawful act, an offense, or a violation of this Code by ordinance or by rule or regulation authorized by ordinance;

(2) Failure to perform an act that is required to be performed by ordinance, rule, or regulation authorized by ordinance; or

(3) Failure to perform an act if the failure is prohibited or declared a violation of this Code, an offense, or an unlawful omission by ordinance, rule, or regulation authorized by ordinance.

(b) The term "violation of this Code" does not include the failure of a city officer or city employee to perform an official duty, unless it is provided that failure to perform the duty is to be punished as provided in this section or it is clear from the context of this Code that it is the intent of the city to impose the penalty provided for in this section upon the city officer or city employee.

(c) Except as otherwise provided:

(1) A person convicted of a violation of this Code shall be punished by a fine not to exceed five hundred dollars ($500.00).

(2) Any person convicted of violating any of the provisions of this Code which would also constitute a violation of a substantially similar offense under state law shall be punished as provided by state law for the substantially similar offense.

(3) If a violation of this Code is declared to be:

a. A Class I misdemeanor, the penalty to be imposed for the violation shall be a fine not to exceed one thousand dollars ($1,000.00), imprisonment for a term not to exceed one (1) year, or both.

b. A Class II misdemeanor, the penalty to be imposed for the violation shall be a fine not to exceed one thousand dollars ($1,000.00), imprisonment for a term not to exceed six (6) months, or both.

a. A Class III misdemeanor, the penalty to be imposed for the violation shall be a fine not to exceed five hundred dollars ($500.00), imprisonment for a term not to exceed three (3) months, or both.

b. A Class IIIA misdemeanor, the penalty to be imposed for the violation shall be a fine not to exceed five hundred dollars ($500.00), imprisonment for a term not to exceed seven (7) days, or both.

a. A Class IV misdemeanor, the penalty to be imposed for the violation shall be a fine not to exceed five hundred dollars ($500.00).

b. A Class V misdemeanor, the penalty to be imposed for the violation shall be a fine not to exceed one hundred dollars ($100.00).

(d) In all cases where a fine is imposed for a violation of this Code, the person found guilty shall pay the costs of prosecution.

(e) Except as otherwise provided:

(1) With respect to violations that are continuous with respect to time, each day that the violation continues is a separate offense.

(2) As to other violations, each act is a separate offense.

(f) Any person convicted of a violation of this Code who willfully fails to pay the fine or costs of prosecution shall stand committed to jail as the county court shall direct until the fine and costs of prosecution are paid or secured to be paid.

(g) Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief and by such other means as are provided by law.

(h) The imposition of a penalty does not prohibit equitable relief.

(i) The imposition of a penalty does not prohibit revocation or suspension of a license, permit, or franchise or the imposition of other administrative sanctions.

(Code 1971, §§ 1-8—1-10, 2-71; Code 1987, §§ 1-8, 1-9, 1-22)

State law references—Penalties for violation of ordinances, R.R.S. § 16-246; jurisdiction of county court as to violation of city ordinance, R.R.S. § 24-517(9); classification of misdemeanors, R.R.S. § 28-106; general penalties for traffic infraction, R.R.S. § 60-889; fees and costs in county court, R.R.S. § 25-2712.

Sec. 1-9. Severability.

The sections, subsections, paragraphs, sentences, clauses, and phrases of this Code are severable and if any phrase, clause, sentence, paragraph, subsection, or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court or agency of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, and sections of this Code.

(Code 1971, § 1-16; Code 1987, § 1-16)

Sec. 1-10. Prior offenses, penalties, contracts, or rights not affected by adoption of Code.

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

(b) The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance in effect on the date of adoption of this Code.

(Code 1971, § 1-15; Code 1987, § 1-15(1))

Sec. 1-11. Provisions deemed continuation of existing ordinances.

The provisions of this Code, insofar as they are substantially the same as legislation previously adopted by the city relating to the same subject matter, shall be construed as restatement and continuation thereof and not as new enactments.

(Code 1971, § 1-14; Code 1987, § 1-14)

Sec. 1-12. Ordinances not affected by adoption of Code.

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

(1) Any ordinance annexing property.

(2) Any appropriation or budget ordinance.

(3) Any ordinance promising or guaranteeing the payment of money for the city or authorizing the issuance of any bonds of the city or any evidence of the city's indebtedness.

(4) Any contract, agreement, or obligation assumed by the city.

(5) Any ordinance establishing or fixing the salaries, retirement and pension plans, benefits, personnel policy, civil service rules and regulations, and/or administrative procedures for city officers or employees not otherwise enumerated in this Code.

(6) Any right or franchise granted by the city.

(7) Any ordinance providing for local improvements or making assessments therefor.

(8) Any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way.

(9) Any ordinance establishing or prescribing street grades.

(10) Any ordinance dedicating or accepting any subdivision plat or providing for subdivision regulation.

(11) Any ordinance fixing utility rates.

(12) Any ordinance rezoning specific property, amending the zoning map or otherwise pertaining to zoning.

(13) Any other ordinance, or part thereof, which is not of a general and permanent nature; or which is referred to elsewhere in this Code as continuing in effect.

(14) Any ordinance that is temporary, although general in effect.

(15) Any ordinance that is special, although permanent in effect.

(16) Any ordinance the purpose of which has been accomplished.

(Code 1971, § 1-15; Code 1987, § 1-15(2)—(8))

Chapter 2

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ARTICLE I. IN GENERAL

Sec. 2-1. Grounds for removal of official.

Any elected or appointed official of the city may be charged, and removed from office for official misconduct for the following causes:

(1) Habitual or willful neglect of duty;

(2) Gross partiality;

(3) Malfeasance in office;

(4) Conviction of a felony;

(5) Excessive absence from regular meetings;

(6) Ceasing to be a resident of the city or the ward from which such official was elected;

(7) Failure to take the oath of office.

(Code 1971, § 2-2; Code 1987, § 2-1)

State law references—Authority of city to provide for the removal of elective officers for misconduct, R.R.S. § 16-217; removal of appointed officers, R.R.S. § 16-308; removal of certain officers for failure to enforce the law, R.R.S. § 25-21,147.

Sec. 2-2. Charges against officials; notice to appear.

Any person may make a charge under the provisions of the preceding section in writing and under oath, specifying the nature of the misconduct or malfeasance, and file the same with the city clerk. Such charge shall be read at the first regular meeting of the city council or at any special meeting called for that purpose. If the mayor and city council determine the charge may have merit, the official may be requested to show cause why he or she should not be removed from office. A copy of that charge, together with a notice to appear to show cause why he or she should not be removed from office, shall be served upon the official so accused at least five (5) business days before the time affixed to show cause.

(Code 1971, § 2-3; Code 1987, § 2-2)

Sec. 2-3. Failure of accused official to appear.

In case any official accused as provided by the preceding section shall neglect to appear or file a denial in writing, or render a satisfactory reason for not doing so, at the time and place he or she was notified to appear before the mayor and city council, the charge shall be taken as true and the mayor and city council shall declare the office vacant.

(Code 1971, § 2-4; Code 1987, § 2-3)

Sec. 2-4. Denial of charges; hearing.

In case any accused official shall deny the charge brought against him or her under this article, the mayor and city council shall forthwith set the matter for public hearing, and if after the hearing, the

mayor and city council shall be satisfied that such official has been guilty of the offense charged by a three-fourths (¾) vote of the city councilmembers, such finding shall be entered upon the records and the office declared vacant.
(Code 1971, § 2-5; Code 1987, § 2-4)

Sec. 2-5. Emergency succession.

The provisions of the Nebraska General Emergency Succession Act are hereby invoked in the city and shall be binding upon the officers of the municipal government, including each member of the city council, the chief of police, the city administrator, the city clerk, the city treasurer, the fire chief, the manager of the board of public works, each member of the board of public works and the city attorney.
(Code 1971, § 10-1; Code 1987, § 2-5; Ord. No. 86-41, § 43, 10-6-1986)

State law references—Nebraska General Emergency Succession Act, R.R.S. § 84-1101 et seq.; act invoked by political subdivision, R.R.S. § 84-1105.

Sec. 2-6. Disposal of surplus equipment and supplies.

(a) All departments shall submit to the city administrator, at such time and in such form as prescribed by the city administrator, reports showing all surplus equipment and supplies which are no longer used or which have become obsolete, worn out, or scrapped.

(b) The city administrator shall have the authority to sell or dispose of all surplus equipment and supplies of less than ten thousand dollars ($10,000.00) in value which have become unsuitable or unnecessary for public use. The city administrator shall sell or dispose of the property by any method which is most advantages to the city, including auction, sealed bid, public sale, or trade-in for other property. All sales of equipment and supplies of ten thousand dollars ($10,000.00) or more in value shall require the prior approval of the mayor and city council.
(Code 1987, § 2-6; Ord. No. 10-031, § 1, 10-18-2010)

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ARTICLE II. ELECTIONS

Sec. 2-31. Governed by statutes.

Councilmembers and other elective city officers shall be nominated and elected, and all elections in the city shall be held in the manner provided by the statutes of the state relating to elections in cities of the first class. In matters in which such special statutes, or the ordinances of the city, lawfully enacted, make no specific provisions, the general election laws of the state so far as they are applicable to the situation, shall prevail.
(Code 1971, § 12-1; Code 1987, § 2-21)

State law references—Election of officers generally, R.R.S. § 16-302.01 et seq.; Municipal Election Code, R.R.S. § 19-3001 et seq.; elections generally, R.R.S. ch. 32; laws governing municipal elections, R.R.S. § 32-4, 146 et seq.

Sec. 2-32. Division of city into wards.

The city is hereby divided into four (4) wards bounded and described as is set forth by ordinance.
(Code 1971, § 12-2; Code 1987, § 2-22)

State law reference—Wards, election districts, election precincts, R.R.S. §§ 16-104, 16-105.

Secs. 2-33—2-52. Reserved.

ARTICLE III. MAYOR*

Sec. 2-53. Appointment of officers.

By and with the consent and approval of the city council, the mayor shall appoint all officers of the city whom he/she is directed to appoint by ordinance, resolution or general law.
(Code 1971, § 2-17; Code 1987, § 2-37)

Sec. 2-54. Charge of city property.

The mayor shall have charge over all property belonging to the city not in the particular charge of any other officer.
(Code 1971, § 2-18; Code 1987, § 2-38)

Sec. 2-55. Issuance of permits.

The mayor shall issue all permits in writing that are required by ordinance and that are not required to be issued by some officer other than himself/herself.
(Code 1971, § 2-20; Code 1987, § 2-40)

Sec. 2-56. Signing of minutes.

The mayor shall sign the city clerk's minutes of all meetings of the council after they have been spread upon the journal and have been approved by action or acquiescence of the council.
(Code 1971, § 2-21; Code 1987, § 2-41; Ord. No. 86-41, § 2, 10-6-1986)

State law reference—Journal of proceedings of council, R.R.S. § 16-317.

Sec. 2-57. Signing of ordinances, etc.

The mayor shall sign all ordinances, resolutions and orders which have been duly passed, approved and declared to be the law of the city.
(Code 1971, § 2-22; Code 1987, § 2-42)

State law reference—Mayor's signature on ordinances, etc., R.R.S. § 16-313.

Secs. 2-58—2-87. Reserved.

***State law reference—**Mayor generally, R.R.S. § 116-312 et seq.

ARTICLE IV. CITY COUNCIL

DIVISION 1. GENERALLY

Sec. 2-88. Number of members; election from each ward; general function.

(a) There shall be eight (8) city councilmembers, two (2) of whom shall be elected from each of the wards of the city.

(b) The duly elected councilmembers, when acting as a legislative body for the city, shall be and constitute the city council thereof, and shall pass all ordinances, resolutions and orders, and perform all duties and functions committed to the city council by law.
(Code 1971, §§ 2-33, 2-34; Code 1987, § 2-56)

State law reference—City council generally, R.R.S. §§ 16-304 et seq., 16-401 et seq.

Sec. 2-89. Bond.

Each councilmember shall give bond, with good and sufficient sureties, to be approved by the city, in the sum of one thousand dollars ($1,000.00).
(Code 1971, § 2-82; Code 1987, § 2-57; Ord. No. 86-41, § 7, 10-6-1986)

State law reference—Bond of councilmembers, R.R.S. § 16-304.

Sec. 2-90. Regular meetings.

The regular meetings of the city council shall be held on the first and third Mondays of each month in the Board Room of the School District No. 15 Administrative Offices located at 320 North 5th Street, or some other suitable place, provided that the city council may adjourn over not to exceed two (2) regular meetings. Such regular meetings shall begin at the hour of 6:00 p.m.
(Code 1971, § 2-35; Code 1987, § 2-58; Ord. No. 99-76, § 1, 11-15-1999; Ord. No. 00-16, § 1, 2-1-2000; Ord. No. 25-5, § 1, 3-17-2025)

Sec. 2-91. Robert's Rules of Order to govern.

The rules for parliamentary procedure comprised in Robert's Rules of Order, Newly Revised, 12th edition, shall govern the proceedings of the city council in all cases to which they are applicable, and in which they are not otherwise inconsistent with the standing rules of the council thereinafter set forth in this division.
(Code 1971, § 2-38; Code 1987, § 2-61; Ord. No. 01-48, § 1, 10-15-2001)

Sec. 2-92. Motions.

(a) When a motion is made and seconded, it shall be stated by the presiding officer or, being in writing, it shall be read aloud by the presiding officer before debate.

(b) After a motion is stated by the presiding officer, it shall be deemed to be in the possession of the council, but may be withdrawn by the mover at any time before a decision or amendment.

(c) When a question is under debate, no motion shall be received except a motion to adjourn, motion to lay on the table, motion to call the question to a vote, motion to postpone to a day certain, motion to postpone indefinitely, motion to commit, motion to suspend the rules, or motion to amend, which several motions shall have precedence in the order in which they are named in this subsection.

(d) A motion to adjourn and a motion to fix the day to which the council shall adjourn shall always be in order, and these motions and a motion to lay on the table shall be decided without debate.

(e) Upon a motion to call the question to a vote and a second thereof, the presiding officer shall state: "Shall the main question be put to vote now?" There shall be no debate upon such motion, and the presiding officer shall immediately put the question to a roll call vote. If the motion is adopted by a vote of at least two-thirds ( ) of the members of the council present at the meeting, it shall end all debate on the main question and bring the council to a direct vote upon any pending amendments and then upon the main question.

(f) No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

(g) When a motion has once been made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof, and such motion shall take precedence over all other matters, except a motion to adjourn. It may be made either immediately during the same session or at a recessed or adjourned session thereof. Nothing in this subsection shall be construed to prevent any member of the council from making or remaking the same or any other motion at a subsequent meeting of the council.
(Code 1987, § 2-65; Ord. No. 01-48, § 5, 10-15-2001)

Sec. 2-93. Order of business.

Upon being called to order, the council shall proceed to business which may be conducted in the following order:

(1) Routine business:

a. Pledge of Allegiance;

b. Roll call;

c. Oral communications; recognition of visitors;

d. Proclamations, if any; and

e. Consent agenda;*

*Any item on the consent agenda may, at the request of any single city councilmember, be removed from the consent agenda and considered as a separate item prior to the public hearings/bids section of the agenda.

(2) Public hearings/bids;

(3) Other agenda items, except resolutions and ordinances;

(4) Resolutions;

(5) Ordinances;

(6) Public forum for the general public to present items for council consideration at a later date;

(7) Reports; and

(8) Adjournment.

(Code 1987, § 2-66; Ord. No. 01-48, § 6, 10-15-2001; Ord. No. 13-001, § 1, 1-7-2013)

Sec. 2-94. Addressing the council; communications from the public.

(a) Citizens and other visitors are welcome to attend all public meetings of the city council and will be admitted to the room in which the city council is meeting up to the fire safety capacity of the room.

(b) The presiding officer shall provide opportunity during council meetings for discussion by interested persons or their authorized representatives on any matter before the council prior to final passage.

(c) Any person may direct a written communication to the city council on any matter concerning the city's business by directing the communication to the council through the city clerk.

(d) All matters submitted by the public for action by the city council shall either be presented at the public forum portion of a council meeting or be delivered to the city clerk and then transmitted by the mayor for processing by the city departments.

(Code 1987, § 2-68; Ord. No. 01-48, § 8, 10-15-2001)

Sec. 2-95. Manner of addressing the council; time limit.

Each member of the public addressing the city council shall step up to the table, shall give his or her name and address for the records, and unless further time is granted by the presiding officer, shall limit his or her presentation to five (5) minutes, provided this limitation shall not apply to proceedings before the council requiring the taking of testimony under oath. The presiding officer shall have the right to limit or exclude the presentation of information or testimony which is irrelevant or redundant. No person, other than a member of the council, the mayor, and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the council, without the permission of the presiding officer. Those persons waiting to speak shall remain seated.

(Code 1987, § 2-69; Ord. No. 01-48, § 9, 10-15-2001)

Sec. 2-96. Decorum; sergeant-at-arms.

(a) No person shall make personal, impertinent, profane or slanderous remarks or become boisterous while addressing the mayor or city council, nor otherwise disturb the order and decorum of any council meeting. The sergeant-at-arms, at the direction of the presiding officer, shall remove any person violating the provisions of this subsection.

(b) Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations shall not be permitted by the presiding officer, who may direct the sergeant-at-arms to remove offenders from the room.

(c) The chief of police, or such members of the police department as he or she may designate, shall be sergeant-at-arms of the city council meetings. The chief of police, or his or her designates, shall carry out all orders and instructions given by the presiding officer, for the purpose of maintaining order and decorum at the council meetings.
(Code 1987, § 2-70; Ord. No. 01-48, § 10, 10-15-2001)

Sec. 2-97. Suspension of rules.

Any of the foregoing rules of decorum, debate and procedure set forth in sections 2-91 through 2-95 may be temporarily suspended upon a vote of at least two-thirds ( ) of the city councilmembers present at the meeting.
(Code 1987, § 2-71; Ord. No. 01-48, § 11, 10-15-2001)

Secs. 2-98—2-124. Reserved.

DIVISION 2. LEGISLATION*

Sec. 2-125. Ordinance introduction.

(a) Ordinances may be introduced by members of the city council in either of the following ways:

(1) With the recognition of the chair, a member may in the presence and hearing of a majority of the members elected to the city council read aloud the substance of his or her proposed ordinance and file a copy of the same with the city clerk for future consideration; or

(2) With the recognition of the chair, a member may present his or her proposed ordinance to the city clerk who, in the presence and hearing of a majority of the members elected to the city council, shall read aloud the substance of the same and shall file the same for future consideration.

(b) Ordinances may be introduced by the mayor or other presiding officer of the city council when presiding.
(Code 1971, § 2-51; Code 1987, § 2-77; Ord. No. 86-41, § 3, 10-6-1986)

Sec. 2-126. Resolutions and orders.

Except as otherwise provided, all resolutions and orders may be passed without the formalities required for the passage of an ordinance, by a simple vote of one-half (½) of the elected members or by a simple vote of a majority of the councilmembers present at the meeting, whichever number is greater. The existence and authenticity of any such resolutions or orders shall be sufficiently proved and established by a recitation in the city clerk's minutes, showing:

(1) First, the number and title of the resolution, or the order in full; and

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***State law references—**Ordinances generally, R.R.S. § 18-131 et seq.; passage of ordinances, R.R.S. § 16-403 et seq.; effective date of ordinances, R.R.S. § 19-3701.

(2) That a majority of the councilmembers present at the meeting voted for said resolution or order and the same was declared passed.

(Code 1971, § 2-58; Code 1987, § 2-80; Ord. No. 86-41, § 6, 10-6-1986)

Sec. 2-127. Manner of voting.

The vote on any ordinance or resolution shall be either viva voce or by voting machine, and the yeas and nays thereon shall be recorded by the city clerk.

(Code 1971, § 2-55; Code 1987, § 2-81; Ord. No. 86-41, § 4, 10-6-1986)

Sec. 2-128. Attestation.

After the passage of every ordinance of the city and previous to the publication thereof, there shall be annexed thereto by the city clerk his or her certificate attesting the passage, approval and publication thereof.

(Code 1971, § 2-57; Code 1987, § 2-82; Ord. No. 86-41, § 5, 10-6-1986)

Sec. 2-129. Publication of ordinances.

In all cases where an ordinance is passed and approved by the mayor and city council, it shall be the duty of the city clerk to have the ordinance published in accordance with state law.

(Code 1987, § 2-83; Ord. No. 21-34, § 1, 8-16-2021)

Sec. 2-130. Numbering of ordinances.

From the time of the original adoption of the provisions in this section, all ordinances shall be numbered consecutively.

(Code 1971, § 2-60; Code 1987, § 2-84)

Secs. 2-131—2-158. Reserved.

ARTICLE V. CIVIL SERVICE ACT*

DIVISION 1. GENERALLY

Sec. 2-159. Incorporation of state law.

The city administrator shall be designated as the appointing authority in the Civil Service Act for all vacancies, except for the appointment of the police chief, the fire chief, and members of the civil service commission.

(Code 1987, § 2-97; Ord. No. 86-40, § 6, 10-6-1986; Ord. No. 19-040, § 1, 8-19-2019)

***State law references—**Civil Service Act, R.R.S. § 19-1825 et seq.; duty of city to enact civil service legislation, R.R.S. § 19-1842.

Sec. 2-160. Disciplinary procedure.

(a) *Generally.* No employee in the civil service who shall have been permanently appointed or inducted into civil service shall be removed, suspended, demoted, or discharged, except for cause and then only upon the written accusation of the police or fire chief, city administrator, or any citizen or taxpayer.

(b) *Accusation generally.*

(1) The written accusation shall set forth the alleged misconduct, charges, or grounds for investigation against the employee. The written accusation shall be filed by the complainant with the secretary of the commission, who shall cause a copy of such written accusation to be delivered within two (2) business days after the filing to the:

a. Police or fire chief;

b. The city administrator; and

c. The employee.

(2) The delivery of the written accusation shall be by personal service or certified mail, addressed to the employee at the residence address of the employee shown in the personnel records. The secretary of the commission shall cause a return showing such delivery or mailing to be executed and filed in the secretary's office.

(c) *Suspension.* The police or fire chief shall have the authority to immediately suspend, with pay, an employee against whom such written accusation has been filed, pending the confirmation of the suspension, or a decision of the city administrator to reinstate the employee, remove, demote, discharge, or suspend the employee, with or without pay.

(d) *Investigation.*

(1) Prior to the decision of the city administrator to reinstate the employee or remove, demote, discharge, or suspend the employee, with or without pay, the police or fire chief or designee shall within a reasonable period of time investigate the alleged misconduct, charges, or grounds against the employee. The chief shall review the information gathered and explain the basis of the employer's evidence against the employee and provide the employee an opportunity to present his/her version of the circumstances which resulted in the filing of the written accusation. If the chief's investigation reveals other misconduct, charges or grounds, the chief shall amend the written accusation to include the other misconduct, charges, or grounds by filing an amendment to the written accusations with the secretary of the commission, who shall cause a copy of such amended accusation to be delivered within two (2) business days after the filing to:

a. The police or fire chief;

b. The city administrator; and

c. The employee.

(2) The delivery of the amended written accusation shall be by personal service or certified mail, addressed to the employee at the residence address of the employee shown in the

personnel records. The secretary of the commission shall cause a return showing such delivery or mailing to be executed and filed in the secretary's office. In the event that a police or fire chief is being disciplined, the city administrator shall follow the same procedures as are followed by the police or fire chief in disciplining employees under the act.

(e) *Recommendation by chief.* Upon completion of this procedure within a reasonable period of time, the police or fire chief shall recommend, in writing, to the city administrator that the alleged misconduct, charges, or grounds set forth in the written accusation is deemed:

(1) To be without merit;

(2) To not warrant disciplinary action;

(3) To warrant disciplinary action less severe than removal, demotion, discharge, or suspension, with or without pay, such as oral or written reprimand; or

(4) To warrant removal, demotion, discharge, or suspension, with or without pay.

(f) *Decision by administrator.* Within five (5) business days after receiving the written recommendation of the police or fire chief, the city administrator shall decide that the alleged misconduct, charges, or grounds for investigation against the employee set forth in the written accusation be deemed:

(1) To be without merit;

(2) To not warrant disciplinary action;

(3) To warrant disciplinary action less severe than removal, demotion, discharge, or suspension, with or without pay, such as an oral or written reprimand; or

(4) To warrant removal, demotion, discharge, or suspension, with or without pay.

(g) *Procedures; appeal.*

(1) The city administrator shall file a copy of his/her decisions within five (5) business days after receiving the written recommendation of the police or fire chief, with the secretary of the commission who shall cause a copy of such decision to be filed within two (2) business days after the filing to:

a. The police or fire chief; and

b. The employee.

(2) The delivery of the city administrator's decision shall be by personal service or certified mail, addressed to the employee at the residence address of the employee shown in the personnel records. The secretary of the commission shall cause a return showing such delivery or mailing to be executed and filed in the secretary's office. Any employee so removed, suspended, demoted or discharged may, within ten (10) calendar days after receiving written notice of the city administrator's decision, file a written demand for an investigation and public hearing by the civil service commission. The employee shall file the request for the hearing with the secretary of the commission. The failure to file such a request with the secretary of the commission within ten (10) calendar days of receipt of the written

notice of the city administrator's decision shall constitute a waiver of the employee's right to review by the civil service commission and the city administrator's decision shall become final.

(h) *Notice by administrator.* Within five (5) business days of receipt of the employee's notice of appeal, the city administrator shall cause the following notice to be delivered to the employee and secretary of the civil service commission by personal service or certified mail addressed to the employee at the residence address of the employee shown in the personnel records:

(1) A statement of the charges;

(2) The names of the witnesses who will be called on behalf of the city administrator and a general statement of the nature of their testimony;

(3) Copies of the documents to be introduced.

(i) *Employee's response.* Within eight (8) calendar days of the filing of the written demand for an investigation and public hearing by the commission, the employee shall deliver, by personal service or certified mail, to the city administrator and secretary of the commission the following:

(1) A response to the statement of the charges;

(2) The names of the witnesses who will be called on behalf of the employee and a general statement of the nature of their testimony; and

(3) Copies of the documents to be introduced.

(j) *Determination of administrator's good faith.* Upon receipt of a written demand, the commission shall conduct an investigation. The commission may be represented in such investigation and public hearing by the city attorney if authorized by the city administrator. If the city attorney does not represent the commission, the commission may be represented by special counsel appointed by the commission for any such investigation and hearing. The investigation shall consist solely of a review of the written submissions of the city administrator and employee, set forth in subsections (h) and (i) of this section, to determine whether any individuals or documents should be subpoenaed by the commission for the subsequent public hearing before the commission ultimately to determine whether the city administrator acted in good faith for cause. The term "good faith for cause" shall mean that the action was not arbitrary or capricious and was not made for political or religious reasons.

(k) *Notice—Hearing.* The commission shall schedule a public hearing no less than ten (10) nor more than twenty (20) calendar days from the date of filing of the employee's written demand for an investigation. The commission shall notify the city administrator and employee in writing at least seven (7) calendar days prior to the date of the hearing, of the date, time, and place of the hearing. The commission's notice of the hearing shall be delivered by personal service or certified mail.

(l) *Notice—Procedures.* The city administrator shall be permitted to appear in person and by counsel and to present his/her case. The city administrator may present evidence by testimony and documents and shall be permitted to cross examine the employee's witnesses. At the hearing, the

employee shall be permitted to appear in person and by counsel and to present his/her defense. The employee may present evidence by testimony and documents and shall be permitted to cross examine the witnesses called by the city administrator.

(m) *Decision of commission.*

(1) The commission may affirm the action taken by the city administrator if such action is supported by a preponderance of the evidence. If the commission finds that the removal, suspension, demotion or discharge was made for political or religious reasons or was not made in good faith for cause, it shall order the immediate reinstatement or reemployment of such employee in the position or employment from which such employee was removed, suspended, demoted, or discharged, which reinstatement shall, if the commission in its discretion so provides, be retroactive and entitle such person to compensation and restoration of benefits and privileges from the time of such removal, suspension, demotion, or discharge.

(2) After the hearing, in lieu of affirming the removal, suspension, demotion, or discharge, the commission may modify the order of removal, suspension, demotion, or discharge by directing a suspension, with or without pay, for a given period and the subsequent restoration to duty or demotion in position or pay.

(3) No later than ten (10) calendar days after the hearing, the commission shall certify its findings in writing to the employee and the city administrator who shall enforce them. The commission's findings shall be delivered by personal service or certified mail addressed to the employee at the residence address of the employee shown in the personnel records.

(n) *Appeal.* Either the employee or the governing body may appeal the findings of the commission to the district court pursuant to the Civil Service Act.
(Code 1987, § 2-106; Ord. No. 86-40, § 20, 10-6-1986; Ord. No. 19-040, § 1, 8-19-2019)

Secs. 2-161—2-190. Reserved.

DIVISION 2. CIVIL SERVICE COMMISSION

Sec. 2-191. Composition.

The civil service commission shall be composed of three (3) members.
(Code 1971, § 11-17; Code 1987, § 2-122; Ord. No. 86-40, § 7, 10-6-1986)

State law reference—Composition of commission, R.R.S. § 19-1827.

Sec. 2-192. Quorum.

Two (2) members of the civil service commission shall constitute a quorum for the transaction of business.
(Code 1987, § 2-128; Ord. No. 86-40, § 13, 10-6-1986)

Secs. 2-193—2-222. Reserved.

ARTICLE VI. APPOINTIVE OFFICERS AND EMPLOYEES*

DIVISION 1. GENERALLY

Sec. 2-223. Approval of officer's bonds.

No bond of any officer shall be deemed to be given or complete until approval thereof, and of the sureties thereon, is made by the city council, provided that, where an officer-elect files a bond within the specified time, and in the form prescribed, and the city council shall refuse to approve the same, then, and in such event, the council shall fix a reasonable time for such officer-elect to present a new bond with sufficient sureties, and a failure to file bond within such time, with sufficient sureties, shall of itself work an immediate vacancy in such office.
(Code 1971, § 2-83; Code 1987, § 2-148)

Sec. 2-224. Failure to qualify; filling vacancy.

It is hereby made the duty of the city council to declare, by resolution, vacancies in each office for which the officer-elect has failed to qualify, and to fill promptly, by appointment, every such vacancy. In all cases of appointment, the appointee shall forthwith qualify, and on his or her failure to do so within the time prescribed by the city council, the office shall be declared vacant and a new appointment made.
(Code 1971, § 2-85; Code 1987, § 2-150)

Secs. 2-225—2-241. Reserved.

DIVISION 2. CITY ADMINISTRATOR†

Sec. 2-242. Office created.

There is hereby created the office of city administrator for the city.
(Code 1971, § 2-86; Code 1987, § 2-166; Ord. No. 86-42, § 2, 10-6-1986)

Sec. 2-243. Purpose of office.

The purpose of the office of city administrator is to coordinate the various departments of the city, and to provide the centralization of the administrative responsibilities of those departments in a city administrator.
(Code 1971, § 2-87; Code 1987, § 2-167; Ord. No. 86-42, § 3, 10-6-1986)

***State law reference—**Appointive officers, R.R.S. § 16-308 et seq.

†State law reference—Authority for appointment of an administrator, R.R.S. § 16-308.

Sec. 2-244. Duties.

The mayor and council shall determine all municipal policies, adopt ordinances and resolutions, and vote on all appropriations. The mayor and council are the governing body of the city, and the city administrator is its agent in carrying out the policies and directions which the mayor and city council shall determine. The duties of the city administrator shall be as follows:

(1) Be the administrative head of the city government under the direction and control of the mayor and council.

(2) Be responsible to the mayor and council for the efficient administration of all affairs of the city under the control of the mayor and city council. In relation to the efficient administration of the affairs of the city, the city administrator shall work with the policy set forth by the mayor and council.

(3) Deal with the mayor and council as a body on all official city affairs. He or she shall attend all meetings of the council, with the duty of reporting any matter concerning city affairs under his or her supervision or direction. Any and all reports and communications shall go to the mayor and all members of the council, and the reports of the activities of the office shall be delivered to them with the agenda for each regular council meeting. The mayor and individual members of the city council may require reports from the office of the city administrator on any specific municipal activity in addition to the regular reports.

(4) Make and keep up to date an inventory of all property, real and personal, owned by the city. He or she shall act as purchasing coordinator for the purchase of all supplies, goods, wares and merchandise, equipment and materials which may be required for the various departments, divisions or services of the city, subject to the approval of the mayor and council.

(5) At all times keep the mayor and council fully advised as to the financial condition and needs of the city.

(6) Prepare and submit to the mayor and council at the end of the fiscal year a complete report on the finances and administrative activities of the city of the preceding year.

(7) Be responsible for and prepare the annual estimate of expenditures, and propose a budget to the mayor and finance committee prior to the passing of the annual appropriations and ordinances. He or she shall serve as public relations officer of the city government, and endeavor to adjudicate all complaints filed against any employee, department, division or service thereof, and cooperate with all community organizations, whose aim and purpose is to advance the best interest of the city and its people.

(8) Analyze the functions, duties and activities of the various departments, divisions and services of the city government and all employees thereof, and make his or her recommendations to the mayor. He or she shall create job descriptions for the various functions, duties and activities of the various departments, divisions and services, and carry out the mayor's recommendations in coordinating the city administrative functions and operations of the various departments.

(9) Recommend to the mayor and city council the appointment and dismissal of all department heads. He or she shall have the authority to appoint or dismiss department heads upon the recommendation of the mayor and confirmation by the council. The city administrator may appoint, upon recommendation of the department heads and in conformance with the classification and pay plan as adopted by the mayor and council, all subordinate employees of the city, except civil service employees. The city administrator may, upon recommendation of the department heads, dismiss all subordinate employees of the city, as well as provide for the transfer from one (1) department to another, except city civil service employees.

(10) Administer and be responsible to the mayor and council for the efficient operation of all departments and classifications of the city government which are under the mayor and council. The city administrator will be available to assist all other departments in any administrative matter and will coordinate the mayor and council policies with these departments and activities. He or she shall have no direction or supervision over any officer, department or board whose duties are described by statute.

(11) Recommend to the mayor and council for adoption such measures and ordinances as are deemed necessary or expedient.

(12) Procure facts from the engineer, planning commission and the board of public works, evaluate the same and submit recommendations for long-range improvements for the future development of the city to the mayor and council.

(13) Prepare and recommend to the mayor and council the classification and pay plan.

(14) Make investigations into the affairs of the city and any department or division thereof, and any contract, or the proper performance of any obligation running to the city.

(15) Exercise general supervision over the city auditorium, all public buildings, streets and other property which are under the control and jurisdiction of the mayor and council.

(16) Serve in any appointed office or head of department within the city government to which he or she may be qualified, as the need arises and when appointed thereto by the mayor and council, and hold and perform the duties thereof at the pleasure of the mayor and city council.

(17) Perform such other duties and exercise such other powers as may be delegated to him or her from time to time by ordinance or resolution of the mayor and council.

(Code 1971, § 2-89; Code 1987, § 2-169; Ord. No. 86-42, § 5, 10-6-1986)

Sec. 2-245. Agent of mayor; limitation on power.

The city administrator shall act as the agent of the mayor in the discharge of his or her duties, of the superintending and control of all the officers and affairs of the city, as provided by statute, and he or she shall have no power to exercise any policy-making or legislative function whatsoever, nor commit nor bind the mayor or council or any member thereof to any action, plan or program which requires an official action by the mayor or council.

(Code 1971, § 2-90; Code 1987, § 2-170; Ord. No. 86-42, § 6, 10-6-1986)

Sec. 2-246. Qualifications; experience requirements.

The city administrator must have attained a Bachelor of Arts degree (BA) or its equivalent. He or she must have at least four (4) years' experience in the area of business administration or personnel management. He or she shall have two (2) years' experience in the area of city administration, which may be included in the four (4) years' experience requirement set forth above. The requirement that the city administrator must have four (4) years' experience in the area of business administration or personnel management and two (2) years' experience in the area of city administration may be waived by an affirmative vote of a majority of the city council.
(Code 1971, § 2-90.1; Code 1987, § 2-171; Ord. No. 86-42, § 7, 10-6-1986)

Sec. 2-247. Compensation.

The salary of the city administrator shall be as set forth by ordinance of the mayor and council.
(Code 1971, § 2-90.2; Code 1987, § 2-172; Ord. No. 86-42, § 8, 10-6-1986)

Secs. 2-248—2-272. Reserved.

DIVISION 3. CITY CLERK*

Sec. 2-273. Office created.

By authority of the state statutes, the office of city clerk is hereby created.
(Code 1971, § 2-91; Code 1987, § 2-186; Ord. No. 86-41, § 10, 10-6-1986)

Sec. 2-274. Powers, duties generally.

The City Clerk has all functions, powers and duties which may be conferred upon him or her as such by laws or resolutions.
(Code 1971, § 2-93; Code 1987, § 2-188; Ord. No. 86-41, § 12, 10-6-1986)

Sec. 2-275. Records of bonds.

The city clerk shall keep a record of all outstanding bonds against the city, showing the number and amount of each, for and to whom such bonds were issued; and when any bonds are purchased or paid or cancelled, the record shall show such fact.
(Code 1971, § 2-95; Code 1987, § 2-190; Ord. No. 86-41, § 14, 10-6-1986)

Sec. 2-276. Annual report on bonds.

The city clerk shall make an annual report to the city council in which he or she shall describe particularly the bonds issued and sold during the year, and the terms of the sale, with every item of expense thereof.
(Code 1971, § 2-96; Code 1987, § 2-191; Ord. No. 86-41, § 15, 10-6-1986)

***State law reference—**City clerk generally, R.R.S. §§ 16-308, 16-317.

Sec. 2-277. Notice of special meetings.

The city clerk shall notify all members of the city council of any special meeting.
(Code 1971, § 2-97; Code 1987, § 2-192; Ord. No. 86-41, § 16, 10-6-1986)

Sec. 2-278. Materials of office.

The city clerk shall keep and carefully preserve all papers and books which come into his or her possession as city clerk, filing and arranging them in a manner convenient for reference.
(Code 1971, § 2-98; Code 1987, § 2-193; Ord. No. 86-41, § 17, 10-6-1986)

Sec. 2-279. Attestation of documents.

The city clerk shall duly attest thereby to all deeds and papers required to be so attested when ordered by the city council.
(Code 1971, § 2-99; Code 1987, § 2-194; Ord. No. 86-41, § 18, 10-6-1986)

Sec. 2-280. Register of licenses.

The city clerk shall keep a register of all licenses granted and the purpose for which they were issued; and at the beginning of each month shall, if required by the chief of police, furnish the clerk with a true copy of the register of all licenses in force.
(Code 1971, § 2-100; Code 1987, § 2-195; Ord. No. 86-41, § 19, 10-6-1986)

Secs. 2-281—2-309. Reserved.

DIVISION 4. CITY TREASURER*

Sec. 2-310. Office created.

By authority of the state statutes, the office of city treasurer is hereby created.
(Code 1987, § 2-206; Ord. No. 86-41, § 21, 10-6-1986)

Sec. 2-311. Powers, duties generally.

The city treasurer shall perform all duties and exercise all powers devolved upon the city treasurer by ordinance or general law and shall perform in addition thereto all functions, powers and duties which may be conferred upon him or her as such by laws, ordinances or resolutions.
(Code 1987, § 2-208; Ord. No. 86-41, § 23, 10-6-1986)

Sec. 2-312. Handling of money generally.

The city treasurer shall enter all orders or warrants for the payment of money in numerical order in a book to be kept for that purpose. He or she shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto. He or she shall give every person paying

***State law reference—**City treasurer generally, R.R.S. §§ 16-308, 16-318 et seq.

money into the treasury a receipt therefor, specifying the date of payment and on what account paid. The treasurer shall receive all moneys and credits due and owing to the city, from whatever source derived, and all disbursements of funds belonging to the city shall pass through his or her hands.
(Code 1971, § 2-101; Code 1987, § 2-209; Ord. No. 86-41, § 24, 10-6-1986)

State law reference—General duties of treasurer, R.R.S. § 16-318.

Sec. 2-313. Collection of taxes.

The city treasurer shall use all reasonable efforts in collecting all special assessments, general taxes and occupation taxes levied by the city council; and he or she shall notify on June 1 of each year all delinquent taxpayers to pay their occupation tax at once and shall make a statement of such delinquents to the city council.
(Code 1971, § 2-103; Code 1987, § 2-211; Ord. No. 86-41, § 26, 10-6-1986)

Sec. 2-314. Annual public report.

The city treasurer shall publish, or cause to be published, in the official city newspaper, in August of each year, a report of the doings of his or her office, which report shall show in detail receipts, disbursements, warrants outstanding and balance of debit or credit as the case may be, the expense of such publication being paid out of the general fund.
(Code 1971, § 2-104; Code 1987, § 2-212; Ord. No. 86-41, § 27, 10-6-1986)

State law reference—City treasurer's reports to mayor and council, R.R.S. § 16-720.

Secs. 2-315—2-331. Reserved.

DIVISION 5. CITY ATTORNEY*

Sec. 2-332. Office created.

There is hereby created the office of full-time city attorney for the city.
(Code 1971, § 2-110; Code 1987, § 2-226)

Sec. 2-333. Education and experience requirements.

(a) The full-time city attorney must have graduated from a three (3) year college of law, and attained the Bachelor of Law (LLB) degree or its equivalent, and had a minimum of three (3) years' experience in the general practice of law, either in a governmental agency or private practice, or have such degree and have two (2) years' experience in the field of municipal law; the requirement that the city attorney must have a minimum of three (3) years' experience in the general practice of law, either in a governmental agency or private practice, or have two (2) years' experience in the field of municipal law, may be waived by the affirmative vote of a majority of the city council.

***State law references—**City attorney generally, R.R.S. §§ 16-308, 16-319; attorneys at law, R.R.S. § 7-101 et seq.

(b) He or she must have a thorough knowledge of the rules of evidence and procedure in state and federal courts and administrative agencies; a thorough knowledge of the general law, state laws, established precedents and sources of legal reference; skill in drafting of legislative, legal instruments and opinions; skill in the preparation and presentation of court cases; ability to analyze and organize facts, evidence and precedents, and present material logically and effectively in oral or written form; ability to apply legal principles and specialized knowledge to individual cases and problems; ability to establish and maintain an effective working relationship with court officials, city employees and the general public.

(c) He or she must be a member of the state bar association and admitted by the supreme court of the state to practice law in the state.

(Code 1971, § 2-111; Code 1987, § 2-227)

State law reference—Admission to state bar by supreme court, R.R.S. § 7-102.

Sec. 2-334. Duties generally.

The duties of the full-time city attorney shall be to:

(1) Be the legal adviser of the mayor, the city council and city officers;

(2) Commence, prosecute and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the city, the board of public works, Midwest Area Refuse Solutions (MARS), and any other entity owned or controlled by the city or board of public works, or that may be ordered by the council;

(3) Attend all meetings of the council and, upon request, shall attend the meetings of the board of public works, and give them his or her opinion upon any matter submitted to him, either orally or in writing, as may be required;

(4) Be the legal adviser to the board of public works, the planning commission and all other departments within the city;

(5) Prosecute all complaints filed in the county court for any violation of this Code or other city ordinances;

(6) Represent the interest of the city and prosecute the appeals of violations of this Code or city ordinances in appellate courts;

(7) Draft or review for legal correctness all ordinances, contracts, franchises, resolutions and other instruments of which the city or the board of public works is a party;

(8) Represent the city and the board of public works before all state courts of record and administrative boards and tribunals.

(Code 1971, § 2-115; Code 1987, § 2-229)

Sec. 2-335. Defense of police officers.

It shall be the duty of the city attorney to defend all suits brought against all police officers who have been sued for damages for an act done while in the performance of their duties as such officer.

(Code 1971, § 2-116; Code 1987, § 2-230)

Sec. 2-336. Dockets of civil cases to be kept.

The city attorney shall preserve in his or her office a docket of all civil cases in which the city is interested in any state courts of record, and shall enter therein from time to time abstracts of all proceedings in such cases, which docket shall belong to the city and be subject to inspection by the mayor, the board of public works, or any member of the council at all times.
(Code 1971, § 2-117; Code 1987, § 2-231)

Secs. 2-337—2-362. Reserved.

DIVISION 6. CITY ENGINEER*

Sec. 2-363. Office created.

There is hereby created the office of full-time city engineer for the city.
(Code 1971, § 2-123; Code 1987, § 2-246)

Sec. 2-364. Duties generally.

The city engineer shall make all surveys, estimates and calculations necessary to be made for the establishment of grades, building of culverts, sewers, electric light system, waterworks, public heating system, bridges, curbing and guttering and the improvement of streets, and erection and repair of public buildings, and shall perform such other duties as the mayor or council may require.
(Code 1971, § 2-124; Code 1987, § 2-247)

Sec. 2-365. Maps, plats, etc.

The city engineer shall accurately make and print such drafts, profiles, maps, plats and sections as may be necessary in the prosecution of any public work which shall be public records and belong to the city and be turned over to his or her successor.
(Code 1971, § 2-126; Code 1987, § 2-249)

Secs. 2-366—2-388. Reserved.

DIVISION 7. CHIEF OF POLICE†

Sec. 2-389. Duties generally.

The chief of police shall perform such duties and exercise such powers as may be conferred or imposed upon him or her by general law, ordinance, resolution or order, and also such administrative duties as the mayor may direct him or her to do. The police department director is hereby vested with all powers and duties of the chief of police.
(Code 1971, § 2-135; Code 1987, § 2-267; Ord. No. 23-36, § 1, 12-4-2023)

***State law reference—**City engineer generally, R.R.S. §§ 16-308, 16-320 et seq.

†State law reference—Chief of police, powers and duties, R.R.S. § 16-323.

Secs. 2-390—2-406. Reserved.

DIVISION 8. PUBLIC PROPERTIES DIRECTOR*

Sec. 2-407. Office created.

There is hereby created the office of public properties director for the city.
(Code 1971, § 2-140; Code 1987, § 2-281)

Sec. 2-408. Removal.

The public properties director may be removed from office by the mayor by and with the consent of a majority of all the members of the city council.
(Code 1971, § 2-142; Code 1987, § 2-283)

Sec. 2-409. Duties generally.

Under the direction and supervision of the mayor and city council, the public properties director shall have charge of all parks belonging to the city and all recreational activities supported financially by the city and shall establish rules for management, care, supervision and use of such parks. It shall be the duty of the director to lay out, improve, beautify and design all grounds, bodies of water and buildings owned or required for the public parks and recreational facilities; employ such persons as may be necessary for the proper direction, care, maintenance, improvement and beautification thereof; and for program planning and leadership of recreational activities, to the extent that funds may be provided for such purposes. The director shall also have such other duties as may be provided by the mayor and city council consistent with the laws of the state, the provisions of this Code and city ordinances, rules and regulations.
(Code 1971, § 2-143; Code 1987, § 2-284)

Secs. 2-410—2-431. Reserved.

DIVISION 9. COMMUNITY DEVELOPMENT DIRECTOR

Sec. 2-432. Office created.

There is hereby created the office of community development director for the city.
(Code 1987, § 2-296; Ord. No. 85-42, § 2, 1-6-1986)

Sec. 2-433. Duties generally.

The community development director shall serve as the director of the community development department, which department shall conduct all building, mechanical, plumbing, and electrical inspections and issue appropriate permits, and shall perform such other duties as the mayor or council may require.
(Code 1987, § 2-298; Ord. No. 85-42, § 4, 1-6-1986; Ord. No. 19-014, § 1, 4-15-2019)

***State law references—**Municipal parks, R.R.S. § 16-695 et seq.; recreation areas, R.R.S. § 13-1001 et seq.

Sec. 2-434. Removal.

The community development director may be removed from office by the mayor by and with the consent of a majority of all the members of the council.
(Code 1987, § 2-299)

Secs. 2-435—2-461. Reserved.

DIVISION 10. FINANCE DIRECTOR

Sec. 2-462. Office created.

There is hereby created the office of finance director for the city.
(Code 1987, § 2-319; Ord. No. 15-006, § 1, 4-6-2015)

Sec. 2-463. Term.

The finance director shall serve for a term as set forth by a resolution of the mayor and city council.
(Code 1987, § 2-320; Ord. No. 15-006, § 2, 4-6-2015)

Sec. 2-464. Duties generally.

The finance director shall perform all duties and exercise all powers devolved upon the finance director by ordinance or general law and shall perform in addition thereto all functions, powers and duties which may be conferred upon him or her as such by laws, ordinances or resolutions. Further duties of the finance director shall be to:

(1) Hold the office of deputy treasurer;

(2) Direct planning, implantation, and maintenance of accounting and investment system;

(3) Receive and distribute all city and board of public works funds;

(4) Assist in planning and development of capital improvements and long-term debt financing programs;

(5) Direct the preparation of annual budget for review and adoption;

(6) Project revenue and expenditure estimates;

(7) Prepare bond issues and offerings; and

(8) Undertake all other duties and assignments as prescribed by the mayor, city council, city administrator, or contained in the formal job description.

(Code 1987, § 2-321; Ord. No. 15-006, § 2, 4-6-2015)

Secs. 2-465—2-486. Reserved.

DIVISION 11. LIBRARY DIRECTOR

Sec. 2-487. Office created.

There is hereby created the office of library director for the city.
(Code 1987, § 2-325; Ord. No. 20-016, § 1, 6-1-2020)

Sec. 2-488. Library director to report to city administrator.

The library director shall report to the city administrator.
(Code 1987, § 2-326; Ord. No. 20-016, § 2, 6-1-2020)

Sec. 2-489. Library budget and expenditures.

The library director, after consultation with the Beatrice Library Advisory Board, shall make recommendation to the city administrator as to the library's receipts and expenditures to be made part of the city's budget to be approved by the mayor and city council.
(Code 1987, § 2-327; Ord. No. 20-016, § 3, 6-1-2020)

Secs. 2-490—2-521. Reserved.

DIVISION 12. SANITATION SUPERINTENDENT

Sec. 2-522. Office created.

There is hereby created the office of sanitation superintendent for the city.
(Code 1987, § 2-328; Ord. No. 21-33, §§ 1—3, 7-6-2021)

Sec. 2-523. Term.

The sanitation superintendent shall serve for a term as set forth by resolution of the mayor and city council.
(Code 1987, § 2-329; Ord. No. 21-33, §§ 1—3, 7-6-2021)

Sec. 2-524. Duties.

The sanitation superintendent shall supervise the collection and disposal of garbage within the city and for rural customers, and shall perform such other duties as the mayor or city council may require.
(Code 1987, § 2-330; Ord. No. 21-33, §§ 1—3, 7-6-2021)

Secs. 2-525—2-541. Reserved.

DIVISION 13. AIRPORT MANAGER

Sec. 2-542. Appointment, term and approval.

The airport manager shall be appointed by the mayor and with the consent of the city council and shall be subject to removal by the mayor with the consent of a majority of the city council. The airport manager shall report to the city administrator.
(Code 1987, § 6-17; Ord. No. 22-37, §§ 1—4, 10-17-2022)

Sec. 2-543. Airport budget and expenditures.

The airport manager, after consultation with the Beatrice Airport Advisory Board, shall make recommendation to the city administrator as to the airport's receipts and expenditures to be made part of the city's budget to be approved by the mayor and city council.
(Code 1987, § 6-18; Ord. No. 22-37, §§ 1—4, 10-17-2022)

Secs. 2-544—2-567. Reserved.

DIVISION 14. RETIREMENT AND PENSIONS*

Sec. 2-555. Pension system for general employees.

The mayor and city council may by ordinance or resolution establish a pension plan designed and intended for the benefit of the regularly employed or appointed full-time employees of the city, provided this section shall not apply to firefighters or police officers who are included under the provisions of a pension system established pursuant to state law.
(Code 1971, § 11-41; Code 1987, § 2-311)

Sec. 2-556. Police officer's retirement committee.

There is hereby created a police officer's retirement committee.
(Code 1971, § 11-42; Code 1987, § 2-313)

Sec. 2-557. Firefighters' retirement committee.

There is hereby created a firefighters' retirement committee.
(Code 1971, § 11-45; Code 1987, § 2-316)

Secs. 2-458—2-467. Reserved.

***State law reference—**Municipal pension plans, R.R.S. § 19-3501.

ARTICLE VII. ECONOMIC DEVELOPMENT PROGRAM

Sec. 2-568. Adoption.

The mayor and city council shall adopt an economic development program for the city as authorized by the Local Option Municipal Economic Development Act, R.R.S. § 18-2701 et seq.
(Code 1987, § 2-350; Ord. No. 92-61, § 2, 11-16-1992)

Sec. 2-569. Citizen advisory review committee—Created.

There is hereby created in and for the city a citizen advisory review committee as authorized by the Local Option Municipal Economic Development Act, R.R.S. § 18-2701 et seq.
(Code 1987, § 2-351; Ord. No. 92-61, § 3, 11-16-1992)

Sec. 2-570. Citizen advisory review committee—Composition.

The citizen advisory review committee shall be composed of five (5) members.
(Code 1987, § 2-352; Ord. No. 92-61, § 4, 11-16-1992)

Sec. 2-571. Citizen advisory review committee—Terms.

The members of the citizen advisory review committee shall serve for five (5) year terms.
(Code 1987, § 2-354; Ord. No. 92-61, § 6, 11-16-1992)

Sec. 2-572. Citizen advisory review committee—Officers.

The citizen advisory review committee shall elect its chair from its members and shall create and fill such other offices as it may determine. The term of the chair shall be one (1) year, with eligibility for reelection.
(Code 1987, § 2-355; Ord. No. 92-61, § 7, 11-16-1992)

Sec. 2-573. Citizen advisory review committee—Meetings.

The citizens advisory review committee shall hold regular meetings in April and October of each year to review the functioning and progress of the economic development program of the city and to advise the city council with regard to the program. Special meetings of the citizens advisory review committee shall be held whenever called by the mayor or the chair of the committee.
(Code 1987, § 2-356; Ord. No. 92-61, § 8, 11-16-1992; Ord. No. 16-003, § 1, 2-1-2016)

Sec. 2-574. Administration.

The mayor shall be responsible for the administration of the economic development program of the city, shall be an ex officio nonvoting member of the committee, and shall be responsible for assisting the committee and providing it with necessary information and advice on the economic development program.
(Code 1987, § 2-358; Ord. No. 92-61, § 10, 11-16-1992)

Sec. 2-575. Disclosure of confidential information.

(a) All trade secrets, academic and scientific research work which is in progress and unpublished or other proprietary or commercial information of a qualifying business participating in the economic development program of the city, which, if released, would give advantage to business competitors and serve no public purpose, shall be confidential. The members of the citizen advisory review committee are authorized to have access to such confidential information. The mayor and city council shall designate by resolution other persons who are authorized to have access to such confidential business information.

(b) Any person who knowingly releases such confidential information other than to persons who are authorized to have access to such information in accordance with the provisions of this section shall be guilty of a misdemeanor and upon conviction or being found guilty, shall be subject to a maximum imprisonment of three (3) months in the county jail or a fine of five hundred dollars ($500.00), or both.
(Code 1987, § 2-359; Ord. No. 92-61, § 11, 11-16-1992)

Secs. 2-576—2-598. Reserved.

ARTICLE VIII. COMMUNITY REDEVELOPMENT AUTHORITY

Sec. 2-599. Creation.

There is hereby created the community redevelopment authority of the city.
(Code 1987, § 2-360; Ord. No. 97-43, § 2, 5-19-1997)

Sec. 2-600. Membership.

The community redevelopment authority shall be comprised of five (5) members, who shall each be a resident of the city.
(Code 1987, § 2-361; Ord. No. 97-43, § 3, 5-19-1997)

Sec. 2-601. Rules; records.

The authority shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be made available for public inspection during regular business hours.
(Code 1987, § 2-362; Ord. No. 97-43, § 4, 5-19-1997; Ord. No. 21-9, § 1, 3-1-2021)

Sec. 2-602. Director.

The authority shall select an ex officio secretary of the community redevelopment authority. The director and ex officio secretary of the community redevelopment authority shall perform such duties as may be assigned by the authority, including the necessary administrative functions prescribed in the Community Development Law, R.R.S. § 18-2101 et seq.
(Code 1987, § 2-363; Ord. No. 97-43, § 5, 5-19-1997)

Secs. 2-603—2-622. Reserved.

ARTICLE IX. BEATRICE PLUS

Sec. 2-623. Creation.

There is hereby established a billing contribution program for the purpose of facilitating contributions by the city board of public works customers to fund community projects to be known as "Beatrice Plus." The Beatrice Plus program shall be a contribution program where city board of public works customers' bills are rounded to the nearest dollar and the additional money goes to Beatrice Plus. All customers existing on August 1, 2014, or customers who sign up for service thereafter, shall be enrolled in the Beatrice Plus program and shall be eligible to opt out or back in at any time.
(Code 1987, § 2-370; Ord. No. 13-026, § 1, 6-17-2013; Ord. No. 14-008, § 1, 4-7-2014)

Sec. 2-624. Advisory board—Creation.

There is hereby established a Beatrice Plus Advisory Board. The Beatrice Plus Advisory Board shall review applications submitted for funding from Beatrice Plus and shall make a recommendation to the mayor and city council regarding the applications. The mayor and city council shall approve all expenditures of Beatrice Plus funds.
(Code 1987, § 2-371; Ord. No. 13-026, § 2, 6-17-2013)

Sec. 2-625. Advisory board—Composition and membership.

The Beatrice Plus Advisory Board shall be comprised of seven (7) members. The membership of the Beatrice Plus Advisory Board shall consist of one (1) member of the city council, one (1) member of the Beatrice Board of Public Works, one (1) citizen who resides in the first ward of the city, one (1) citizen who resides in the second ward of the city, one (1) citizen who resides in the third ward of the city, one (1) citizen who resides in the fourth ward of the city, and one (1) at-large member who shall reside in the city.
(Code 1987, § 2-372; Ord. No. 13-026, § 3, 6-17-2013)

Sec. 2-626. Advisory board—Appointment.

The members of the Beatrice Plus Advisory Board shall be appointed by the mayor with the approval of the city council. Members of the Beatrice Plus Advisory Board serve at the will of the mayor.
(Code 1987, § 2-373; Ord. No. 13-026, § 3, 6-17-2013)

Sec. 2-627. Advisory board—Officers and quorum.

The Beatrice Plus Advisory Board shall select a chair from its members and may create and fill such other offices as the advisory board determine are necessary. A total of four (4) members of the Beatrice Plus Advisory Board shall constitute a quorum for the transaction of business.
(Code 1987, § 2-374; Ord. No. 13-026, § 4, 6-17-2013)

Sec. 2-628. Advisory board—Meetings.

The Beatrice Plus Advisory Board shall meet quarterly to review applications submitted for funding from Beatrice Plus.
(Code 1987, § 2-375; Ord. No. 13-026, § 5, 6-17-2013)

Secs. 2-629—2-659. Reserved.

ARTICLE X. PURCHASING

Sec. 2-660. Definitions.

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

Acceptable bid means a bid received by the city which is less than one hundred fifty percent (150%) of the estimated amount and which meets all specifications in the bid letting documents.

Lowest responsible bidder. All purchases, leases, or contracts which by law are required to be based on competitive bids shall be made to the lowest responsible bidder, taking into consideration the best interests of the city, the quality or performance of the personal property proposed to be supplied, its conformity with specifications, the purposes for which required, and the times of delivery. In determining the lowest responsible bidder, in addition to price, the following elements shall be given consideration:

(1) The ability, capacity, and skill of the bidder to perform the contract required;

(2) The character, integrity, reputation, judgment, experience, and efficiency of the bidder;

(3) Whether the bidder can perform the contract within the time specified;

(4) The quality of performance of previous contracts;

(5) The previous and existing compliance by the bidder with laws relating to the contract;

(6) The life-cycle costs of the personal property in relation to the purchase price and specific use of the item;

(7) The performance of the personal property, taking into consideration any commonly accepted tests and standards of product usability and user requirements;

(8) Energy efficiency ratio as stated by the bidder for alternative choices of appliances or equipment;

(9) The information furnished by each bidder concerning life-cycle costs between alternatives for all classes of equipment, evidence of expected life, repair and maintenance costs, and energy consumption on a per-year basis;

(10) Such other information as may be secured having a bearing on the decision to award the contract; and

(11) Any prior determination by the city council that a bidder has been declared an irresponsible bidder pursuant to section 2-669.

Public bid means the purchase of goods or services requiring a public bidding. Such purchase shall require:

(1) Formal bid documents and the publication and public notice of bid letting;

(2) A deadline for the receipt of sealed bids;

(3) The opening of sealed bids at a designated time and place, open to the public, with minutes of the proceeding taken and kept on file with all bid and contract documents;

(4) Awarding of the contract to the lowest acceptable bid received by the lowest responsible bidder; and

(5) Such other requirements as may be necessary for the purchase or project.

Quote means for the purchase of goods or services via a quote. Such purchase shall require:

(1) A department head, superintendent, or authorized employee shall request, from three (3) separate vendors or contractors, written quotes for price;

(2) The written quotes may be sent via mail, facsimile, or e-mail;

(3) Such quotes shall be retained on file;

(4) The lowest quote received that meets the specifications shall be awarded;

(5) The timeframe to receive a quote shall be determined by the department head, superintendent, or authorized employee, and shall be communicated to all vendors or contractors contacted;

(6) A majority of the vendors or contractors contacted shall be local to the city or county area, when practical; and

(7) Such other requirements as may be necessary for the purchase or project.

(Code 1987, § 2-380; Ord. No. 15-007, § 1, 4-6-2015)

Sec. 2-661. Purchase of equipment, materials, parts, or supplies.

Any purchase of equipment, materials, parts, or supplies estimated to be:

(1) Greater than thirty thousand dollars ($30,000.00) shall be purchased via public bid;

(2) Less than thirty thousand dollars ($30,000.00), but greater than two thousand five hundred dollars ($2,500.00) shall be purchased via a quote; or

(3) Less than two thousand five hundred dollars ($2,500.00) shall not require a quote or public bid.

(Code 1987, § 2-381; Ord. No. 15-007, § 2, 4-6-2015)

Sec. 2-662. Contracted capital construction projects.

Any capital construction project estimated to be:

(1) Greater than thirty thousand dollars ($30,000.00) and requiring the use of contracted labor, shall be purchased via public bid.

(2) Less than thirty thousand dollars ($30,000.00), but greater than two thousand five hundred dollars ($2,500.00) and requiring the use of contracted labor, shall be purchased via a quote.

(3) Less than two thousand five hundred dollars ($2,500.00) and requiring the use of contracted labor shall not require a quote or public bid.

(Code 1987, § 2-382; Ord. No. 15-007, § 3, 4-6-2015)

Sec. 2-663. Professional services.

Professional services, including, but not limited to, the hiring of attorneys, architects, engineers, surveyors, accountants, auditors, real estate appraisers, insurance, demolition services, information technology services, and other professionals may be solicited through an informal process a request for proposal, or request for qualifications as the discretion of the city administrator or general manager of the board of public works. Such professional services shall be awarded on the basis of, but not limited to, the vendor's ability to perform the work, the experience of the assigned professional as well as that of the firm, the quoted fee, and the proposed timeframe for completion.

(Code 1987, § 2-383; Ord. No. 15-007, § 4, 4-6-2015)

Sec. 2-664. Exceptions.

The following purchases shall not require a quote or public bid:

(1) Purchases made in cooperation with a state, county, or other political subdivision made in a competitive bidding process or purchasing pool, or pursuant to the city's membership in a purchasing pool association or organization;

(2) Purchases made in response to emergency needs of the city, occasioned by natural disasters, national emergencies, and any other emergency situation wherein such purchases are made to protect persons or property of the city or residents of the city. The approval of emergency purchases shall only require the approval of the city administrator or general manager of the board of public works;

(3) Purchases of sole source items or unique items or equipment which are produced or manufactured in limited quantity or on special order by a very limited or small number of manufacturers; or

(4) Purchases of computer software or meters if the department has established a type or brand of software or meters that they prefer to use.

(Code 1987, § 2-384; Ord. No. 15-007, § 5, 4-6-2015; Ord. No. 16-032, § 1, 7-5-2016)

Sec. 2-665. Local preference.

In case of tied low quotes or bids, all other things being equal, preference shall be given in the following order:

(1) To those bidders who manufacture their products within the limits of the city;

(2) To those bidders who manufacture their products within the limits of the county;

(3) To those bidders who package, process, or through some other substantial operation have employees and facilities for these purposes in the city;

(4) To those bidders who package, process, or through some other substantial operation have employees and facilities for these purposes in the county;

(5) To those bidders who maintain a bona fide business office in the city, but whose products may be made outside the confines of the county;

(6) To those bidders who maintain a bona fide business office in the county, but whose products may be made outside of the confines of the county;

(7) To those bidders whose commodities are manufactured, mined, produced, or grown within the state, and to all firms, corporations, or individuals doing business as state firms, corporations, or individuals when quality is equal or better and the delivered price is the same or less than the other bids received;

(8) To those bidders whose commodities are manufactured, mined, produced, or grown within the United States of America, and to all firms, corporations, or individuals doing business as firms registered in states other than Nebraska, when quality is equal or better and the delivered price is the same or less than the other bids received.

(Code 1987, § 2-385; Ord. No. 15-007, § 6, 4-6-2015)

Sec. 2-666. Failure to secure acceptable bid.

If all bids received by the city are in excess of one hundred fifty percent (150%) of the engineer's estimate, department head's estimate, or the budgeted amount, then such bids may be deemed unacceptable and the city council may request that such item or project be rebid.

(Code 1987, § 2-386; Ord. No. 15-007, § 7, 4-6-2015)

Sec. 2-667. Contracts with public officials or public employees.

(a) Except as otherwise provided by law, no public official or public employee, a member of that individual's immediate family, or business with which the individual is associated shall enter into a contract valued at two thousand dollars ($2,000.00) or more, in any one (1) year, with a government body, unless the contract is awarded through an open and public process. An open and public process includes prior public notice and subsequent availability for public inspection during the regular office hours of the contracting government body of the proposals considered and the contract awarded. No contract may be divided for the purpose of evading the requirements of this section.

(b) The definitions of language in this section shall have the same meaning as those defined in the Nebraska Political Accountability and Disclosure Act, R.R.S. § 49-1401 et seq.
(Code 1987, § 2-387; Ord. No. 15-007, § 8, 4-6-2015)

Sec. 2-668. Federal and state funded projects.

Purchases for projects funded with federal or state funds shall be acquired according to the procurement and purchasing requirements of the funding agency. If no formal procurement or purchasing requirements are stated, then the requirements of this article shall apply.
(Code 1987, § 2-388; Ord. No. 15-007, § 9, 4-6-2015)

Sec. 2-669. Irresponsible bidder.

(a) The city council shall have the authority to declare a vendor or contractor an irresponsible bidder and to disqualify them from receiving any business from the city or the city board of public works, or any other entity owned or operated by the city, for a stated period of time, if said vendor:

(1) Has defaulted on previous bids, quotes, contracts, or projects;

(2) Has previous unresolved performance issues with the city;

(3) Is involved in collusion with other bidders;

(4) Has failed to timely complete previous projects or contracts with the city; or

(5) Has delinquent debts or bills with the following, including, but not limited to:

a. The city;

b. The board of public works;

c. Midwest Area Refuse Service (MARS); or

d. Any other entity owned or operated by the city.

For purposes of this section, the term "delinquent" means thirty (30) calendar days past due.

(b) Such declaration shall be considered at a regularly scheduled meeting of the city council.

(c) Any such designation shall require a majority vote of the elected members of the city council. The decision of the city council shall be final.
(Code 1987, § 2-389; Ord. No. 15-007, § 10, 4-6-2015; Ord. No. 23-33, § 1, 11-20-2023)

Chapter 3

ADVERTISING*

Article I. In General

Sec. 3-1. Advertisements on utility poles.
Sec. 3-2. Advertisements on walks and pavement.
Sec. 3-3. Defacing, destroying rightfully posted advertisements.
Sec. 3-4. Distribution of handbills.
Secs. 3-5—3-26. Reserved.

Article II. Billboards

Sec. 3-27. Barred from streets, avenues, alleys.
Sec. 3-28. Obstructing streets.
Sec. 3-29. Obstructing view.
Sec. 3-30. Permit required.
Sec. 3-31. Supervision of construction.

***State law references—**Municipal regulation of signs, R.R.S. § 16-210; unauthorized signs and advertising devices, R.R.S. § 60-6,126 et seq.; advertising signs along highways, R.R.S. § 39-201.01 et seq.; acquisition of land by state, removal of outdoor advertising signs, R.R.S. § 39-1320.01.

ARTICLE I. IN GENERAL

Sec. 3-1. Advertisements on utility poles.

It is hereby declared unlawful for any person to place upon or against any telegraph, telephone or electric light pole or electric light standard within the city any advertisement of any character or description.
(Code 1971, § 3-1; Code 1987, § 3-1)

Sec. 3-2. Advertisements on walks and pavement.

It is hereby declared unlawful for any person to paint, print or post or in any manner place upon any sidewalk, crossing or crosswalk or other way or passage for the use of pedestrians or upon pavement in any street or alley in the city any placard, sign, advertisement, display bill, letter or kindred matter of any kind or description, except by and with the consent of the council.
(Code 1971, § 3-2; Code 1987, § 3-2)

Sec. 3-3. Defacing, destroying rightfully posted advertisements.

It shall be unlawful for any person to wrongfully and maliciously tear down, deface or cover up any posted advertisement or bill of any person when the same is rightfully posted and put up, and during the time such sign or advertisement shall be of value.
(Code 1971, § 3-3; Code 1987, § 3-3)

Sec. 3-4. Distribution of handbills.

It is hereby declared unlawful for any person to throw, cast or put into, drop or leave in any street, alley, lane, public park or in any automobile, carriage, truck or wagon any printed, poster or other advertising or printed matter, of any kind or description except in a manner that will prevent them from being blown about or scattered by the elements.
(Code 1971, § 3-4; Code 1987, § 3-4; Ord. No. 86-42, § 9, 10-6-1986)

Secs. 3-5—3-26. Reserved.

ARTICLE II. BILLBOARDS*

Sec. 3-27. Barred from streets, avenues, alleys.

It shall be unlawful for any person to construct or maintain any billboard, signboard, and similar structures of any nature, kind or size in or upon any of the streets, avenues or alleys of the city unless authorized by the mayor and city council.
(Code 1971, § 3-15; Code 1987, § 3-16)

***State law references—**Municipal regulation of structures over crosswalks, sidewalks, etc., R.R.S. § 16-207; power of city to prohibit obstructions in streets, R.R.S. § 16-227.

Sec. 3-28. Obstructing streets.

It shall be unlawful for any person to erect any billboard upon private property along any street, avenue or alley within the city in such manner as to prevent the free use of all of the streets, avenues or alleys adjacent thereto, or along which billboards are erected.
(Code 1971, § 3-16; Code 1987, § 3-17)

Sec. 3-29. Obstructing view.

It shall be unlawful for any person to erect any billboard along any street, avenue or alley within the city so as to obstruct the view of or from any residence in the city.
(Code 1971, § 3-17; Code 1987, § 3-18)

Sec. 3-30. Permit required.

It shall be unlawful for any person to erect any billboard along or next to any street, avenue or alley within the city without first obtaining a permit therefor from the board of public works.
(Code 1971, § 3-18; Code 1987, § 3-19)

State law reference—Permit to place advertising sign along or upon state highways, R.R.S. § 39-714.01 et seq.

Sec. 3-31. Supervision of construction.

All billboards built or constructed within the city shall be so built under the supervision, and subject to the approval, of the board of public works.
(Code 1971, § 3-19; Code 1987, § 3-20)

Chapter 4

ALCOHOLIC BEVERAGES*

Article I. In General

Sec. 4-1. Definitions.
Sec. 4-2. Hours of sale.
Sec. 4-3. Consumption of alcoholic liquors in public generally.
Sec. 4-4. Dispensing to certain persons prohibited.
Sec. 4-5. Misrepresentation by minor.
Secs. 4-6—4-28. Reserved.

Article II. Occupation Tax

Sec. 4-29. Enforcement.
Sec. 4-30. Levied.
Sec. 4-31. When due and payable.
Sec. 4-32. Issuance of receipt.
Sec. 4-33. Duration.
Sec. 4-34. Refund policy.
Secs. 4-35—4-56. Reserved.

Article III. Licensing

Sec. 4-57. Conduct of hearing.
Secs. 4-58—4-87. Reserved.

Article IV. Entertainment Districts

Sec. 4-88. Definitions.
Sec. 4-89. Permit; entertainment district designation.
Sec. 4-90. Licensure.
Sec. 4-91. Requirements and regulations.
Sec. 4-92. Modifications.

***State law references—**Nebraska Liquor Control Act, R.R.S. § 53-101 et seq.; local licenses, R.R.S. § 53-134.

ARTICLE I. IN GENERAL

Sec. 4-1. Definitions.

Unless the context otherwise requires, the definitions of words and phrases defined in the Nebraska Liquor Control Act (R.R.S. § 53-101 et seq.) are hereby adopted for the purposes of construing this chapter, and such words and phrases are hereby incorporated by reference the same as though copied at full length herein.
(Code 1971, § 5-1; Code 1987, § 4-1)

State law reference—Definitions relating to liquor control, R.R.S. § 53-103.

Sec. 4-2. Hours of sale.

It shall be unlawful for any person on any property licensed to sell alcoholic liquor at retail purposely or knowingly to sell or distribute alcoholic liquor, or to permit any person to do so, during the following periods of time:

(1) The sale or distribution for consumption off the premises on any day between the hours of 1:00 a.m. and 6:00 a.m.; or

(2) The sale or dispensing for consumption on the premises on any day between the hours of 2:00 a.m. and 6:00 a.m.; or

(3) On any Sunday the sale or dispensing of alcoholic liquor, including beer and wine, for consumption on the premises, shall be prohibited between the hours of 2:00 a.m. and 6:00 a.m.; or

(4) On any Sunday the sale or dispensing of alcoholic liquor, including beer and wine, for consumption off the premises, shall be prohibited between the hours of 1:00 a.m. and 6:00 a.m.; or

(5) The hours during which a holder of a special designated permit may sell or distribute alcoholic liquor, other than beer and wine, on Sunday shall be established by the city council at the time the permit application is considered.

(Code 1971, § 5-2; Code 1987, § 4-2; Ord. No. 89-32, § 1, 12-18-1989; Ord. No. 91-21, § 1, 5-20-1991; Ord. No. 12-031, § 1, 8-6-2012; Ord. No. 12-034, § 1, 8-20-2012; Ord. No. 13-058, § 1, 11-4-2013)

State law reference—Authority of city to regulate hours of sale of alcoholic liquors, R.R.S. § 53-179.

Sec. 4-3. Consumption of alcoholic liquors in public generally.

The dispensing, consumption, or use of alcoholic liquors in or on the public streets, alleys, parking areas, roads, or highways; or inside vehicles while on the public streets, alleys, parking areas, roads or highways; or on property owned by the federal government; or on property owned by the state or any governmental subdivision thereof shall be prohibited, except:

(1) For the individual or entity and their guests, renting one (1) of the following locations, pursuant to the licensing requirements of the state liquor control commission:

a. In the cabin located in the southwest corner of Chautauqua Park;

b. On the campgrounds located in Chautauqua Park and Riverside Park.

(2) For the individual or entity and their guests, renting one (1) of the following locations, with the prior approval of the city council and pursuant to the licensing requirements of the state liquor control commission:

a. The Carnegie Building;

b. The Beatrice Municipal Auditorium.

(3) For passengers of, but not drivers of, a limousine or bus service operated under Nebraska Revised Statute section 60-6,211.08.

(4) For property owned by the federal government, the state or any governmental subdivision thereof if authorized by the governing body having jurisdiction over such property.

(Code 1971, § 5-8; Code 1987, § 4-3; Ord. No. 92-66, § 1, 12-21-1992; Ord. No. 09-037, § 1, 11-16-2009; Ord. No. 13-058, § 2, 11-4-2013; Ord. No. 16-007, § 1, 2-5-2016)

State law reference—Similar provisions, R.R.S. § 53-186.

Sec. 4-4. Dispensing to certain persons prohibited.

No person shall sell, give away, dispose of, exchange or deliver or permit the sale, gift or procuring of any alcoholic liquors, to or for any minor, to any person who is mentally incompetent, or any person who is physically or mentally incapacitated by the consumption of such liquors.

(Code 1971, § 5-10; Code 1987, § 4-5)

State law reference—Similar provisions, R.R.S. § 53-180.

Sec. 4-5. Misrepresentation by minor.

No minor shall obtain or attempt to obtain alcoholic liquor by misrepresentation of age, or by any other method, in any tavern or other place where alcoholic liquor is sold.

(Code 1971, § 5-11; Code 1987, § 4-6)

State law reference—Similar provisions, R.R.S. § 53-180.01.

Secs. 4-6—4-28. Reserved.

ARTICLE II. OCCUPATION TAX

Sec. 4-29. Enforcement.

Collection of the occupation tax levied by this article shall be enforced as provided in chapter 24, article II, division I for the collection of other occupation taxes.

(Code 1971, § 5-23; Code 1987, § 4-21)

Sec. 4-30. Levied.

(a) There is hereby levied and assessed upon the following businesses conducted in the city an annual occupation tax as follows:

(1) Class A—Retailer of beer only, for consumption on the premises: two hundred dollars ($200.00).

(2) Class B—Beer only, for consumption off the premises: two hundred dollars ($200.00).

(3) Class C—Alcoholic liquor, consumption on and off the premises: six hundred dollars ($600.00).

(4) Class D—Alcoholic liquor, consumption off the premises: four hundred dollars ($400.00).

(5) Class I—Alcoholic liquor, consumption on the premises: five hundred dollars ($500.00).

(6) Distributor of beer (wholesale): one thousand dollars ($1,000.00).

(7) Distributor of liquor (wholesale): one thousand five hundred dollars ($1,500.00).

(8) Class K—Catering license: two hundred dollars ($200.00).

(9) Class L—Craft brewery (brew pub): five hundred dollars ($500.00).

(10) Entertainment district license: three hundred dollars ($300.00).

(11) Special designated permit (per day) by unlicensed caterer: ten dollars ($10.00).

(b) License fees and occupation taxes will be prorated on a quarterly basis when an existing licensed business is purchased and a new license of the same class is issued and when a new license is issued for a location that has not previously been licensed.
(Code 1971, § 5-24; Code 1987, § 4-22; Ord. No. 86-27, § 1, 6-30-1986; Ord. No. 86-46, § 1, 10-6-1986; Ord. No. 89-9, § 1, 5-15-1989; Ord. No. 90-26, § 1, 5-21-1990; Ord. No. 91-39, § 1, 9-3-1991; Ord. No. 05-05, § 1, 4-4-2005; Ord. No. 13-054, § 1, 10-21-2013; Ord. No. 19-007, § 1, 2-4-2019; Ord. No. 19-021, § 1, 6-17-2019; Ord. No. 19-027, § 1, 7-15-2019)

Sec. 4-31. When due and payable.

The occupation tax levied by this article shall be paid to the city treasurer for the benefit of the city immediately after the issuance of a license under the state liquor control act for any such business.
(Code 1971, § 5-26; Code 1987, § 4-23)

Sec. 4-32. Issuance of receipt.

When the tax levied by this article is paid, the city treasurer shall issue his or her receipt therefor, which shall set forth the date of the payment, the name of the person for whom paid, the location of the business for which the tax is paid, and the business classification for which paid.
(Code 1971, § 5-27; Code 1987, § 4-24)

Sec. 4-33. Duration.

The year for which the occupation tax is levied by this article shall commence on May 1 and shall end on April 30 next succeeding, provided no reduction in occupation tax shall be made regardless of the time when the application for license is made or the license is issued.
(Code 1971, § 5-28; Code 1987, § 4-25)

Sec. 4-34. Refund policy.

The occupation tax levied by this article, or any portion thereof, shall not be refunded for any cause.
(Code 1971, § 5-29; Code 1987, § 4-26)

Secs. 4-35—4-56. Reserved.

ARTICLE III. LICENSING

Sec. 4-57. Conduct of hearing.

(a) *Notice.* Notice of hearing held pursuant to R.R.S. § 53-134 shall be given to the applicant by the city clerk and shall contain the date, time and location of the hearing. Two (2) or more proceedings which are legally or factually related may be heard and considered together unless any party thereto makes a showing sufficient to satisfy the city council that prejudice would result therefrom.

(b) *Procedure.*

(1) Hearings will be informal and conducted by the mayor. The intent is an inquiry into the facts, not an adversary action. Each witness may present his or her testimony in narrative fashion or by question and answer.

(2) The city council or the applicant may order a transcript, at the expense of the applicants.

(3) The council and its representatives shall not be bound by the strict rules of evidence and shall have full authority to control the procedures of the hearing, including the admission or exclusion of testimony or other evidence. The council may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent individuals. The mayor may limit testimony where it appears incompetent, irrelevant or unduly repetitious. If there is opposition to any application and such opposition desires the opportunity to present arguments and to cross examine the applicant and any witnesses in favor of such application, they shall choose a spokesperson to perform such function who shall notify the mayor of his/her representation prior to the start of the hearing.

(4) The order of the proceeding is as follows:

a. Exhibits will be marked in advance by the clerk and presented to the mayor during the presentation;

b. Presentation of evidence, witnesses and arguments by applicant;

c. Testimony of any other citizens in favor of such proposed license;

d. Examination of applicant, witnesses or citizens by city attorney, city administrator, city council or duly appointed agent;

e. Cross examination of applicant, witnesses or citizens by spokesperson for opposition, if any;

f. Presentation of evidence and witnesses by opposition;

g. Testimony of any other citizens in opposition to such proposed license;

h. Presentation of evidence of city and law enforcement personnel;

i. Cross examination by applicant;

j. Rebuttal evidence by both parties, and by city administration and agent;

k. Summation by applicant and opposition spokesperson, if any.

(5) In all cases, the burden of proof and persuasion shall be on the party filing the application.

(6) Any member of the council and the city attorney may question any witness, call witnesses or request information.

(7) All witnesses shall be sworn.

(8) The council may make further inquiry and investigation following the hearing.

(Code 1987, § 4-43; Ord. No. 86-21, § 1, 6-2-1986)

Secs. 4-58—4-87. Reserved.

ARTICLE IV. ENTERTAINMENT DISTRICTS

Sec. 4-88. Definitions.

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

Entertainment district means an area of real property designated and permitted by city council pursuant to this article whereby the state liquor control commission may issue annual entertainment district licenses to allow retail licensees, craft brewery licensees, microdistillery licensees, and holders of a manufacturer's license to share in the use of one (1) or more common areas.

(Code 1987, § 4-50; Ord. No. 19-021, § 2, 6-17-2019)

Sec. 4-89. Permit; entertainment district designation.

(a) An entertainment district permit application shall be completed by the owner of the real property seeking an entertainment district designation. Such entertainment district permit application shall be approved by the mayor, city administrator, chief of police, and community development director before being presented to the city council.

(b) Upon presentation of an entertainment district permit application to the city council, a public hearing shall be held. If approved by a majority vote, the city council shall designate the real property described on the permit as an entertainment district and file such designation with the state liquor control commission. Each permit shall be valid for a period of two (2) years from its date of approval.

(c) The owner of any permitted entertainment district may apply for permit renewal no earlier than six (6) months and no later than sixty (60) calendar days from the expiration date listed on the permit. Any renewal application received outside of this time period will be treated as a new application. Each permit renewal application shall be accompanied by a detailed summary of any and all complaints received since the issuance of the permit seeking to be renewed. Should an entertainment district permit be allowed to expire, the city council must revoke the entertainment district designation and file such with the state liquor control commission. The filing fee for each permit application and renewal shall be established by resolution adopted by the city council.
(Code 1987, § 4-51; Ord. No. 19-021, § 2, 6-17-2019)

Sec. 4-90. Licensure.

Following the approval of an entertainment district permit by the city council and the designation of an area of real property as an entertainment district, any retail licensees, craft brewery licensees, microdistillery licensees, and holders of a manufacturer's license located within the entertainment district may apply to the state liquor control commission for an entertainment district license. Such license shall be in addition to the underlying liquor license already possessed by such applicant and shall be issued for the same period and may be renewed in the same manner as the underlying license. The annual occupation tax levied and assessed by the city upon all businesses possessing an entertainment district license shall be contained in article II of this chapter.
(Code 1987, § 4-52; Ord. No. 19-021, § 2, 6-17-2019)

Sec. 4-91. Requirements and regulations.

Any entertainment district designated by the city council must meet all requirements and follow all regulations for such as outlined in R.R.S. ch. 53. The city retains the right to regulate, not inconsistent with the Nebraska Liquor Control Act, any area designated as an entertainment district and to cancel an entertainment district license for cause. In the event that the city council wishes to revoke an entertainment district designation, such revocation shall be filed with the state liquor control commission.
(Code 1987, § 4-53; Ord. No. 19-021, § 2, 6-17-2019)

Sec. 4-92. Modifications.

Any proposed change to the dimensions or location of the defined commons area as listed in an approved entertainment district permit shall be submitted to the city council for approval before being undertaken. The city council shall provide an approval, approval with conditions, or a denial within thirty (30) business days of receiving such request for an addition, modification, or demolition.
(Code 1987, § 4-54; Ord. No. 19-021, § 2, 6-17-2019)

Chapter 5

ANIMALS AND FOWL*

Article I. In General

Sec. 5-1. Definitions.
Sec. 5-2. Interference with enforcement.
Sec. 5-3. False information.
Sec. 5-4. Horses prohibited on private and public property; exceptions thereto.
Sec. 5-5. Horses and horse-drawn vehicles.
Sec. 5-6. Keeping of large animals prohibited.
Sec. 5-7. Unusual animals prohibited.
Sec. 5-8. Beekeeping.
Sec. 5-9. Cruelty to animals.
Sec. 5-10. Cruelty; exemptions.
Sec. 5-11. Animal neglect.
Sec. 5-12. Animals running at large.
Sec. 5-13. Dead animals; duty to remove.
Sec. 5-14. Sanitary regulations.
Sec. 5-15. Animal waste.
Sec. 5-16. Storage of hides.
Sec. 5-17. Animal control officer; powers and duties.
Sec. 5-18. Contracting for animal control services.
Sec. 5-19. Right of entry; powers.
Sec. 5-20. Animals; capture impossible.
Sec. 5-21. Stockyards.
Sec. 5-22. Limitation on number of dogs or cats.
Sec. 5-23. Animals; public nuisances; excretion; disturbing the peace.
Sec. 5-24. Noisy animals, fowl.
Sec. 5-25. Issuance of citations.
Sec. 5-26. Animal control violation; citation.
Sec. 5-27. Animal; liability of owner.
Sec. 5-28. Requests for destruction; fee.
Sec. 5-29. Interference with capture of animals.
Sec. 5-30. Penalty, general.
Secs. 5-31—5-48. Reserved.

Article II. Dogs

Sec. 5-49. Dogs running at large.
Sec. 5-50. Mistreatment of police dogs.
Sec. 5-51. Nuisance dogs.
Sec. 5-52. Vaccination against rabies required; vaccination tag.
Sec. 5-53. Poisoning or injuring dogs.
Sec. 5-54. Barking, howling, or yelping dogs.
Sec. 5-55. Duty of owner in case of dog bite or injury to another person.
Sec. 5-56. Exceptions to limits.

***State law references—**Animals in city generally, R.R.S. § 16-206; livestock, R.R.S. ch. 54.

Secs. 5-57—5-85. Reserved.

Article III. Dangerous Animals

Sec. 5-86. Dangerous and potentially dangerous animals—Prohibited.
Sec. 5-87. Dangerous and potentially dangerous animals—Procedure.
Sec. 5-88. Dangerous and potentially dangerous animals—Registration requirements.
Sec. 5-89. Warning signs.
Sec. 5-90. Confiscation of dangerous animals.
Sec. 5-91. Bites unlawful.
Sec. 5-92. Limit on number of dangerous animals.
Sec. 5-93. Confinement.
Sec. 5-94. Leashing.
Sec. 5-95. Proof of insurance.
Sec. 5-96. Reckless owner.
Sec. 5-97. Dangerous or potentially dangerous animals; spaying or neutering; microchip identification and license required.
Sec. 5-98. Judicially excluded animals.
Sec. 5-99. Penalty.
Secs. 5-100—5-126. Reserved.

Article IV. Cats

Sec. 5-127. Vaccination against rabies required; vaccination tag.
Sec. 5-128. Nuisance cats.
Sec. 5-129. Cats running at large.
Sec. 5-130. Poisoning or injuring cats.
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Article V. Licenses

Sec. 5-159. Required; dog and cats.
Sec. 5-160. Rabies shot prerequisite.
Sec. 5-161. Tag.
Sec. 5-162. Period for which valid.
Sec. 5-163. Fee.
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Sec. 5-165. Tag.
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Secs. 5-168—5-187. Reserved.

Article VI. Impoundment

Sec. 5-188. Reasons for impoundment.
Sec. 5-189. Animal shelter.
Sec. 5-190. Notice of owner of dog or cat impounded.
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Sec. 5-192. Shelter fee; release from shelter.
Sec. 5-193. Shelter records and reports; registration of persons delivering animals to shelter.

Sec. 5-194. Voluntary impoundment by owner.
Sec. 5-195. Failure to surrender animal.

ARTICLE I. IN GENERAL

Sec. 5-1. Definitions.

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

Adequate shelter means a physical structure available for use by an animal so that when factors related to the age, size, physical condition, medical condition, species, and breed disposition are considered, the animal's well-being is not endangered by weather or environmental conditions.

Animal means any vertebrate member of the animal kingdom, excluding man.

Animal control officer means any person authorized by law, employed, appointed or contracted with for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals. Additionally, all law enforcement officers of the city shall have all of the authority which is hereby conferred upon animal control officers, and any authority conferred in this chapter upon any animal control officer shall be deemed to also be conferred upon every law enforcement officer of the city.

Animal shelter means a facility that is used to house or contain animals and is owned, operated, or maintained by the city or contracted with the city for the purpose of providing temporary kenneling of animals.

Boarding means caring for, feeding, watering, or sheltering an animal belonging to another by any person or business for pay, trade, barter, commission, or remuneration of any sort.

Dangerous animal.

(1) The term "dangerous animal" means any animal that:

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

   b. Has killed a domestic animal without provocation while the animal was off the owner's property; or

   c. Has been previously determined to be a potentially dangerous animal according to this chapter and such animal subsequently and aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(2) Under subsections (1)a and c of this definition, the animal shall not be considered a dangerous animal if the conduct of the animal in question is directed at a person:

   a. Who, at the time, was committing a willful trespass or any other tort upon the property of the owner of the animal;

   b. Who, at the time, was tormenting, abusing, or assaulting the animal;

   c. Who has, in the past, been observed or reported to have tormented, abused, or assaulted the animal; or

d. Who, at the time, was committing or attempting to commit a crime against the person, against public peace, or relating to property.

Dwelling means any building or portion thereof which is designed and used for residential purposes. An attached or detached garage shall be deemed to be part of the dwelling.

Exotic animal means any animal that is native to a foreign country or of foreign origin or character, is not native to the United States. The term "exotic animal" specifically includes animals such as, but not limited to, elephants, camels, antelope, anteaters, kangaroo and water buffalo.

Fowl means chickens, ducks, geese, turkeys, pigeons, pheasants, quail, partridge, guineas, or other domesticated or wild birds.

Hybrid means any animal which is:

(1) The product of the breeding of a domesticated animal with a non-domesticated animal, including, but not limited to, wolf/dog hybrids; or

(2) The product of the breeding of a non-domesticated animal with an animal of a different species, variety, or breed.

Large animal means cattle, horses, mules, sheep, goats, llamas, or any other domesticated animal which is normally and historically kept and raised on farms in the United States and used or intended for use as food, fiber, or farm work weighing more than twenty (20) pounds, except fowl.

Muzzling means that the jaws of an animal are confined by a device that prevents it from biting.

Owner means any person owning, keeping or harboring one (1) or more animals or has licensed the animal under his or her name. Except for any person participating in the trap, vaccinate, neuter, and release program operated by the Beatrice Humane Society, within the corporate limits of the city, an animal shall be considered harbored if it is fed or sheltered for three (3) consecutive days or more.

Person means any individual, firm, corporation, association, or partnership.

Pit bull means any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, Dogo Argentino, Presa Canario, Cane Corso, American Bulldog, or any dog displaying the majority of physical traits of any one (1) or more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.

Potentially dangerous animal means:

(1) Any animal that, when unprovoked:

a. Inflicts a wound on a human or injures a domestic animal either on public or private property; or

b. Chases or approaches a person upon streets, sidewalks, or any public grounds in an outward appearance of aggressive or dangerous behavior; or

(2) Any animal with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

Premises includes any enclosure, building, lot, yard, or portion thereof, facilities and appurtenances thereto, grounds, area, or place used or held out for use to own, keep, or harbor animals.

Run at large includes any animal that is not under the actual control of its owner. An animal shall not be considered under the actual control of its owner unless on a leash, cord, or chain which is securely fastened or picketed in a manner sufficient to keep the animal on the premises where picketed, or on a leash, cord, or chain of six (6) feet or less in length physically held by the owner or confined within a receptacle, enclosed vehicle, fenced enclosure or shelter or within the real property limits of the owner and in the owner's presence and under direct and effective voice control.

Severe injury means any physical injury to a person that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery, or one (1) or more broken bones, or that creates a potential danger to the life or health of the victim.

Unusual animal means any exotic, wild, venomous, or potentially dangerous animal not normally considered domesticated and shall include animals prohibited by the city or the state, or federal requirements, and also:

(1) Class Mammalia; order carnivora, family Felidae (such as lions, tigers, jaguars, leopards, and cougars) and hybrids of the same except commonly accepted domesticated cats; family Canidae (such as wolves, coyotes, and fox) and hybrids of the same except domesticated dogs; family Mustelidae (such as weasels, martins, fishers, skunks, wolverines, mink, and badgers) except ferrets; family Procyonidae (such as raccoon); family Ursidae (such as bears); order primata (such as monkeys and chimpanzees); and order chiroptera (such as bats).

(2) Class reptilia:

   a. All poisonous or venomous snakes, lizards, amphibians and other reptiles and shall include, but not be limited to, cobras and their allies (Elapidae, hydrophidae); vipers and their allies (Crotalidae, Viperidae); boonslang and Kirtland's tree snake (clonophis); and gila monster (helodermatidae);

   b. Order loricata (such as alligators, caymans, and crocodiles);

   c. Green anaconda (*Eunectes murinus*), Indian python (*molurus molurus*), reticulated python (*python reticulatus*), and African rock python (*python sebae*).

Wild animal means any animal within the boundaries of the United States which is now or historically has been found in the wild, or is in the wild state wherein it is living in its original, natural condition and is not domesticated.

Wound means any injury to a person not included within the definition of severe injury.

(Code 1987, § 5-1; Ord. No. 86-6, § 1, 3-17-1986; Ord. No. 11-007, § 1, 4-8-2011; Ord. No. 20-041, § 1, 11-16-2020; Ord. No. 21-54, § 1, 12-6-2021; Ord. No. 23-30, § 1, 11-6-2023)

State law reference—Definitions relating to livestock, R.R.S. § 54-101.

Sec. 5-2. Interference with enforcement.

It shall be unlawful for any person to knowingly and intentionally interfere with the chief of police or other police officer in the lawful discharge of his or her duties as prescribed by this chapter.
(Code 1987, § 5-2; Ord. No. 86-6, § 2, 3-17-1986)

State law reference—Obstructing a peace officer, penalty, R.R.S. § 28-906.

Sec. 5-3. False information.

It shall be unlawful for the owner of any animal to make a false or misleading statement or representation, to any law enforcement officer, animal control officer, or designee regarding the ownership, control, or licensing of an animal, or regarding the ownership of an animal claimed from, surrendered to, or impounded.
(Code 1971, § 7-1; Code 1987, § 5-3; Ord. No. 86-6, § 3, 3-17-1986; Ord. No. 93-29, § 1, 5-3-1993; Ord. No. 98-59, § 1, 11-16-1998; Ord. No. 99-71, § 1, 11-1-1999; Ord. No. 11-007, § 2, 4-8-2011)

Sec. 5-4. Horses prohibited on private and public property; exceptions thereto.

It shall be unlawful for any person who owns or is in charge of a horse to allow the horse to go upon any city park or public property other than the improved portion of the public streets and alleys within the city without a permit or consent from the city council for such accepted usage. It shall be unlawful for any person who owns or is in charge of a horse to allow the horse to go upon private property within the city without the consent of the owner or occupant of said private property.
(Code 1987, § 5-4; Ord. No. 86-6, § 4, 3-17-1986; Ord. No. 11-007, § 3, 4-8-2011)

Sec. 5-5. Horses and horse-drawn vehicles.

It shall be unlawful for any person to cause, permit, or allow the use of any sidewalk by any horse or by any horse-drawn vehicle, except for crossing the same between the street and the abutting lot or between the street and an alley.
(Code 1987, § 16-40; Ord. No. 91-48, § 1, 12-2-1991)

Sec. 5-6. Keeping of large animals prohibited.

(a) No person shall, within the corporate limits of the city, keep or harbor large animals.

(b) Upon the annexation of lands into the city where large animals are kept, the person keeping said animals shall be allowed thirty (30) months from the date of annexation to remove said animals, or to otherwise bring their property into compliance with this chapter. During such time, the person granted said extension shall not:

(1) Expand or enlarge the premises within which the animals are kept; or

(2) Increase the number or alter the types of animals that are being kept on the premises as of the effective date of the annexation ordinance.

(c) The owner of any real estate annexed into the city after May 1, 2011, and at the time of annexation large animals were kept on said real estate, may request a permit authorizing the keeping of large animals within the corporate limits on said real estate. Said permit shall be issued by the city council by a three-fourths (¾) majority vote. The following criteria shall be considered when issuing such permits:

(1) The applicant shall comply with all city, state, and federal statutes, rules, regulations, and ordinances regarding the animal in question.

(2) The applicant shall provide proof that there are no objections from property owners or residents living within two hundred (200) feet in all directions from the property lines of the applicant.

(3) The applicant shall provide a description of the type and size of enclosure for confinement of the animal and the same must be suitable for the type of animal.

(4) The applicant, after issuance of the permit, shall continue to comply with all city, state, and federal statutes, rules, regulations, and ordinances or the permit can be revoked by the city.

(5) The applicant shall provide a certificate from a licensed veterinarian verifying that the animal has no health problems that could adversely affect the health, safety, and welfare of the citizens of the city.

(6) The applicant shall apply for a new permit if they desire to increase the number of animals kept, change the type of animal kept on the property, or enlarge the area for keeping said animals.

(d) If any real estate for which a permit to keep large animals upon is being requested has not had any large animals upon said real estate for a period of at least twelve (12) consecutive months, then said permit shall not be issued.

(e) Any large animals within the corporate limits of the city as of March 1, 2011, shall be considered a nonconforming use and may continue but the number of animals shall not be enlarged nor shall the type of animals be changed. Any nonconforming use that remains unused for a continuous period of one (1) year shall be deemed an abandonment of the nonconforming use and any subsequent use must conform to all applicable ordinances and regulations. Any nonconforming use shall run with the land.
(Code 1971, § 7-2; Code 1987, § 5-5; Ord. No. 86-6, § 5, 3-17-1986; Ord. No. 11-007, § 4, 4-8-2011)

Sec. 5-7. Unusual animals prohibited.

(a) It shall be unlawful for any person to own, keep, or harbor any unusual animal within the corporate limits of the city. This section shall not apply to:

(1) A public zoo, circus, or carnival that maintains all legally required permits under applicable state or federal law, including applicable rules and regulations of the state game and parks commission and federal wildlife agencies;

(2) Primary, secondary, and post-secondary educational institutions using said unusual animal for research and teaching;

(3) An animal shelter kenneling or boarding impounded unusual animals for the city;

(4) Any wildlife rescue organizations with appropriate permits from the state game and parks commission that rehabilitate or shelter unusual animals; or

(5) The temporary storage or display of animals adjacent to and for use in connection with any veterinary clinic, livestock sale yard, circus, rodeo, parade, county fair, or by the city.

(b) It shall be unlawful for any person to sell, give away, transfer, or import into the city any unusual animals as defined in section 5-1.

(c) In the event that the chief of police, the animal control officer or designee determines an unusual animal is being owned, kept, or harbored by any person in violation of this chapter, the chief of police, the animal control officer, or designee may have such person prosecuted for such violation and shall order such person to remove said unusual animal from the city or destroy it. Such order shall be contained in a written notice to remove or destroy said unusual animal within ten (10) calendar days and shall be delivered in person or by certified mail, return receipt requested. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the city or by conspicuously posting notice on the premises where the animal is kept or harbored. If the owner fails to remove or destroy such unusual animal after the expiration of ten (10) calendar days from receipt of notice, the chief of police, the animal control officer or designee is hereby authorized and empowered to enter private property in order to impound the unusual animal in violation of this chapter.

(d) Authority to remove and impound. If the chief of police, the animal control officer or designee reasonably believes that a violation of this section exists, the chief of police, the animal control officer or designee is hereby authorized and empowered to enter private property in order to inspect, care for, or impound unusual animals in violation of this chapter.

(e) Owner's cost. Any person violating this section shall bear the full cost and expenses incurred by the city in the recovery, care, medical treatment, impoundment cost, and disposal of said animals, including removal from a motor vehicle or trailer.

(f) Whenever an unusual animal has been seized, the release or disposition of the unusual animal shall be within the sound discretion of the chief of police, the animal control officer or designee. The chief of police, the animal control officer or designee may order that the unusual animal be destroyed in a humane fashion, and any such impoundment or disposal costs incurred by the city shall be payable by the owner.

(g) Any resident of the city may request a permit authorizing the keeping of an unusual animal within the corporate limits. Said permit shall be issued by the city council by a three-fourths (¾) majority vote. The city council shall hold a public hearing before voting upon the issuance of said permit. The property where the unusual animal will be kept shall be posted providing notice of the permit request and the date of the public hearing before the city council for at least seven (7) calendar days prior to the hearing. The following criteria shall be considered when issuing such permits:

(1) The applicant shall comply with all city, state, and federal statutes, rules, regulations, and ordinances regarding the animal in question.

(2) Comments from other residents of the city.

(3) The applicant shall provide a description of the type and size of enclosure for confinement of the animal and the same must be suitable for the type of animal.

(4) The applicant, after issuance of the permit, shall continue to comply with all city, state, and federal statutes, rules, regulations, and ordinances or the permit can be revoked by the city.

(5) The applicant shall provide a certificate from a licensed veterinarian verifying that the animal has no health problems that could adversely affect the health, safety, and welfare of the citizens of the city.

(6) Inspection of the premises, conducted by the city, to ensure that the premises is a clean and healthy environment.

(7) Any other information that the city council deems relevant.

A permit application fee shall be established by resolution adopted by the city council. Said permit shall be valid from January 1 to December 31 of the year the permit is issued. Said permit may be revoked if the owner fails to comply with the provisions of this chapter.

(h) Any person who owned, kept, or harbored an unusual animal within the corporate limits of the city prior to March 1, 2011, may retain said unusual animal within the corporate limits of the city if the person can provide proof that they owned, kept, or harbored said unusual animal within the corporate limits of the city prior to March 1, 2011, and they obtain a permit for said unusual animal prior to November 1, 2011. Any permit issued under this subsection shall terminate once the unusual animal for which the permit was issued is no longer owned, kept, harbored, or maintained at the address on the permit, said unusual animal dies, or said unusual animal does not have a current permit in accordance with the provisions set forth in this chapter.

(i) Any unusual animal permitted under subsection (h) of this section shall be kept at least fifty (50) feet away from any residence, except the residence of the owner of the unusual animal, when said unusual animal is housed outside.

(j) Any permit issued under subsection (h) of this section shall be considered a nonconforming use and may continue but the number of unusual animals shall not be enlarged nor shall the type of unusual animals be changed. Any nonconforming use that remains unused for a continuous period of one (1) year shall be deemed an abandonment of the nonconforming use and any subsequent use must conform to all applicable ordinances and regulations. Any nonconforming use shall not run with the land.

(k) Any permit issued under this section shall be valid from January 1 to December 31 of the year the permit is issued. A permit application fee shall be established by resolution adopted by the city council. Any permit issued under this section shall not require a public hearing or city council approval. Said permit may be revoked if the owner fails to comply with the provisions of this chapter. (Code 1987, § 5-7; Ord. No. 86-6, § 7, 3-17-1986; Ord. No. 11-007, § 6, 4-8-2011; Ord. No. 11-013, § 1, 6-6-2011; Ord. No. 11-017, § 1, 10-17-2011; Ord. No. 13-054, § 2, 10-21-2013)

Sec. 5-8. Beekeeping.

(a) *Location of hives.* No person shall establish or maintain any hive or box where bees are kept, or keep any bees on the premises within fifty (50) feet of any dwelling (except the dwelling of the owner of such bees), or within fifteen (15) feet of any lot line, sidewalk, alley, or other public way.

(b) *Minimum area required.* No person shall establish or maintain any hive or box where bees are kept on any parcel of real estate in excess of one (1) hive or box per one thousand five hundred (1,500) square feet.

(c) *Standards for management.* Any person keeping bees shall:

(1) Minimize swarming of bees;

(2) Provide an adequate source of water located on the premises;

(3) Provide an adequate number of hives or boxes;

(4) Maintain and manage such boxes or hives so as not to create a nuisance.

(Code 1971, § 7-4; Code 1987, §§ 5-8—5-10; Ord. No. 86-6, § 8, 3-17-1986; Ord. No. 11-007, §§ 7-9, 4-8-2011)

Sec. 5-9. Cruelty to animals.

Cruelty to animals shall be prohibited within the city limits.

(1) Physical abuse. It shall be unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise cruelly set upon any animal.

(2) Physically mistreat. It shall be unlawful for any person to knowingly, intentionally, or recklessly cause or allow any animal to endure unreasonable or unjustifiable pain, suffering, or injury.

(3) It shall be unlawful for any person to use any live animal, including fish and fowl, as or for a target or in any cruel or unusual manner.

(Code 1987, § 5-14; Ord. No. 11-007, § 14, 4-18-2011)

Sec. 5-10. Cruelty; exemptions.

Section 5-9 shall not apply in the following circumstances, except that no animal shall be killed in an inhumane fashion or tortured in any event:

(1) Care or treatment of an animal or other conduct by a veterinarian or veterinary technician licensed under the Veterinary Medicine and Surgery Practice Act that occurs within the scope of his or her employment, that occurs while acting in his or her professional capacity, or that conforms to commonly accepted veterinary practices;

(2) Commonly accepted care or treatment of a police animal by a law enforcement officer in the normal course of his or her duties;

(3) Research activity carried on by any research facility currently meeting the standards of the federal Animal Welfare Act, 7 USC 2131 et seq., as such act existed on January 1, 2010;

(4) Commonly accepted practices of hunting, fishing, or trapping;

(5) Humane killing of an animal by the owner or by his or her agent or a veterinarian upon the owner's request;

(6) Use of reasonable force against an animal, other than a police animal, which is working, including killing, capture, or restraint, if the animal is outside the owned or rented property of its owner or custodian and is injuring or posing an immediate threat to any person or other animal;

(7) Killing of house or garden pests; and

(8) Commonly accepted animal training practices.

(Code 1987, § 5-15; Ord. No. 11-007, § 14, 4-18-2011)

Sec. 5-11. Animal neglect.

(a) Care and maintenance. It shall be unlawful for any person owning, keeping or harboring any animal to fail, refuse, or neglect to provide such animal with adequate food, water, shade, shelter, living environment, or veterinary care as may be necessary for diseased or injured animals. Any animal habitually kept outside or repeatedly left unattended outside shall be provided with a structurally sound, moisture-proof and windproof shelter large enough to accommodate and keep the animal reasonably clean, dry, and comfortable. The term "adequate food, water, shade, shelter, living environment and care" means:

(1) That each animal shall at suitable intervals, and at least once every twenty-four (24) hours receive a quantity of wholesome foodstuff suitable for the species' physical condition and age, sufficient to maintain an adequate level of nutrition for the animal;

(2) That each animal shall at all times have access to an adequate supply of clean, fresh potable water for the species' physical condition and age, and such water shall be provided either free-flowing or in a receptacle. Snow or ice is not an acceptable water source. If water pans or dishes are used, such pans or dishes shall have weighted bottoms or be mounted or secured in a manner that prevents tipping;

(3) That each animal shall have convenient access to adequate shelter throughout the year. Any artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and shall be of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, does not comply with this section. The shelter and any other spaces accessible to the animal and all bedding for the animal shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured or becoming infested with parasites;

(4) That each animal shall receive care and medical treatment for debilitating injuries, parasites, and disease, sufficient to maintain the animal in good health and to minimize suffering;

(5) That any animal being confined in any sort of shelter or restrained in any way shall be provided space to walk and lie down in and said space shall have adequate drainage such that the animal shall be free to walk and lie down without coming into contact with standing water;

(6) That if any animal is restrained by a chain, leash, wire cable or similar restraint, such restraint shall be designed and placed to prevent choking or strangulation or entanglement with other objects. Any tethering device must be attached to a properly fitting collar or harness. Choke chain collars, prong or pinch collars, or any collar devised for training so that it chokes or pinches the animal when pulled is prohibited for the purposes of tethering an animal. The tethering device must be at least ten (10) feet in length but shall not allow the animal to leave the property on which it is tethered. No animal shall be tethered for more than eight (8) hours during any twenty-four (24) hour period. Each animal shall be separately tethered. The tether shall terminate at each end with a swivel, weigh no more than one-eighth ( ) of the animal's weight, be free of tangles, prevent strangulation or injury and prevent the animal from being within fifteen (15) feet from the edge of any public street or sidewalk.

(7) That if any animal is kept in an enclosure, the enclosure shall be constructed in a manner and of material designed to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition. When a dog is confined outside a residence, the following minimum space requirements shall be used:

Size of Dog	*Enclosure Size (sq. ft.)*
Extra large (over 26 in. at withers or over 75 lbs.)	48
Large (over 20 in. and up to 26 in. at withers and not over 75 lbs.)	40
Medium (over 12 in. and up to 20 in. at withers and not over 50 lbs.)	32
Small (12 in. or less at the withers and not over 20 lbs.)	24

An additional sixteen (16) square feet shall be required for each dog sharing a pen with another.

(b) Leaving animals in an unattended vehicle. It shall be unlawful for any person to place or confine an animal, or allow an animal to be confined, in a motor vehicle or trailer in such a manner or under such conditions or for such periods of time as to endanger the health or well-being of the animal, including, but not limited to, extremes of heat or cold, lack of food or water, or any other circumstances which may cause suffering, disability, injury, or death.

(c) Abandonment of animals. It shall be unlawful for any person to abandon any animal within the city. Abandonment shall mean leaving an animal for a period of time in excess of twenty-four (24) hours without appropriate provisions having been made for the feedings, watering, and care of such animal, or leaving an animal unattended with the intent to discontinue care and maintenance of the animal.

(d) Authority to remove and impound. If the chief of police, the animal control officer or designee reasonably believes that a violation of this section exists, the chief of police, the animal control officer or designee is hereby authorized and empowered to enter private property in order to inspect, care for, or impound animals which show signs of animal neglect or abuse.

(e) Owner's cost. Any person violating this section shall bear the full cost and expenses incurred by the city or representative in the recovery, care, medical treatment, impoundment cost, and disposal of said animals, including removal from a motor vehicle or trailer.

(f) Whenever an animal has been seized, the release or disposition of the animal shall be within the sound discretion of the chief of police, the animal control officer, or designee. The chief of police, the animal control officer, or designee may order that the animal be destroyed in a humane fashion, and any such impoundment or disposal costs incurred by the city or representative shall be the responsibility of the owner of the animal.

(g) Any person convicted of violating this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in a sum of not more than five hundred dollars ($500.00), recoverable with costs, except that each person so convicted shall be fined in a sum of not less than one hundred dollars ($100.00) for the first offense; not less than one hundred fifty dollars ($150.00) for a second offense; and not less than two hundred dollars ($200.00) for the third offense and each offense thereafter.
(Code 1987, § 5-16; Ord. No. 11-007, § 15, 4-18-2011)

Sec. 5-12. Animals running at large.

It shall be unlawful for the owner or keeper of any animal to permit the same to run at large within the city at any time.
(Code 1987, § 5-17; Ord. No. 11-007, § 16, 4-18-2011)

Sec. 5-13. Dead animals; duty to remove.

(a) Except as permitted by subsection (c) of this section, if any animal shall die in the possession of any person in the city, it shall be the duty of the owner of such animal to cause the same to be at once removed to a site approved by the chief of police, the animal control officer or designee and buried or otherwise disposed of. In case the owner or person having charge of any such animal shall neglect or refuse to remove such dead animal within twenty-four (24) hours after its death, then the chief of police, the animal control officer or designee shall cause the same to be removed at the expense of such owner or person having charge of the same, such expenditure to be recovered in a civil action.

(b) It shall be unlawful for any person to deposit or bury on any of the streets or alleys or other places within the corporate limits of the city, or cause to be buried, any carcass of any dead animal of any kind, and it shall be unlawful for the owner or person having possession of any animal that shall die to allow the carcass of any such animal to remain within the corporate limits of the city for more than twenty-four (24) hours after the death of said animal except under the direction of the chief of police, the animal control officer or designee. In no event shall diseased dead animals or fowl be used for food for other animals or be buried above the course of groundwater that is used for drinking purposes by the inhabitants of the city.

(c) Nothing in this section shall prevent burial of any animal on the residential premises of the owner of such animal if such animal weighs less than twenty-five (25) pounds and such animal is a household pet and is permitted within the city. Any such animal shall be buried within twenty-four (24) hours after its death, and all parts of any such animal shall be covered by at least two (2) feet of fine soil.
(Code 1987, § 5-18; Ord. No. 11-007, § 17, 4-18-2011)

Sec. 5-14. Sanitary regulations.

The owner of any animal shall keep all pens, cages, sheds, yard, shelter structures, or any other area or enclosure for the confinement of animals, wherein such animals are kept in a clean and sanitary condition so as not to give off offensive odors which are a source of discomfort to persons residing in the vicinity thereof. The owner of any animal shall not allow offal, manure, and waste material of such animal to accumulate or remain in the pens, cages, sheds, yard, shelter areas, or any other area or enclosure, upon which such animal resides or is confined in any manner which is conducive to the breeding or attraction of flies, mosquitoes, or other noxious insects or in any manner which endangers the public health or safety or which creates an unhealthy environment. The maintenance or permitting of any of the foregoing conditions on any such lot or parcel of ground is hereby declared to be a public nuisance. The owner of any animal shall in a sanitary manner remove or dispose of all offal, manure, and waste material accumulating from such animal at least once every five (5) calendar days.
(Code 1987, § 5-19; Ord. No. 11-007, § 18, 4-18-2011)

Sec. 5-15. Animal waste.

(a) It shall be unlawful for the owner of any animal to allow the animal to urinate or defecate off of the property of the owner, or on any public property, unless the animal owner immediately collects and removes the animal waste from the property. It shall be unlawful for any person to dispose of any animal waste by dumping or abandoning said waste on property located within the city limits. The owner of any animal that damages property by urinating or defecating on said property shall be liable for the damage resulting therefrom. The provisions of this section shall not apply to law enforcement officers while using the animal to perform law enforcement functions or rescue activity.

(b) It shall be unlawful for any person having custody or control of any animal to place, deposit, discard, or dispose of feces or manure on public property or private property of another unless placed in approved garbage or refuse containers on public property or with the consent of the owner of the private property.
(Code 1987, § 5-20; Ord. No. 11-007, § 19, 4-18-2011)

Sec. 5-16. Storage of hides.

No salted or green hides shall be stored in any warehouse or other building or other place within the city so that odors arising from said hides shall annoy or disturb the occupants of the premises in the vicinity thereof; and the maintaining of such hides in such condition shall of itself constitute a public nuisance.
(Code 1987, § 5-21; Ord. No. 11-007, § 20, 4-18-2011)

Sec. 5-17. Animal control officer; powers and duties.

It shall be the duty of the animal control officer to enforce the provisions of this chapter and any other ordinance pertaining to the control of animals. The animal control officer shall inform the chief of police, immediately upon receipt of an animal suspected of having rabies and shall not release any such animal without permission from the chief of police.
(Code 1987, § 5-22; Ord. No. 11-007, § 21, 4-18-2011)

Sec. 5-18. Contracting for animal control services.

The mayor and city council, in lieu of utilizing city employees, may contract with any humane society, business, or individual for the performance of all or a part of the services required to carry out and enforce the provisions of this chapter.
(Code 1987, § 5-23; Ord. No. 11-007, § 22, 4-18-2011)

Sec. 5-19. Right of entry; powers.

Any law enforcement officer, animal control officer or designee who has reason to believe that an animal has been abandoned, is being cruelly neglected or cruelly mistreated, or that a nuisance exists may enter upon private property to inspect, care for, impound the animal, or abate the nuisance. No such officer shall enter upon any premises in violation of the statutory and constitutional rights of the owner or occupant thereof.
(Code 1987, § 5-24; Ord. No. 11-007, § 23, 4-18-2011)

Sec. 5-20. Animals; capture impossible.

Any law enforcement officer, animal control officer or designee shall have the authority to destroy any animal showing vicious tendencies or characteristics of rabies which make capture impossible and any animal found in the act of attacking any person, domestic animal, or livestock.
(Code 1987, § 5-25; Ord. No. 11-007, § 24, 4-18-2011)

Sec. 5-21. Stockyards.

(a) It shall be unlawful for any person to erect, keep or maintain any stockyard for the purpose of keeping or feeding meat cattle, sheep or swine therein within the city; and it shall be unlawful for any person to keep or feed, or cause to be kept or fed, or procure any other person to keep or feed, any meat cattle, sheep or swine in any such stockyard. The provisions of this section shall not, however, be construed to apply to the stockyard of any railroad company or owner that is used solely for the temporary retention and loading, not to exceed forty-eight (48) hours, of stock for shipment.

(b) A stockyard, within the meaning of this section, is defined to be a pen, shed or other enclosure in which are kept or fed ten (10) or more head of meat cattle, swine or sheep.

(c) Any livestock auction market licensed by the state department of agriculture is exempt from subsection (a) of this section.
(Code 1987, §§ 5-26, 5-27; Ord. No. 11-007, § 26, 4-18-2011)

Sec. 5-22. Limitation on number of dogs or cats.

(a) It shall be unlawful and a public nuisance for any person to own, keep, harbor, maintain or allow to be kept, harbored, or maintained more than five (5) dogs, cats or any combination of such animals at any residence, dwelling or premises.

(b) No person shall own, keep, harbor, or maintain in, about, or upon any residence, dwelling, or premises, more than five (5) dogs, cats or any combination at any one time; provided, however, the offspring of any dog or cat shall not count toward the maximum number of dogs or cats allowed, for a period of four (4) months after the birth of said offspring. It is the intention of this section to limit the number of dogs, cats or any combination to five (5) per residence, dwelling or premises.

(c) Any person who owns, keeps, harbors, or maintains more than five (5) dogs, cats or any combination of such animals at their residence, dwelling, or premises shall be grandfathered and may retain the additional dogs or cats in excess of the limit set forth in subsections (a) and (b) of this section if the person had said additional dog or cat licensed in the city prior to May 1, 2011.

(d) Any person grandfathered under subsection (c) of this section shall cease to be grandfathered for the additional dog or cat once said additional dog or cat no longer are owned, kept, harbored, or maintained at said residence, dwelling, or premises, said additional dog or cat dies, or said additional dog or cat is not licensed in accordance with the provisions set forth in this chapter. Any person grandfathered under subsection (c) of this section shall not increase the number of dogs or cats that said person is grandfathered for at said residence, dwelling, or premises, except for the offspring of any dog or cat so grandfathered at said residence, dwelling, or premises shall not count toward the maximum number of dogs or cats for a period of four (4) months after the birth of said offspring. As an example, if a person was grandfathered to have a combination of seven (7) dogs and cats and one (1) of the animals died, then that person would be grandfathered to have a combination of six (6) dogs and cats.

(e) Any person desiring to keep or harbor more than five (5) dogs, cats or any combination of such animals at their residence, dwelling or premises may apply for a permit for each additional the dog or cat they wish to keep or harbor at their residence, dwelling or premises. Said permit fee shall be established by resolution adopted by the city council and shall be valid from January 1 to December 31 of the year the permit is issued. Prior to a permit being issued, the chief of police, animal control officer, or designee shall inspect the premises to ensure that the premises is a clean and healthy environment, capable of supporting the additional dogs or cats, and all other applicable ordinances and regulations are satisfied. Said permit shall not be available to premises with a potentially dangerous or dangerous animal and shall not be transferable. Said permit may be revoked if the owner fails to conform with the provisions of this chapter. In addition to said permit, any person desiring to keep or harbor more than five (5) dogs, cats or any combination of such animals must license said animals in accordance with the provisions set forth in this chapter.

(f) Any person convicted of violating this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in a sum of not more than five hundred dollars ($500.00), recoverable with costs, except that each person so convicted shall be fined in a sum of not

less than fifty dollars ($50.00) for the first offense; not less than one hundred dollars ($100.00) for a second offense; and not less than two hundred dollars ($200.00) for the third offense and each offense thereafter.
(Code 1987, § 5-28; Ord. No. 11-007, § 27, 4-18-2011; Ord. No. 13-054, § 2, 10-21-2013)

Sec. 5-23. Animals; public nuisances; excretion; disturbing the peace.

(a) It shall be unlawful for any person owning, possessing, harboring or keeping any animal to do any of the following:

(1) Permit an animal, whether restrained by a leash or not, to be present at any time upon the playing surface of any baseball or softball diamond, including foul territory thereof, or upon any football or soccer field. This provision shall apply to any such diamond or field owned or maintained by the city.

(2) Permit an animal to unreasonably obstruct the use and enjoyment of property held by others in the community by allowing such animal to habitually bark, howl, yelp, bay or make other noise which by loudness or frequency causes a breach of the peace; provided, however, this section shall not apply to the animal shelter and the business premises of licensed veterinarians.

(3) Permit an animal to engage in menacing behavior, including, but not limited to, the chasing of vehicles or the molesting or frightening of passersby or neighbors.

(b) Any law enforcement officer, animal control officer or designee may abate any of the nuisances in subsection (a) of this section, either through issuance of a citation or impounding the animal.
(Code 1987, § 5-29; Ord. No. 11-007, § 28, 4-18-2011)

Sec. 5-24. Noisy animals, fowl.

The keeping of any animal or bird which by causing frequent or long-continued noise shall disturb the comfort or repose of any reasonable person of ordinary sensibilities in the vicinity shall be unlawful.
(Code 1971, § 22-8; Code 1987, § 17-163)

Sec. 5-25. Issuance of citations.

The animal control officer shall be vested with the power to issue to any person violating any of the provisions of this chapter, a complaint and citation in lieu of arrest on forms by or similar to forms approved for use in the state.
(Code 1987, § 5-30; Ord. No. 11-007, § 29, 4-18-2011)

Sec. 5-26. Animal control violation; citation.

Whenever law enforcement officers, animal control officers or designees shall observe any violation of this chapter or has probable cause to believe that a violation of this chapter has occurred, it shall be the officer's duty to issue a citation to the appropriate person.
(Code 1987, § 5-31; Ord. No. 11-007, § 30, 4-18-2011)

Sec. 5-27. Animal; liability of owner.

It shall be unlawful for any person to allow an animal 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. The owner or possessor of any such animal, 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.
(Code 1987, § 5-32; Ord. No. 11-007, § 31, 4-18-2011)

Sec. 5-28. Requests for destruction; fee.

Any person owning, keeping or harboring a dog or cat which he or she wishes euthanized may turn the same over to the chief of police, the animal control officer or designee. Such person shall pay a fee for such destruction of the dog or cat as established by the mayor and city council by resolution.
(Code 1987, § 5-33; Ord. No. 11-007, § 32, 4-18-2011)

Sec. 5-29. Interference with capture of animals.

It shall be unlawful for any person to hinder, delay, interfere with or obstruct any law enforcement officer, animal control officer, or designee while engaged in capturing, securing or taking to the animal shelter any animal subject to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter, or any vehicle used for the collecting or conveying of animals to the shelter.
(Code 1987, § 5-34; Ord. No. 11-007, § 33, 4-18-2011)

Sec. 5-30. Penalty, general.

(a) Any person upon whom a duty is placed by the provisions of this chapter who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this chapter for which a penalty is not specifically provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six (6) months or be fined in a sum not to exceed five hundred dollars ($500.00) and not less than fifty dollars ($50.00) for the first offense and not less than seventy-five dollars ($75.00) for a second offense, and not less than one hundred dollars ($100.00) for the third offense and each offense thereafter, recoverable with costs, or by both such fine and imprisonment.

(b) In addition to the penalties for all violations herein provided, the court may order such person to reimburse the city, and/or a public or private agency for expenses incurred in the care, medical treatment, impoundment, and disposal of any animal involved in or connected with the incident for which the complaint was filed.

(c) A court, upon finding a person guilty or any violation of this chapter, may, in addition to fines, imprisonment, costs, or otherwise, order such convicted person to make restitution to any person for damage or injury to such person or such person's property.

(d) Each day that a violation of this chapter continues shall be punishable as a separate offense. The penalty herein provided shall be cumulative and in addition to revocation, cancellation, or forfeiture of any license, permit, or right granted by this chapter or elsewhere.
(Code 1987, § 5-35; Ord. No. 11-007, § 34, 4-18-2011)

Secs. 5-31—5-48. Reserved.

ARTICLE II. DOGS*

Sec. 5-49. Dogs running at large.

It shall be unlawful for the owner of any dog to let such dog run at large, whether licensed or not, at any time within the city, and any dog found to be running at large may be impounded by the chief of police, the animal control officer or designee.
(Code 1971, § 7-33; Code 1987, § 5-40; Ord. No. 11-007, § 36, 4-8-2011)

Sec. 5-50. Mistreatment of police dogs.

It shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department of the city, or the sheriff, in the performance of the functions or duties of such department or office or to interfere with or meddle with any such dog while being used by such department or any officer or member.
(Code 1971, § 7-34; Code 1987, § 5-41; Ord. No. 11-007, § 37, 4-8-2011)

Sec. 5-51. Nuisance dogs.

(a) It shall be unlawful for any person owning, keeping or harboring a dog to fail to exercise proper care and control of such dog or to allow it to become a public nuisance. A public nuisance is defined as any animal that:

(1) Attacks passersby or passing vehicles;

(2) Attacks other animals while at large;

(3) Is repeatedly at large;

(4) Damages property;

(5) Barks, whines or howls in a continuous or frequent manner disturbing the comfort or repose of the residents of any residential neighborhood.

(b) Any person convicted of violating this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine in a sum of not more than five hundred dollars ($500.00), recoverable with costs, except that each person so convicted shall be fined in a sum of not

***State law reference—**Rabies, R.R.S. § 71-4401 et seq.

less than one hundred dollars ($100.00) for the first offense; not less than one hundred fifty dollars ($150.00) for a second offense; and not less than two hundred dollars ($200.00) for the third offense and each offense thereafter.
(Code 1987, § 5-42; Ord. No. 86-17, § 2, 5-19-1986; Ord. No. 11-007, § 38, 4-8-2011)

Sec. 5-52. Vaccination against rabies required; vaccination tag.

(a) Any person within the city owning a dog shall have such dog vaccinated against rabies with a licensed vaccine as approved by the state department of health. All dogs shall be vaccinated against rabies commencing at three (3) months of age and the vaccination shall be repeated at fifteen (15) months; and a booster vaccination shall be given triennially thereafter. Unvaccinated dogs acquired or moved into the city must be vaccinated within thirty (30) calendar days after purchase or arrival, unless under three (3) months of age. It shall be the duty of every veterinarian, at the time of vaccinating any dog, to provide a rabies vaccination tag to the owner. The rabies vaccination tag shall be attached to and kept upon the collar or harness of the dog.

(b) Any person convicted of violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in a sum of not more than five hundred dollars ($500.00), recoverable with costs, except that each person so convicted shall be fined in a sum of not less than fifty dollars ($50.00) for the first offense; not less than seventy-five dollars ($75.00) for a second offense; and not less than one hundred dollars ($100.00) for the third offense and each offense thereafter.
(Code 1987, § 5-43; Ord. No. 11-007, § 39, 4-18-2011)

Sec. 5-53. Poisoning or injuring dogs.

It shall be unlawful for any person to administer, or cause to be administered, poison of any sort whatsoever to any dog, or to neglect or in any manner to mistreat, injure, maim, or destroy except as elsewhere in this chapter specifically authorized, or in any manner to attempt to mistreat, injure, maim, or destroy the property of another, or to place any poison or poisoned food where the same is accessible to any dog.
(Code 1987, § 5-44; Ord. No. 88-37, § 1, 10-3-1988; Ord. No. 11-007, § 44, 4-8-2011)

Sec. 5-54. Barking, howling, or yelping dogs.

(a) 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 reasonable person of ordinary sensibilities; provided, however, this section shall not apply to the humane society or the business premises of licensed veterinarians.

(b) Any person convicted of violating this provision shall be guilty of a misdemeanor and shall be punished by a fine in a sum of not more than five hundred dollars ($500.00), recoverable with costs, except that each person so convicted shall be fined in a sum of not less than fifty dollars ($50.00) for the first offense; not less than seventy-five dollars ($75.00) for a second offense; and not less than one hundred dollars ($100.00) for the third offense and each offense thereafter.
(Code 1987, § 5-45; Ord. No. 95-17, § 2, 4-3-1995; Ord. No. 11-007, § 41, 4-8-2011)

Sec. 5-55. Duty of owner in case of dog bite or injury to another person.

It shall be unlawful for the owner of any dog involved in a bite or bodily injury to another person to fail to immediately prevent further bites or injury, and immediately furnish to the other person or persons injured, or, in case of juvenile, the parent or guardians of said juvenile, the owner's name and address and the rabies tag number or license tag number of the dog.
(Code 1987, § 5-46; Ord. No. 11-007, § 42, 4-18-2011)

Sec. 5-56. Exceptions to limits.

No person shall own, keep, harbor or maintain any dog in, about or upon premises not occupied by such owner as a residence, unless such premises is a clinic operated by a licensed veterinarian, a kennel licensed by the city, or an animal shelter.
(Code 1987, § 5-47; Ord. No. 11-007, § 43, 4-18-2011)

Secs. 5-57—5-85. Reserved.

ARTICLE III. DANGEROUS ANIMALS

Sec. 5-86. Dangerous and potentially dangerous animals—Prohibited.

It shall be unlawful for any person after being notified as provided herein to keep or harbor a dangerous or a potentially dangerous animal within the city without first having complied with the provisions of this article.
(Code 1987, § 5-60; Ord. No. 18-011, § 1, 6-4-2018)

Sec. 5-87. Dangerous and potentially dangerous animals—Procedure.

(a) A law enforcement officer or animal control officer shall initiate administrative proceedings to determine an animal to be a potentially dangerous animal or a dangerous animal if it meets the definition of potentially dangerous animal or a dangerous animal under this chapter, by service of a notice, in writing, upon such animal's owner either by certified and regular mail to the owner's last known address or by personal service. The notice shall contain:

(1) The name and address of the owner whose animal is subject to such determination;

(2) The name, description and license number of the animal who is subject to such determination;

(3) A description of the facts which form the basis of such determination;

(4) A summary of the effects of such determination, including the requirements of this article;

(5) The date of proposed entry of the determination which shall be not less than ten (10) calendar days after the date of mailing or personal service of the notice; and

(6) Notification of the availability of an appeal if the owner objects to such determination, within ten (10) calendar days of the date of mailing or personal service of the notice.

(b) An owner whose animal is determined to be a potentially dangerous animal or a dangerous animal shall be required to comply with the requirements of this article.

(c) Noncompliance with any of the sections set forth in this section shall result in the owner being declared a reckless owner pursuant to section 5-96.

(d) Owners may request an appeal of such determination prior to the date of proposed entry of the determination. Such request for appeal must be in writing. An appeal of such determination shall be heard by the chief of police, city administrator, mayor, or designee, within twenty (20) business days of the date of the filing of the notice of appeal, and shall provide an opportunity for the owner to appear and offer evidence to dispute the determination order. The filing fee for each notice of appeal shall be established by the mayor and city council by resolution. A decision to affirm or reverse such order shall be entered within ten (10) business days of the date of hearing.

(e) An owner may request termination of the determination order if there are no incidents of the type specified in the definition of potentially dangerous animal or dangerous animal for at least two (2) years following the date of the determination order. Such request for termination shall be heard by the chief of police, city administrator, mayor, or designee within twenty (20) business days of the date of the filing of the request for termination, and shall provide an opportunity for the owner to appear and offer evidence to support termination of the determination environment, health, age, training, neutering, or other relevant factor. The filing fee for each request for termination shall be established by the mayor and city council by resolution. A decision to continue or terminate such determination order shall be entered within ten (10) business days of the date of the hearing.
(Code 1987, § 5-61; Ord. No. 18-011, § 1, 6-4-2018; Ord. No. 22-17, § 1, 8-1-2022)

Sec. 5-88. Dangerous and potentially dangerous animals—Registration requirements.

(a) The owner of any dangerous or potentially dangerous animal shall register such animal with the city and upon registration shall provide the following:

(1) The name, address and telephone number of the owner;

(2) A written description and representation indicating the owner has and will continue to comply with the confinement provisions of this chapter;

(3) Written evidence from a licensed veterinarian that the animal is currently neutered or spayed and microchipped;

(4) A written acknowledgment that the owner shall notify the city immediately if said animal is known by the owner to be running at large, unconfined, or when the owner has any knowledge or belief that the animal has bitten or is alleged to have bitten a human being or another animal;

(5) A written acknowledgment that the owner of said animal shall notify the city of any changes in material recorded as a part of the registration within twenty-four (24) hours of said change. Changes in material recorded as part of the registration shall include information that the animal has been sold, given away, or otherwise transferred to any other person, and in that event the registered owner shall provide the city with the name, address, and telephone number of such person; and

(6) A non-refundable annual registration fee shall be established by the mayor and city council by resolution. Said fee shall be in addition to any other license fee required by this chapter. Said registration shall be valid from January 1 to December 31 of the year registration is filed.

(b) Upon satisfactory completion of all the requirements of this section, the city shall issue a registration certificate which shall be used to assign the animal a permanent number.

(c) The registration requirements, including the notification requirements acknowledged therein, shall be construed as affirmative duties upon the owner, failure of which shall constitute a violation of this section.

(d) It shall be unlawful for any person registering an animal to falsify or misrepresent material recorded as a part of the registration.
(Code 1987, § 5-62; Ord. No. 18-011, § 1, 6-4-2018)

Sec. 5-89. Warning signs.

The owner of a dangerous animal shall display signs warning that there is a dangerous animal on the property. These signs shall be placed so as to be readily discernible and clearly visible from the public sidewalk or property line at any actual or customary point of entry to the premises. An additional sign shall be conspicuously displayed on any pen or structure provided for such dangerous animal.
(Code 1987, § 5-63; Ord. No. 18-011, § 1, 6-4-2018)

Sec. 5-90. Confiscation of dangerous animals.

Any dangerous animal may be immediately confiscated by the chief of police, the animal control officer or designee if in violation of this chapter. Any such dangerous animal required to be registered under this chapter that is confiscated by the chief of police, the animal control officer or designee, as a result of a violation of this article shall be placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. The owner shall be responsible for the reasonable costs incurred for the care of a dangerous animal confiscated or for the destruction of any dangerous animal as authorized herein.
(Code 1987, § 5-64; Ord. No. 18-011, § 1, 6-4-2018)

Sec. 5-91. Bites unlawful.

It shall be unlawful for the owner of any animal that has already been declared to be potentially dangerous or dangerous, and is required to be registered under this chapter, to permit or allow such animal to kill, bite, chase, attack, injure, wound, endanger, run at large, or behave in any manner listed in the potentially dangerous and dangerous animal definitions in section 5-1.
(Code 1987, § 5-65; Ord. No. 18-011, § 1, 6-4-2018)

Sec. 5-92. Limit on number of dangerous animals.

In no event shall the keeping of more than one (1) dangerous animal at any single location be permitted.
(Code 1987, § 5-66; Ord. No. 18-011, § 1, 6-4-2018)

Sec. 5-93. Confinement.

No person owning or harboring or having the care of a dangerous animal or a potentially dangerous animal shall permit such animal to go unconfined on the premises of such person.

(1) A dangerous animal is considered unconfined if such animal is not:

a. Confined indoors; or

b. Confined outdoors in an enclosed and locked pen or structure upon the premises of the person described above, provided the existence of such a pen or structure is permitted by zoning regulations.

1. Such pen or structure shall be at least two (2) lengths of the dog or animal wide, four (4) lengths of the dog or other animal long, and two (2) lengths of the dog or other animal high.

2. Such pen or structure must be constructed with a fencing material having openings no larger than two (2) inches for all four (4) sides and top.

3. If the pen or structure does not have a bottom secured to the side, the sides must be imbedded in the ground no less than one (1) foot, or have a concrete pad for the bottom.

4. The pen or structure shall be set back at least ten (10) feet from the nearest property line.

5. All gates or entry points shall be lockable or of such design to prevent the entry of children or the escape of the animal.

(2) A potentially dangerous animal shall be considered confined if such animal is confined in a manner deemed appropriate above for the confinement of a dangerous animal; or if such potentially dangerous animal is:

a. Confined outdoors in a yard:

1. That is fully surrounded by a fence at least six (6) feet in height constructed of fencing material having openings no larger than two (2) inches; and

2. With all gates or entry points being lockable or of such design to prevent the entry of children or the escape of the animal; or

b. Muzzled at all times while outdoors and not confined to a pen or fence.

(3) Maintenance of a dangerous or potentially dangerous animal is not permitted in areas where such fences, structures or pens are not authorized by zoning regulations, unless such animal is muzzled.

(4) The owner of a dangerous or potentially dangerous animal shall securely restrain such animal by chain or leash as set forth in section 5-94 and muzzle, when moving the animal to or from such pen or structure.

(Code 1987, § 5-67; Ord. No. 18-011, § 1, 6-4-2018; Ord. No. 20-041, § 2, 11-16-2020)

Sec. 5-94. Leashing.

No person, owning, harboring, or having the care of a dangerous animal or a potentially dangerous animal shall permit such animal to be outdoors unless confined as required in 5-93 or unless such animal is securely leashed with a leash of a fixed length no longer than four (4) feet, muzzled, and under the control of a person eighteen (18) years of age or older.
(Code 1987, § 5-68; Ord. No. 18-011, § 1, 6-4-2018; Ord. No. 20-041, § 3, 11-16-2020)

Sec. 5-95. Proof of insurance.

Any person owning or harboring an animal within the city that has been determined to be a dangerous animal or a potentially dangerous animal must, within thirty (30) calendar days of said determination, present written proof of public liability insurance, covering any damage or injury that may be caused by said animal, of not less than one hundred thousand dollars ($100,000.00), to the city clerk. The policy shall contain a provision requiring the insurance company to provide written notice to the city not less than fifteen (15) calendar days prior to any cancellation, termination, or expiration of said policy.
(Code 1987, § 5-69; Ord. No. 18-011, § 1, 6-4-2018)

Sec. 5-96. Reckless owner.

(a) A law enforcement officer or animal control officer shall initiate administrative proceedings to declare an owner, who has been determined to have violated one (1) or more provisions of this chapter, been convicted of one (1) or more violations of this chapter, or any combination thereof, on three (3) separate occasions in a twelve (12) month period, or whose animal has been determined to be a dangerous animal or a potentially dangerous animal and who has not complied with the requirements of this chapter pertaining to dangerous animals or potentially dangerous animals a reckless owner, and to revoke all animal licenses issued to such person. Such proceedings shall be instituted by service of a notice, in writing, upon such owner either by certified and regular mail to the owner's last known address or personally. The notice shall contain:

(1) The name and address of the owner who is subject to such declaration and revocation;

(2) The names, descriptions and license numbers of any animals licensed to the owner;

(3) A description of the violations or requirements which form the basis of such declaration and revocation, including the case numbers, if any;

(4) A summary of the effects of such declaration, including revocation of all pet licenses and surrender of all animals;

(5) The date of proposed entry of the declaration and revocation order which shall be not less than ten (10) calendar days after the date of mailing or personal service of the notice; and

(6) Notification of the availability of an appeal, if the owner objects to such declaration and revocation within ten (10) calendar days of the date of mailing or personal service of the notice.

(b) Upon entry of such declaration and revocation order, unless a written request to appeal such order is filed with the city in accordance with this section, such reckless owner shall be required to surrender all animals to the city within twenty-four (24) hours. Failure to surrender such animals shall result in immediate impoundment by the city. Such surrendered or impounded animals shall immediately become the property of the city and may be disposed of by the city as the city deems appropriate.

(c) An owner who is declared a reckless owner shall be prohibited from licensing, residing with, or owning any animal in the city for a period of forty-eight (48) months from the date of entry of the declaration and revocation order.

(d) An appeal of such declaration and revocation order shall be heard by the chief of police, city administrator, and mayor and shall provide an opportunity for the owner to appear and offer evidence to dispute the declaration and revocation order within twenty (20) business days. The filing fee for each appeal shall be established by the mayor and city council by resolution. Requests for an appeal hearing that are not accompanied by the required filing fee or that are received after the expiration of the ten (10) calendar day period shall be considered invalid. A determination to affirm or reverse such order shall be entered within ten (10) calendar days of the date of the hearing.
(Code 1987, § 5-70; Ord. No. 18-011, § 1, 6-4-2018; Ord. No. 21-32, § 1, 7-6-2021)

Sec. 5-97. Dangerous or potentially dangerous animals; spaying or neutering; microchip identification and license required.

Any animal determined to be dangerous shall be spayed or neutered and implanted with microchip identification by a licensed veterinarian at the owner's expense no more than thirty (30) calendar days after such determination is entered with written proof of spaying or neutering and the microchip identification number being provided to the city within seventy-two (72) hours of the procedure being completed.
(Code 1987, § 5-71; Ord. No. 18-011, § 1, 6-4-2018)

Sec. 5-98. Judicially excluded animals.

It shall be unlawful for any person to bring any animal into the city which has, in another jurisdiction, been judicially determined to be dangerous, potentially dangerous, vicious, a nuisance, or a threat to the health or safety of human beings.
(Code 1987, § 5-72; Ord. No. 18-011, § 1, 6-4-2018)

Sec. 5-99. Penalty.

Any person who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six (6) months or be fined in a sum not to exceed five hundred dollars ($500.00) recoverable with costs, or by both such fine and imprisonment, except that each person so convicted shall be fined in a sum of not less than two hundred dollars ($200.00) for the first offense; not less than three hundred dollars ($300.00) for a second offense; and not less than five hundred dollars

($500.00) for the third offense and each offense thereafter. In addition to any other penalty, a court may order the chief of police, the animal control officer or designee to dispose of a dangerous animal in an expeditious and humane manner.
(Code 1987, § 5-73; Ord. No. 18-011, § 1, 6-4-2018)

Secs. 5-100—5-126. Reserved.

ARTICLE IV. CATS

Sec. 5-127. Vaccination against rabies required; vaccination tag.

(a) Any person within the city owning a cat shall have such cat vaccinated against rabies with a licensed vaccine as approved by the state department of health. All cats shall be vaccinated against rabies commencing at three (3) months of age and the vaccination shall be repeated at fifteen (15) months; and a booster vaccination shall be given triennially thereafter. Unvaccinated cats acquired or moved into the city must be vaccinated within thirty (30) calendar days after purchase or arrival, unless under three (3) months of age. It shall be the duty of every veterinarian, at the time of vaccinating any cat, to provide a rabies vaccination tag to the owner. The rabies vaccination tag shall be attached to and kept upon the collar or harness of the cat.

(b) Any person convicted of violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in a sum not more than five hundred dollars ($500.00), recoverable with costs, except that each person so convicted shall be fined in a sum of not less than fifty dollars ($50.00) for the first offense; not less than seventy-five dollars ($75.00) for a second offense; and not less than one hundred dollars ($100.00) for the third offense and each offense thereafter.
(Code 1987, § 5-90; Ord. No. 11-007, § 62, 4-18-2011)

Sec. 5-128. Nuisance cats.

(a) It shall be unlawful for any person owning, keeping or harboring a cat to fail to exercise proper care and control of such cat to allow it to become a public nuisance. A nuisance is defined as any cat that:

(1) Goes upon any sidewalk, park or private lands or premises without the permission of the owner of such premises and breaks, bruises, tears up or crushes any lawn, flower bed, plant, shrub, tree or garden whatsoever or defecates thereon;

(2) Habitually cries or howls to the discomfort of the peace and quiet of a reasonable person of ordinary sensibilities; or

(3) Is repeatedly at large.

(b) Any person convicted of violating this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in a sum of not more than five hundred dollars ($500.00), recoverable with costs, except that each person so convicted shall be fined in a sum of not

less than one hundred dollars ($100.00) for the first offense; not less than one hundred fifty dollars ($150.00) for a second offense; and not less than two hundred dollars ($200.00) for the third offense and each offense thereafter.
(Code 1987, § 5-91; Ord. No. 11-007, § 63, 4-18-2011)

Sec. 5-129. Cats running at large.

It shall be unlawful for any person owning, keeping or harboring any animal of the cat species to permit such animal to run at large.
(Code 1987, § 5-92; Ord. No. 11-007, § 64, 4-18-2011)

Sec. 5-130. Poisoning or injuring cats.

It shall be unlawful for any person to administer, or cause to be administered, poison of any sort whatsoever to any cat, or to neglect or in any manner to mistreat, injure, maim, or destroy except as elsewhere in this chapter specifically authorized, or in any manner to attempt to mistreat, injure, maim, or destroy a cat of another, or to place any poison or poisoned food where the same is accessible to any cat.
(Code 1987, § 5-93; Ord. No. 11-007, § 65, 4-18-2011)

Secs. 5-131—5-158. Reserved.

ARTICLE V. LICENSES

Sec. 5-159. Required; dog and cats.

(a) It shall be unlawful for any person within the city to own a dog or cat over six (6) months of age without procuring a license for such dog or cat as provided in this chapter. Any person convicted of violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in a sum not more than five hundred dollars ($500.00), recoverable with costs, except that each person so convicted shall be fined in a sum of not less than fifty dollars ($50.00) for the first offense; not less than seventy-five dollars ($75.00) for a second offense; and not less than one hundred dollars ($100.00) for the third offense and each offense thereafter. Each day that this violation continues shall constitute a separate and distinct offense and shall be punishable as such.

(b) Application for such license shall be made to the city, and the following information, including presentation of a valid rabies certificate showing that the dog or cat has been immunized for rabies shall be furnished:

(1) Name and address of the owner or harborer of such dog or cat;

(2) Such description of the dog or cat as may be required for the purpose of identification; and

(3) The license number of the tag issued.

(c) The city shall furnish to the owner upon payment of the license fees as hereinafter required a license receipt showing thereon such information and metallic tag bearing the tag number and the license year for which issued.
(Code 1987, § 5-100; Ord. No. 11-007, § 66, 4-18-2011)

Sec. 5-160. Rabies shot prerequisite.

A certificate that a dog or cat to be licensed under the provisions of this chapter has had a rabies shot effective for the license year shall be presented when the license is applied for. Such certificate shall state that such rabies shot was administered to the dog or cat in accordance with state law.
(Code 1987, § 5-101; Ord. No. 11-007, § 67, 4-18-2011)

Sec. 5-161. Tag.

It shall be unlawful for the owner of any animal to permit or allow such animal to wear any other license tag than the identical one issued for such animal and for the license year for which issued.
(Code 1987, § 5-102; Ord. No. 11-007, § 68, 4-18-2011)

Sec. 5-162. Period for which valid.

All licenses issued under the provisions of this article shall expire on January 1 following the date of issuance thereof. No license shall be assignable or transferable from one (1) owner to another owner or from one (1) animal to another animal.
(Code 1987, § 5-103; Ord. No. 11-007, § 69, 4-18-2011)

Sec. 5-163. Fee.

(a) Before any license is issued under this article, the applicant therefor shall pay to the city clerk for each dog or cat to be licensed a fee as established by the mayor and city council by resolution.

(b) All authorized veterinarians issuing licenses on behalf of the city may change and retain an additional fee as set forth by the mayor and city council by resolution per license issued by such veterinarian to cover the cost of issuing said licenses. The owner of a guide dog, hearing aid dog or service dog that is a graduate of a recognized training school for guide dogs, hearing aid dogs or service dogs shall not be required to pay the license fee set forth in this section, provided that, upon the retirement or discontinuance of the dog as a guide dog, hearing aid dog or service dog, the owner of the dog shall be liable for the payment of the license fee set forth in this section. Any state fees or taxes on dog and cat licenses shall be in addition to the fees set forth in this section.
(Code 1987, § 5-104; Ord. No. 11-007, § 70, 4-18-2011)

Sec. 5-164. Issuance, contents.

Upon the payment of the required fee, and upon presentation of the certificate of vaccination against rabies, the city clerk or an authorized veterinarian shall issue to the person applying for the

same a license which shall contain a brief description of the sex, color, breed, size and age of the dog or cat for which the license is applied. Such license shall be dated, numbered and signed by the city clerk or an authorized veterinarian.
(Code 1987, § 5-105; Ord. No. 11-007, § 71, 4-18-2011)

Sec. 5-165. Tag.

Along with the license, the city clerk, or an authorized veterinarian shall issue to each person obtaining a license under this article a metallic tag with the number of the license and year of payment stamped thereon. Such tag shall be attached to a collar by the person obtaining such license and shall be worn at all times by the dog or cat for which the same was issued.
(Code 1987, § 5-106; Ord. No. 11-007, § 72, 4-18-2011)

Sec. 5-166. Records.

The city clerk shall keep a memorandum, on stubs provided for that purpose, showing the date and number of each license issued under this article, the name of the person to whom issued, the amount of the fee paid by him or her and the number of the certificate of rabies shot, and may record the name and address of the doctor issuing such certificate.
(Code 1987, § 5-107; Ord. No. 11-007, § 73, 4-18-2011)

Sec. 5-167. Wearing of collar; removal of license tag.

Every dog and cat within the city shall wear a collar or harness at all times. It shall be unlawful for any person to remove, or cause to be removed, the collar, harness, or metallic license tag, or rabies vaccination tag from any licensed dog or cat.
(Code 1987, § 5-108; Ord. No. 11-007, § 74, 4-18-2011)

Secs. 5-168—5-187. Reserved.

ARTICLE VI. IMPOUNDMENT

Sec. 5-188. Reasons for impoundment.

(a) It shall be the duty of the chief of police, the animal control officer or designee to take up and impound every animal found in violation of any provision of this chapter within the city.

(b) Any person owning an animal shall immediately place the animal under the care and observation of the chief of police, the animal control officer, or a licensed veterinarian within the city when the owner has received notification or has knowledge that the animal has bitten or attacked a person, causing an abrasion, penetration, or puncture of the skin of such person or that the animal has been bitten by a rabid animal. If the owner does not immediately submit the animal to the chief of police, the animal control officer, or designee, or a veterinarian, the chief of police, the animal control officer or designee shall impound the animal for care and observation. Expenses of such care and observation shall be the responsibility of the owner. The chief of police, the animal control officer or designee, or licensed veterinarian shall impound said animal for care and observation for a period

of at least ten (10) calendar days or for such other period as required by R.R.S. § 71-4401 et seq. (Reiss. 1985), and the amendments thereto. It shall be lawful for the chief of police, the animal control officer or designee to destroy in a humane manner any animal that has been:

(1) Impounded for observation after the period of observation has expired unless the owner shall, within five (5) calendar days after the notice has been given, redeem such animal by paying such expense incident to such impounding, observation, or treatment;

(2) Determined by the chief of police or the animal control officer to have rabies; or

(3) Determined by the chief of police or the animal control officer to present a danger to the public health, safety, and welfare.

It shall be unlawful for any person to release any animal held for observation to any person prior to expiration of the observation period. Before any such animal shall be released, the person to whom it is released shall submit proof, in the form of a certificate issued by a licensed veterinarian or other person authorized by law to administer rabies inoculation, that such animal does not have rabies and has been properly inoculated for rabies. Any animal suspected of having rabies shall be impounded and shall not be released without permission from the chief of police.

(c) Whenever any person has been bitten or has an abrasion of the skin caused by an animal which animal has been licensed in accordance with section 5-159 or if such injury to a person is caused by an owned animal determined by the state department of health to be a rabid species amenable to rabies protection by immunization which has been vaccinated, the chief of police or the animal control officer may allow the owner or other responsible person to confine such animal at his or her residence within the city for a period of at least ten (10) calendar days. The animal shall be observed and examined by a veterinarian at the end of such ten (10) calendar day period. If no clinical signs of rabies are found by the veterinarian, such animal may be released from confinement, and the owner shall deliver a written report of such examination prepared by the veterinarian to the chief of police within five (5) calendar days after such examination.
(Code 1987, § 5-120; Ord. No. 11-007, § 75, 4-18-2011)

Sec. 5-189. Animal shelter.

(a) The city shall provide an animal shelter. The mayor may, when necessary, employ or appoint a manager of the animal shelter and such other assistants as may be necessary.

(b) The city shall have the authority to enter into a contract with any humane society, business, or individual for the purpose of carrying out the provisions for an animal shelter. The manager of the animal shelter shall receive all orders from the chief of police or designee and shall make all necessary reports requested by the chief of police or designee, and shall operate the shelter in conformance with procedures established by the chief of police or designee.
(Code 1987, § 5-121; Ord. No. 11-007, § 76, 4-18-2011)

Sec. 5-190. Notice of owner of dog or cat impounded.

(a) The chief of police, the animal control officer or designee shall notify the owner of any animal impounded, regardless of reason for impounding, if such owner's identity and address can be ascertained by the chief of police, the animal control officer or designee upon reasonable investiga-

tion, within twenty-four (24) hours after such animal is impounded under any of the provisions of this article. The notice shall inform the owner that the animal has been impounded and the purpose or reason for such impounding. Notice of impoundment of any animal, including any significant marks of identification, shall be posted at the animal shelter within twenty-four (24) hours after such animal is impounded, as public notification of impoundment.

(b) Not later than five (5) calendar days after the impounding of any animal, the owner shall be notified or if the owner of the animal is unknown, written notice shall be posted for seventy-two (72) hours at the animal shelter describing the animal. The owner of any animal so impounded may reclaim such animal upon payment of all costs and charges incurred for impounding and maintenance of the animal. The owner of any animal so impounded shall be responsible for the payment of these charges, whether the owner reclaims any such animal or not.
(Code 1987, § 5-122; Ord. No. 11-007, § 77, 4-18-2011)

Sec. 5-191. Holding impounded animals.

(a) Except as otherwise provided in this article, any animal impounded under the provisions of this article shall be held by the chief of police or the animal control officer for not less than seventy-two (72) hours, unless sooner redeemed or released as hereinafter provided; and, if not so redeemed or released at the expiration of the time limit of seventy-two (72) hours, may be destroyed in a humane manner unless in the judgment of the chief of police a suitable home may be found for such animal.

(b) All animals impounded for the lack of a valid rabies vaccination tag only shall be held by the city for not less than one hundred twenty (120) hours, unless sooner redeemed or released as hereinafter provided, and if not so redeemed or released at the expiration of the time limit of one hundred twenty (120) hours may be destroyed in a humane manner, unless in the judgment of the chief of police that a suitable home may be found for such animal.

(c) In the event the chief of police shall find a suitable home for an impounded dog or cat within the corporate limits of the city, the person taking such dog or cat shall first present to the chief of police, the animal control officer or designee a license and metallic tag for that particular dog or cat as provided for in this chapter, and shall also furnish proof of inoculation for rabies as provided in this chapter.

(d) The humane society, business, or individual with whom the city has contracted to enforce the provisions of this article, may hold any animal impounded in the animal shelter after the expiration of the time limit as set by this section for the purpose of finding a suitable home for such animal. The proceeds of any sale of any such dog or cat may be retained by the animal shelter.

(e) The owner of any animal which is impounded and destroyed under this article shall be held responsible for payment of the fees set out in this chapter and failure to pay such fee or expense to the city within fifteen (15) calendar days after destruction of such animal shall constitute a violation of this article.
(Code 1987, § 5-123; Ord. No. 11-007, § 78, 4-18-2011)

Sec. 5-192. Shelter fee; release from shelter.

(a) (1) Except as provided in subsection (b) of this section, any animal held or impounded in the animal shelter because of a violation of any of the provisions of this chapter by its owner shall be released to the owner thereof by the chief of police, the animal control officer or designee upon presentation of the following:

a. Proof of ownership of such animal;

b. Payment of the daily boarding cost plus the impoundment fee as established by the mayor and city council by resolution.

(2) If said impounded animal is a dog or cat, in addition to the requirements set forth in subsection (a)(1) of this section, the owner must also present the following information to the chief of police, the animal control officer, or designee before the dog or cat is released:

a. A license for the current year showing that such dog or cat has been properly licensed;

b. Proof either in the form of a certificate issued and signed by a licensed veterinarian, or other person authorized by law to administer rabies inoculations, that such dog or cat has been properly inoculated for rabies as required by this chapter, or by depositing a rabies vaccination fee with the city to be forwarded to the veterinarian upon presentment of a valid rabies vaccination certificate for such dog or cat, in which case the owner's failure to obtain a valid rabies vaccination certificate and tag within five (5) calendar days shall constitute a violation of this section; and

The owner shall remain responsible for all penalties for violation of any of the provisions of this chapter.

(b) The owner of any animal that is impounded pursuant to section 5-188(b) shall pay the expenses of care and observation of such animal plus an impoundment fee as established by the mayor and city council by resolution. If the owner elects to have the animal boarded with a licensed veterinarian, the expense of such boarding shall be borne by the owner, together with any costs incurred for the examination of the animal for rabies.
(Code 1987, § 5-124; Ord. No. 11-007, § 79, 4-18-2011)

Sec. 5-193. Shelter records and reports; registration of persons delivering animals to shelter.

(a) The manager of any animal shelter under this chapter shall keep an accurate account of all animals received at the shelter and released to the owner or purchaser, showing the date and from whom received, the description of the animal, the name and address of the person releasing or purchasing. The shelter manager shall keep a like accurate account and description of all animals destroyed. On the last day of each month, the shelter manager shall forward to the chief of police or the animal control officer an accurate and complete account of all monies received during the month under the provisions of this chapter, together with a statement of the number of animals in the shelter at the first of the month, the number received, the number destroyed, the number released or sold, the number on hand at the end of the month and other information as required by the chief of police or the animal control officer.

(b) The chief of police, the animal control officer, or shelter manager shall not receive an animal into the shelter from any person unless such person shall give their full name and place of residence which shall be registered in a proper book kept by the shelter manager. It shall be unlawful for any person delivering to or receiving any animal from said shelter to give any false information concerning the same.
(Code 1987, § 5-125; Ord. No. 11-007, § 80, 4-18-2011)

Sec. 5-194. Voluntary impoundment by owner.

Any person living in the county may cause any dog or cat owned by him or her to be impounded in the animal shelter for destruction or adoption by any other person. Such owner shall pay a voluntary impoundment fee as established by the mayor and city council by resolution.
(Code 1987, § 5-126; Ord. No. 11-007, § 81, 4-18-2011)

Sec. 5-195. Failure to surrender animal.

Any person who fails to surrender an animal to a person identifiable as a law enforcement officer or an animal control officer upon their demand, so that the animal can be impounded as provided for by this chapter, commits an offense.
(Code 1987, § 5-127; Ord. No. 11-007, § 82, 4-18-2011)

Chapter 6

AVIATION*

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Article II. Airport Advisory Board

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Sec. 6-20. Board created.
Sec. 6-21. Composition.
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Sec. 6-24. Filling of vacancies.
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Sec. 6-26. Officers.
Sec. 6-27. Quorum.
Sec. 6-28. Powers and duties generally.
Sec. 6-29. Recommendations.
Sec. 6-30. Meetings.

***State law references—**Municipal aviation fields, R.R.S. § 18-1501 et seq.; aeronautics generally, R.R.S. § 3-101 et seq.

ARTICLE I. IN GENERAL

Secs. 6-1—6-18. Reserved.

ARTICLE II. AIRPORT ADVISORY BOARD

Sec. 6-19. Office created.

There is hereby created the office of airport manager for the city.
(Code 1987, § 6-16; Ord. No. 22-37, §§ 1—4, 10-17-2022)

Sec. 6-20. Board created.

There is hereby established a Beatrice Airport Advisory Board. The airport advisory board shall make recommendations to the mayor and city council regarding the operations, maintenance, and development of the Beatrice Municipal Airport.
(Code 1987, § 6-19; Ord. No. 22-37, §§ 1—4, 10-17-2022)

Sec. 6-21. Composition.

The airport advisory board shall be comprised of five (5) members who shall be residents of the city. The mayor or any member of the city council shall not be a member of the airport advisory board.
(Code 1987, § 6-20; Ord. No. 22-37, §§ 1—4, 10-17-2022)

Sec. 6-22. Appointment and removal.

The members of the airport advisory board shall be appointed by the mayor with the approval of the city council. Any member of the airport advisory board may be removed from office by the mayor, by and with the approval of the city council.
(Code 1987, § 6-21; Ord. No. 22-37, §§ 1—4, 10-17-2022)

Sec. 6-23. Terms.

The members of the airport advisory board shall serve terms of five (5) years and until their successors are appointed.
(Code 1987, § 6-22; Ord. No. 22-37, §§ 1—4, 10-17-2022)

Sec. 6-24. Filling of vacancies.

In cases of vacancies on the airport advisory board by resignation, removal, or otherwise, the mayor, with the approval of the city council, shall fill such vacancy for the unexpired term.
(Code 1987, § 6-23; Ord. No. 22-37, §§ 1—4, 10-17-2022)

Sec. 6-25. Compensation.

No airport advisory board member shall receive any pay or compensation for any services rendered as a member of the airport advisory board.
(Code 1987, § 6-24; Ord. No. 22-37, §§ 1—4, 10-17-2022)

Sec. 6-26. Officers.

The airport advisory board shall, at the meeting in July of each year, organize by electing one (1) of their members as president, another as secretary, and such other officers as may be necessary. No member of the airport advisory board shall serve in the capacity both as president and secretary of the board. It shall be the duty of the secretary to keep the minutes of all meetings and to timely file the minutes with the city clerk as public records.
(Code 1987, § 6-25; Ord. No. 22-37, §§ 1—4, 10-17-2022)

Sec. 6-27. Quorum.

Three (3) members of the airport advisory board shall constitute a quorum.
(Code 1987, § 6-26; Ord. No. 22-37, §§ 1—4, 10-17-2022)

Sec. 6-28. Powers and duties generally.

The members of the airport advisory board shall have such powers and perform such duties as may be conferred upon and required of them by the city council. The airport advisory board is an advisory board, thus having only those powers and duties to advise and recommend to the city council, mayor, and city administrator as are granted to them by the city council.
(Code 1987, § 6-27; Ord. No. 22-37, §§ 1—4, 10-17-2022)

Sec. 6-29. Recommendations.

The airport advisory board shall provide advice or recommendations as specifically requested by the city administrator, the mayor, or city council relative to matters concerning the Beatrice Municipal Airport. All recommendations by the airport advisory board shall be subject to the review and control of the city council.
(Code 1987, § 6-28; Ord. No. 22-37, §§ 1—4, 10-17-2022)

Sec. 6-30. Meetings.

Regular meetings of the airport advisory board shall be held at least every three (3) months. Special meetings of the airport advisory board shall be held whenever called by the airport manager or any three (3) members of the airport advisory board.
(Code 1987, § 6-29; Ord. No. 22-37, §§ 1—4, 10-17-2022)

Chapter 7

BUILDING REGULATIONS*

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***State law references—**Municipal building regulations, R.R.S. § 16-234; adoption of standard codes, R.R.S. §§ 18-132, 19-922; suburban development, R.R.S. § 16-901 et seq.

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Sec. 7-437. Burning of materials.
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ARTICLE I. IN GENERAL

Sec. 7-1. Violations.

Any person upon whom a duty is placed by the provisions of this chapter or any code adopted by reference herein, who shall fail, neglect or refuse to perform such duty or who shall violate any provision thereof, for which a penalty is not otherwise specifically provided, shall be deemed guilty of a misdemeanor, and each day that a violation of any section thereof continues shall constitute a separate and distinct offense and shall be punishable as such.
(Code 1971, § 13-4; Code 1987, § 7-1)

Sec. 7-2. Designation of building official and code official.

(a) The community development director, code enforcement officer, and code compliance officer are hereby vested with the powers and duties of the building official and code official.

(b) The community development director shall carry out the duties of the building official and code official personally or through a qualified person within the community development department.
(Code 1971, § 9-4; Code 1987, § 7-2; Ord. No. 05-29, § 1, 10-17-2005; Ord. No. 18-007, § 1, 4-2-2018)

Sec. 7-3. Barbed wire fence.

It shall be unlawful for any person to erect, construct or maintain within the city an outside barbed wire fence, provided this section shall not apply to protective fences on which the barbed wire is not nearer to the ground than five (5) feet.
(Code 1971, § 9-2; Code 1987, § 7-4)

State law reference—Barbed wire fence obstructing highway, penalty, R.R.S. § 39-705.

Sec. 7-4. Conflict of law.

(a) Whenever possible, the International Building Code, the International Mechanical Code, the International Residential Code, the International Energy Conservation Code, the International Property Maintenance Code and the International Plumbing Code and the adopted fire codes and regulations of the city shall be read and applied in such manner as to not be in conflict with the provisions of each other or the other sections of this Code and state statutes.

(b) In the event of any conflict among the provisions of such standards and codes, including the adopted fire codes and regulations, the most restrictive provisions shall govern.

(c) In the event of any conflict between the provisions of such standard and codes and other sections of this Code or state statutes, this Code and the statutes shall govern.
(Code 1987, § 7-5; Ord. No. 05-29, § 3, 10-17-2005)

Sec. 7-5. Jurisdiction.

The provisions of the codes adopted by the provisions of this chapter shall apply and be enforced within the city and the unincorporated area two (2) miles beyond and adjacent to the corporate boundaries of the city.
(Code 1987, § 7-6; Ord. No. 05-29, § 4, 10-17-2005)

Sec. 7-6. Replacement of existing water heater, permit not required.

The installation of a water heater to replace an existing water heater shall be exempt from the permit requirements of the following adopted codes: the International Building Code; the International Residential Code; the International Existing Building Code; the International Plumbing Code; the International Fuel Gas Code; and the International Mechanical Code.
(Code 1987, § 7-7; Ord. No. 12-048, § 1, 1-21-2013; Ord. No. 18-007, § 2, 4-2-2018; Ord. No. 25-17, § 1, 6-7-2025)

Sec. 7-7. Fire prevention.

Any and all references to the International Fire Code shall instead reference the Nebraska State Fire Code Regulations.
(Code 1987, § 7-8; Ord. No. 18-007, § 3, 4-2-2018)

Sec. 7-8. Applicability of codes based on commencement date.

Any construction, alteration, or repair governed by the following codes that received an applicable permit from the city prior to, and said permit is valid as of, the effective date of the city's adoption of the 2021 edition of the International Building Codes shall be governed by and remain subject to the provisions of the 2015 edition of the applicable building codes, as previously adopted by the city.
(Ord. No. 25-17, § 2, 6-7-2025)

Secs. 7-9—7-30. Reserved.

ARTICLE II. BUILDING CODE

Sec. 7-31. Adoption of International Building Code.

(a) Except as hereinafter provided by specific amendment, the following publications are hereby adopted, incorporated and made a part of this Code the same as those spread at large herein:

International Building Code, 2021 edition, published by the International Code Council.

(b) One (1) printed copy of each publication described above has been filed in the office of the city clerk for use and examination for the public.
(Code 1987, § 7-10; Ord. No. 05-29, § 5, 10-17-2005; Ord. No. 12-048, § 2, 1-21-2013; Ord. No. 18-007, § 4, 4-2-2018; Ord. No. 25-17, § 3, 6-7-2025)

Sec. 7-32. Additions, insertions and changes to the International Building Code, 2021 edition.

That sections 101.1, 101.4.3, 104.5, 105.2, 109.2, 109.4, 113.1, 114.4, 115.1, 903.2.8, and 1612.3 of the International Building Code, 2021 edition, are amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Building Code of the City of Beatrice, Nebraska, hereinafter referred to as "this code."

Section 101.4.3 Plumbing. The provisions of the International Plumbing Code shall apply to the installation, alteration, repair, and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

Section 101.4.5 Fire prevention. The provisions of the Nebraska State Fire Code Regulations shall apply to matters affecting or relating to the protection of structures, processes and premises from the hazard of fire and explosion, from conditions hazardous to life, property or public welfare in the occupancy of structures or premises.

The construction, extension, repair, alteration, or removal of fire suppression, automatic sprinkler systems, and alarm systems shall also comply with the provisions of the Nebraska State Fire Code Regulations.

Section 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Permits shall not be required for the following:

Building.

One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed twenty square feet (20 sq. ft.) (one and eighty-five hundredths meters squared (1.85 m^2)).

Retaining walls which are not over four (4) feet (one thousand two hundred nineteen millimeters (1,219 mm)) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

Water tanks supported directly on grade if the capacity does not exceed five thousand (5,000) gallons (eighteen thousand nine hundred twenty-five liters (18,925 L)) and the ratio of height to diameter or width does not exceed two to one (2:1).

Sidewalks and driveways not more than thirty (30) inches (seven hundred sixty-two millimeters (762 mm)) above grade and not over any basement or story below and which are not part of an accessible route.

Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

Temporary motion picture, television and theater stage sets and scenery.

Above-ground swimming pools.

Shade cloth structures constructed for nursery or agricultural purposes and not including service systems.

Swings and other playground equipment accessory to detached one- and two-family dwellings.

Window awnings supported by an exterior wall which do not project more than fifty-four (54) inches (one thousand three hundred seventy-two millimeters (1,372 mm)) from the exterior wall and do not require additional support of Group R-3, as applicable in section 101.2, and Group U occupancies.

Movable cases, counters and partitions not over five (5) feet nine (9) inches (one thousand seven hundred fifty-three millimeters (1,753 mm)) in height.

Overlaying of existing siding.

Installation of a water heater to replace an existing water heater.

Electrical.

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary systems required for the testing or servicing of electrical equipment or apparatus.

Gas.

Portable heating appliances.

Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical.

Portable heating appliances.

Portable ventilation equipment.

Portable cooling units.

Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

Replacement of any part which does not alter its approval or make it unsafe.

Portable evaporative coolers.

Self-contained refrigeration systems containing ten (10) pounds (four and fifty-four hundredths kilograms (4.54 kg)) or less of refrigerant and actuated by motors of one (1) horsepower (seven hundred forty-six kilowatts (746 kW)) or less.

Replacement of a furnace or air conditioning unit.

Plumbing.

The stopping of leaks in drains, water soil, waste or vent pipe.

The clearing of stoppages or the repairing of leaks in pipes, values or fixtures, and the removal and reinstallation of water closets and fixtures, provided such repairs do not involve or require the rearrangement of values, pipes or fixtures.

Installation of a water heater to replace an existing water heater.

Section 109.2 Schedule of permit fees. The building permit fees shall be established by resolution adopted by the city council.

Section 109.3 Building permit valuations. Building permit valuations shall include total value of the work for which a permit is being issued, including labor and materials. Work said to be labor free will be assessed at the rate of twice the amount of the cost of materials. Permits for gas, mechanical, plumbing, equipment and other permanent systems will be itemized and assessed fees according to the fee resolution established by the city council.

Section 109.6 Refunds. The refunding of fees shall be established by resolution adopted by the city council.

Section 113.1 Appeals. The procedure for appeals is contained in article X, sections 7-318 through 7-327, of the Beatrice City Code.

Section 114.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair anything in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding thirty (30) days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 115.1 Stop work orders. Upon notice from the building official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform by the building official to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00). Each day that work continues in or about a structure after having been served a stop work order shall constitute a separate offense.

Section 903.2.8 Group R. An automatic sprinkler system shall not be required in Group R occupancies, but if an automatic sprinkler system is installed, it shall be installed in accordance with the following subsections.

Section 1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for the City of Beatrice, Nebraska," dated June 18, 2010, as amended or revised with the accompanying flood insurance rate map (FIRM) and flood boundary and floodway map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

That sections 103.1, 103.2, 103.3, 113.2, 113.3, 115.2, and 115.4 of the International Building Code, 2021 edition, are hereby repealed.
(Code 1987, § 7-11; Ord. No. 05-29, § 6, 10-17-2005; Ord. No. 08-02, § 1, 1-21-2008; Ord. No. 12-048, § 3, 1-21-2013; Ord. No. 13-037, § 1, 8-19-2013; Ord. No. 18-007, § 5, 4-2-2018; Ord. No. 19-022, § 1, 6-17-2019; Ord. No. 25-17, § 4, 6-7-2025)

Sec. 7-33. Building permit fee schedule.

(a) The building permit fees shall be established by resolution adopted by the city council.

(b) Building permits shall be issued upon payment to the city of a fee established by resolution adopted by the city council.
(Code 1987, § 7-12; Ord. No. 13-054, § 3, 10-21-2013)

Sec. 7-34. Access boxes.

(a) An access box shall be required for all newly constructed commercial buildings, additions to existing commercial buildings, and existing commercial buildings undergoing major remodeling projects. The access box shall be of a type approved by the AHJ, installed at a location approved by the AHJ, and shall contain keys necessary to gain access as required by the AHJ.

(b) Exception: Commercial buildings that are not protected by automatic fire sprinkler and fire alarm systems are exempt from this requirement.
(Ord. No. 25-17, § 5, 6-7-2025)

Secs. 7-35—7-54. Reserved.

ARTICLE III. RESIDENTIAL CODE

Sec. 7-55. Adoption of International Residential Code, 2021 edition.

(a) Except as hereinafter provided by specific amendment, the following publications are hereby adopted, incorporated and made a part of this Code the same as though spread at large herein:

International Residential Code, 2021 edition, published by the International Code Council.

(b) One (1) printed copy of each publication described above has been filed in the office of the city clerk for the use and examination of the public.
(Code 1987, § 7-20; Ord. No. 05-29, § 9, 10-17-2005; Ord. No. 12-048, § 5, 1-21-2013; Ord. No. 18-007, § 6, 4-2-2018; Ord. No. 25-17, § 6, 6-7-2025)

Sec. 7-56. Additions, insertions and changes to the International Residential Code, 2021 edition.

That sections R101.1, R102.7, R105.2, R108.2, R108.3, R108.5, R108.6, R112.1, R113.4, R114.1, R301.2, R404.1.5.2, R905.1.2, P2603.5.1, and P3103.1 of the International Residential Code, 2021 edition, are amended to read as follows:

Section R101.1 Title. These provisions shall be known as the residential code for one-and two-family dwellings of the City of Beatrice, Nebraska, and shall be cited as such and will be referred to herein as "this code."

Section R102.7. Existing structures. The legal occupancy of any structure existing on the date of adoption of the ordinance from which this code is derived shall be permitted to continue without change, except as is specifically covered in this code and the Nebraska State Fire Code Regulations, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

Section R105.2. Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building.

1. One-story detached accessory structures used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed twenty (20) square feet (one and eighty-five hundredths (1.85) square meters).
2. Retaining walls that are not over four (4) feet (one thousand two hundred nineteen millimeters (1,219 mm)) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
3. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons (eighteen thousand nine hundred twenty-seven liters (18,927 L)) and the ratio of height to diameter or width does not exceed two to one (2:1).
4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Above-ground swimming pools.
6. Swings and other playground equipment.
7. Window awnings supported by an exterior wall which do not project more than fifty-four (54) inches (one thousand three hundred seventy-two millimeters (1,372 mm)) from the exterior wall and do not require additional support.
8. Decks not exceeding two hundred (200) square feet (eighteen and fifty-eight hundredths meters squared (18.58 m^2)) in area, that are not more than thirty (30) inches (seven hundred sixty-two millimeters (762 mm)) above grade at any point, are not attached to a dwelling and do not serve the exit door required by section R311.4.
9. Sidewalks and driveways, except that those in the right-of-way require an encroachment permit.
10. Overlaying of existing siding.

Electrical.

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefor.

3. Replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Electrical wiring, devices, appliances, apparatus or equipment operating at less than twenty-five (25) volts and not capable of supplying more than fifty (50) watts of energy.
5. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Gas.

1. Portable heating, cooking, or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Mechanical.

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing ten (10) pounds (four and fifty-four hundredths kilograms (4.54 kg)) or less of refrigerant or that are actuated by motors of one (1) horsepower (seven hundred forty-six kilowatts (746 kW)) or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
9. Replacement of furnace or air conditioning unit.

Plumbing.

1. The stopping of leaks in drains, water, soil, waste, or vent pipe.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the rearrangement of valves, pipes or fixtures.
3. Installation of a water heater to replace an existing water heater.

Section R108.2. Schedule of permit fees. The building permit fees shall be as established by resolution adopted by the city council.

Section R108.3 Building permit valuations. Building permit valuations shall include total value of the work for which a permit is being issued, including labor and materials. Permits for gas, mechanical, plumbing, equipment and other permanent systems will be itemized and assessed fees according to the fee resolution established by the city council.

Section R108.5. Refunds. The refunding of fees shall be established by resolution adopted by the city council.

Section R108.6.Work commencing before permit issuance. Any person who commences work requiring a permit on a building, structure, gas, mechanical, or plumbing system before obtaining the necessary permits shall be subject to a fee established by resolution adopted by the city council.

Section R112.1 Appeals. The procedure for appeals is contained in article X, sections 7-318 through 7-327 of the Beatrice City Code.

Section R113.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair anything in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding thirty (30) days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section R114.1 Stop work orders. Upon notice from the building official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform by the building official to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00). Each day that work continues in or about a structure after having been served a stop work order shall constitute a separate offense.

Section R301.2 Climatic and geographic design criteria. Buildings shall be constructed in accordance with the provisions of this code as limited by the provisions of this section. Additional criteria shall be established by the building official and set forth by table 301.2(1).

Section R404.1.5.2 Concrete wall thickness. The thickness of concrete foundation walls shall be equal to or greater than the thickness of the wall in the story above. Concrete foundation walls with corbels, brackets or other projections built into the wall for support of masonry veneer or other purposes are not within the scope of the tables in this section.

Where a concrete foundation wall is reduced in thickness to provide a four-inch shelf for the support of masonry veneer or a bearing ledge for joists, the reduced thickness of the wall shall not be less than six inches. Vertical reinforcement shall be based on the thickness of the thinner portion of the wall.

Exception: Where the height of the reduced thickness portion measured to the underside of the floor assembly or sill place above is less than or equal to twenty-four (24) inches and the reduction in thickness does not exceed four inches, the vertical reinforcement is permitted to be based on the thicker portion of the wall.

Section R905.1.2 Ice barriers. In areas where there has been a history of ice forming along the eaves causing a backup of water as designated in table R301.2(1), an ice barrier shall be installed for asphalt shingles, metal roof shingles, mineral-surfaced roll roofing, slate and slate-type shingles, wood shingles and wood shakes. The ice barrier shall consist of not fewer than two (2) layers of underlayment cemented together, or a self-adhering polymer-modified bitumen sheet shall be used in place of normal underlayment and extend from the lowest edges of all roof surfaces to a point not less than thirty-six (36) inches (six hundred ten millimeters (610 mm)) upward towards the roof peak. On roofs with slope equal to or greater than eight (8) units vertical in twelve (12) units horizontal, the ice barrier shall also be applied not less than thirty-six (36) inches (nine hundred fourteen and four-tenths millimeters (914.4 mm)) measured along the roof slope from the eave edge of the building.

Section P2603.5.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of thirty-six (36) inches (nine hundred fourteen and four-tenths millimeters (914.4 mm)) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of thirty-six (36) inches (nine hundred fourteen and four-tenths millimeters (914.4 mm)) below grade.

Section P3103.1.1 Roof extension. All open vent pipes which extend through a roof shall be terminated at least twelve (12) inches above the roof or two (2) inches above the anticipated snow accumulation, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven (7) feet (two thousand one hundred thirty-four millimeters (2,134 mm)) above the roof.

That section R404.1.2.2 be added to the International Residential Code, 2021 edition, as follows:

Section R404.1.2.2 Reinforcement for foundation walls. Concrete foundation walls shall be laterally supported at the top and bottom. Vertical reinforcement shall be provided in accordance with figures R404.1.2.2(1) through R404.1.22.2(9).

That figures R404.1.1(1), R404.1.2.(1) R404.1.2.(2), R404.1.2.(3), R404.1.2.(4), R404.1.2.1(1), R404.1.2.1(2), R404.1.2.1(3), R404.1.2.1(4), and R404.1.2.2 be added to the International Residential Code, 2021 edition, and kept on file in the office of the city clerk and the community development director.

That sections R103.1, R103.2, R103.3, 112.2, 112.3, 112.4, R114.2, R313.1, R313.1.1, R313.2, R313.2.1, and 403.4.1 of the International Residential Code, 2021 edition, are hereby repealed.

That tables R403.4, R404.1.1(1), R404.1.2(1), R404.1.2(2), R404.1.2(3), R404.1.2(4), R404.1.2(8), and R404.1.2(9), of the International Residential Code, 2021 edition, are hereby repealed.
(Code 1987, § 7-21; Ord. No. 05-29, § 10, 10-17-2005; Ord. No. 12-048, § 6, 1-21-2013; Ord. No. 13-037, § 2, 8-19-2013; Ord. No. 15-010, § 1, 5-4-2015; Ord. No. 18-007, § 7, 4-2-2018; Ord. No. 19-022, § 2, 6-17-2019; Ord. No. 25-17, § 7, 6-7-2025)

Secs. 7-57—7-85. Reserved.

ARTICLE IV. PROPERTY MAINTENANCE CODE

DIVISION 1. GENERALLY

Sec. 7-86. Adoption of International Property Maintenance Code, 2021 edition.

(a) Except as hereinafter provided by specific amendment, the following publications are hereby adopted, incorporated and made a part of this Code the same as though spread at large herein:

International Property Maintenance Code, 2021 edition, published by the International Code Council.

(b) One (1) printed copy of each publication described above has been filed in the office of the city clerk for the use and examination of the public.
(Code 1987, § 7-30; Ord. No. 05-29, § 13, 10-17-2005; Ord. No. 12-048, § 8, 1-21-2013; Ord. No. 18-007, § 8, 4-2-2018; Ord. No. 25-17, § 8, 6-7-2025)

Sec. 7-87. Additions, insertions and changes to the International Property Maintenance Code, 2021 edition.

That section 303.2.1 be added to the International Property Maintenance Code, 2021 edition, as follows:

Section 303.2.1 Exceptions. In-ground pools with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of section 303.2.

Portable above-ground swimming pools, hot tubs, and spas are not subject to the requirements of 303.2, but limited access ladders or steps providing entry must be removed to render the pool, hot tub, or spa inaccessible when not in use. In the event that a permanent ladder, steps, facade, or deck is erected adjacent to or surrounding an otherwise portable pool, hot tub, or spa, said pool, hot tub, or spa will be subject to the requirements of section 303.2.

If a pool, hot tub, or spa subject to the requirements of section 303.2 is constructed wholly or partially above ground level, that part of the pool which is out of the ground may be included as part of the pool enclosure height requirement, provided that the ground is level or slopes away from the pool for at least three (3) feet from the pool wall. On above-ground pools where the pool wall constitutes all or part of the pool enclosure, the entrance into the pool must either be enclosed in a fence with a gate, both of which meet the requirements of section 303.2, or the entrance to the pool must be by use of a limited access ladder which has provisions for making entry to the pool inaccessible when the pool is not in use.

That sections 101.1, 102.3, 104.1, 104.2, 109.3, 109.4, 112.5, 113.1, 113.3, 107.1, 110.1, 301.2, 302.4, 304.14, 602.3, and 602.4 of the International Property Maintenance Code, 2021 edition, are amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Beatrice, Nebraska, hereinafter referred to as "this code."

Section 102.3.Application of other codes. Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the Beatrice City Code and the Nebraska State Fire Code Regulations. Nothing in this code shall be construed to cancel, modify, or set aside any provision of the city zoning ordinance.

Section 104.1 Fees. The building permit fees shall be established by resolution adopted by the city council.

Section 104.2. Refunds. The refunding of fees shall be established by resolution adopted by the city council.

Section 109.3. Prosecution of violation. Any person failing to comply with a notice of violation or order served in accordance with section 109.2 shall be deemed guilty of a misdemeanor or civil infraction as determined by the local municipality, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code official shall institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any action taken by the authority having jurisdiction on such premises may be charged against the real estate upon which the structure is located and may be a lien upon such real estate. All costs incurred by the authority shall be paid by the owner and/or tenant/agent responsible for the property.

Section 109.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair anything in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding thirty (30) days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 112.5 Costs of emergency repairs. Costs incurred in the performance of emergency work shall be paid by the jurisdiction. The legal counsel of the jurisdiction shall institute appropriate action against the owner of the premises, tenant, and/or owner's authorized agent where the unsafe structure is or was located for the recovery of such costs. Any action taken by the authority having jurisdiction on such premises may be charged against the real estate upon which the structure is located and may be a lien upon such real estate. All costs incurred by the authority shall be paid by the owner and/or tenant/agent responsible for the property.

Section 113.1 General. The code official shall order the owner or owner's authorized agent of any premises upon which is located any structure, which in the code official's review is so deteriorated or dilapidated or has become so out of repair as to be dangerous, unsafe, insanitary or otherwise unfit for human habitation or occupancy, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary such structure. The presumption will be to order demolition of the structure if the reasonable estimated repairs exceed 50 percent (50%) of the assessed value of the structure. No structure shall be boarded up for future repair beyond a period of ninety (90) calendar days. Any structure capable of repair, shall be repaired to the standards set by the code official, within one (1) year of the date of the notice and order; should such structure remain in a state of disrepair after the one (1) year period, such structure will be demolished as outlined in section 113.3.

Section 113.3 Failure to comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official shall cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal may be charged against the real estate upon which the structure is located and a lien placed upon said real estate. All costs incurred by the authority shall be paid by the owner and/or tenant/agent responsible for the property.

Section 107.1 Appeals. The procedure for appeals is contained in article X, sections 7-318 through 7-327 of the Beatrice City Code.

Section 110.1 Issuance. Upon notice from the building official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform by the building official to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00). Each day that work continues in or about a structure after having been served a stop work order shall constitute a separate offense.

Section 301.2 Responsibility. The owner or occupant of the premises shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter. Owners and occupants of a dwelling unit, rooming unit, or housekeeping unit are responsible for keeping that part of the dwelling unit, rooming unit, housekeeping unit, or premises which they occupy and control in a clean, sanitary, and safe condition.

Section 302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs; provided, however, this term shall not include cultivated flowers or gardens.

Upon failure of the owner or occupant of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation to cut and destroy the weeds growing thereon. The costs of such removal shall be paid by the owner or occupant responsible for the property.

Section 304.14 Insect screens. During the period from April 1 to October 31, every door, window, and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of not less than sixteen (16) mesh per inch (sixteen (16) mesh per twenty-five millimeters (25 mm)), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one (1) or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from September 1 to May 31 to maintain a temperature of not less than sixty-eight (68) degrees Fahrenheit (twenty (20) degrees Celsius) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required, provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30 degrees Fahrenheit (negative one degree Celsius) a minimum temperature of sixty-five (65) Fahrenheit (eighteen (18) degrees Celsius) shall be maintained.

Section 602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from September 1 to May 31 to maintain a temperature of not less than sixty-five (65) degrees Fahrenheit (eighteen (18) degrees Celsius) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

That sections 103.3, 104.1, 108.1, 110.2, 110.3, and 110.4 of the International Property Maintenance Code, 2021 edition, are hereby repealed.
(Code 1987, § 7-31; Ord. No. 05-29, § 14, 10-17-2005; Ord. No. 08-02, § 4, 1-21-2008; Ord. No. 12-048, § 9, 1-21-2013; Ord. No. 18-007, § 9, 4-2-2018; Ord. No. 25-17, § 9, 6-7-2025)

Secs. 7-88—7-117. Reserved.

DIVISION 2. MOVING OF STRUCTURES*

Sec. 7-118. Permit.

(a) *Required.* It shall be unlawful for any person to engage in the business of moving any building or other structure within the city without first obtaining a permit therefor. A separate permit shall be required for the moving of each building or other structure.

(b) *Application.* The person desiring a permit required by the provisions of this section shall make application therefor to the community development department on a form provided therefor. Application for moving a particular building shall be accompanied by a certificate from the county treasurer showing that all taxes and special assessments then due against the building and lot on which it stands have been paid.

(c) *Inspection of building.* No permit for the moving of any building or structure shall be issued until the building official has ascertained that the size, condition, value, proposed use and proposed construction alterations are in accordance with the zoning regulations of the city. The building official will also ascertain that the building or structure, when completed, will be compatible with and will not depreciate the surrounding properties, and a building permit has been approved and issued for the relocated structure.

(d) *Fee.* In addition to any costs paid pursuant to section 7-125, the applicant for a permit required by this section shall pay a fee established by resolution adopted by the city council.

(e) *Insurance.* Before issuing any permit required by this section for moving a building or structure of three hundred (300) square feet or more, the applicant shall file with the community development department an occupational insurance policy, which the applicant has taken out and agrees to maintain in full force and effect at all times covered by the permit, covering all trucks, prime movers, tractors, pups, dollies and other wheeled or tracked vehicles used in the business of moving buildings or structures, with bodily injury coverage in a sum of at least two hundred thousand dollars ($200,000.00) for the injury or death of each person, with bodily injury coverage in a sum of at least five hundred thousand dollars ($500,000.00) for the injury or death of any number of persons in one

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***State law reference—**Use of rotating or flashing amber light when moving building, R.R.S. § 60-6,232.

(1) accident, and with a coverage in a sum of at least one hundred thousand dollars ($100,000.00) for property damage in any accident. The applicant shall also file with the community planning and inspection department a public liability policy, which the applicant has taken out and agrees to maintain in full force and effect at all times covered by the permit, with bodily injury coverage in a sum of at least two hundred thousand dollars ($200,000.00) for the injury or death of each person, with bodily injury coverage in a sum of at least five hundred thousand dollars ($500,000.00) for the injury or death of any number of persons in one (1) accident, and with a coverage in a sum of at least one hundred thousand dollars ($100,000.00) for property damage in any accident.

(f) *Issuance.* The community development department is hereby authorized to issue a permit required by this section upon the approval of the application therefor and upon payment of the required fee. Such permit shall show the size and kind of building, its condition and proposed location.

(g) *Copy to the board of public works.* A duplicate copy of the permit issued under this section shall be delivered to the board of public works.

(h) *Duration.* Every permit issued under the provisions of this section shall be valid for a period of sixty (60) calendar days from the date of issuance thereof.

(i) *Renewal.* Any permit issued under this section may be renewed by the permittee by the payment of an additional fee in the same amount as paid for the original permit.
(Code 1971, §§ 9-53—9-61; Code 1987, § 7-46; Ord. No. 88-9, § 1, 4-4-1988; Ord. No. 13-054, § 4, 10-21-2013)

State law reference—Permit to move building on highways under jurisdiction of state department of roads, R.R.S. § 60-6-299.

Sec. 7-119. Building width limitations.

No building or other structure having a width of more than twenty-four (24) feet shall be moved over or across any street, alley or public way in the city. The width shall be ascertained by measuring the widest part of the eaves of such building. However, the general manager of the board of public works may, upon written application, recommend the granting of a special permit by the community development department for the moving of frame houses of greater width and dimensions than specified in this section, when in the opinion of the general manager of the board of public works the route over which such structure may be moved will cause no exceptional hazard to person or property.
(Code 1971, § 9-43; Code 1987, § 7-47; Ord. No. 85-42, § 13, 1-6-1986)

Sec. 7-120. Route prescribed.

The manager of the board of public works, or designee, shall prescribe the time of moving of any building or other structure and shall specify the route to be followed in moving the same over and across the streets of the city. It shall be unlawful for any person having a permit issued under this

division to digress from such specified route without the written consent of the board of public works. In prescribing such route, the board shall prescribe such route as will least interfere with the wires of the electrical system and other public service companies.
(Code 1971, § 9-44; Code 1987, § 7-48)

Sec. 7-121. Police escort.

When in the interest of public safety it is deemed necessary that a member of the police department of the city accompany the house mover over the route prescribed, the chief of police shall take such designated action and any costs thereof shall be paid by the house mover.
(Code 1971, § 9-45; Code 1987, § 7-49)

Sec. 7-122. Notice of move.

The manager of the board of public works shall be given notice of the hour when the moving of any building or other structure will actually begin.
(Code 1971, § 9-46; Code 1987, § 7-50)

Sec. 7-123. Manner of work, condition of premises generally.

It is hereby declared unlawful for any mover of houses and buildings to move any building or structure in such a manner that there shall remain holes or depressions dangerous to life or limb or that there shall remain debris or rubbish from which dust or offensive odors shall emanate detrimental to public health. The premises shall be left in a safe and sanitary condition. When a building has been moved for the purpose of erecting thereon another building or structure, the community development director at his or her discretion may permit the owner of such property to maintain for a period not to exceed six (6) months any remaining hole or depression; provided, however, that such hole or depression is maintained in a safe and sanitary condition, and kept free of all rubbish and debris of any nature, that such hole or depression is surrounded and protected by strong and suitable barricades not less than four (4) feet in height, and maintained in sound and proper condition, and that the owner shall covenant for himself or herself, his or her heirs and assigns to properly fill the holes and depressions at the termination of the six (6) month period, unless building operations have started thereon.
(Code 1971, § 9-47; Code 1987, § 7-51)

Sec. 7-124. Equipment to have pneumatic tires.

It shall be unlawful for any person to move any house or structure unless the moving equipment employed by the mover of houses and buildings is pneumatic-tired in order to safeguard and protect the streets, avenues, alleys, highways and public grounds from being damaged.
(Code 1971, § 9-48; Code 1987, § 7-52; Ord. No. 85-42, § 14, 1-6-1986)

State law reference—Pneumatic tires on vehicles, R.R.S. § 39-6,180.

Sec. 7-125. Temporary removal of utility wires.

Whenever it shall become necessary during the moving of any building or structure to temporarily lift or remove any overhead wires or conduits, or any poles supporting the same, in order to allow free

passage for the moving of such building or structure, the person owning and operating such overhead wires or conduits shall lift or remove the same within twenty-four (24) hours after written notice is served on the person authorized to accept the same. The cost of removing or altering any wiring or other utility service under sixteen (16) feet shall be borne by the related utility. The cost of removing or altering any wiring or other utility service over sixteen (16) feet shall be borne by the house mover.
(Code 1971, § 9-49; Code 1987, § 7-53)

Sec. 7-126. Protection of the public.

It shall be the duty of the mover of houses and buildings to exercise due care at all times to protect the public from injury or accidents. It shall be the duty of such movers of houses and buildings to provide watchpersons to warn the public if and when any wires, ropes or cables are extending across streets and alleys or public grounds so that the public will not be injured thereby.
(Code 1971, § 9-50; Code 1987, § 7-54)

Sec. 7-127. Leaving building on public way overnight; barricades, lights.

If during the moving of any house or structure it shall become necessary to leave the same standing on any street, avenue, highway or public place, the same shall be left standing in a manner and position prescribed by the police department, and with the safety requirements prescribed by the police department. It shall further be the duty of the mover of houses and buildings to leave lighted flares about such house or structure or moving equipment left standing overnight in any such street, avenue, highway, or public place between the hours of sunset and sunrise.
(Code 1971, § 9-51; Code 1987, § 7-55)

Sec. 7-128. Moves to be completed promptly; violation.

It shall be unlawful for any mover of houses or buildings, or the owner of any house or building being moved under the provisions of this article, to allow the same to remain standing on any street or public grounds longer than is reasonable and necessary, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be punished as provided in section 1-8.
(Code 1971, § 9-52; Code 1987, § 7-56)

Secs. 7-129—7-154. Reserved.

ARTICLE V. MECHANICAL CODE

Sec. 7-155. Adoption of International Mechanical Code, 2021 edition.

(a) Except as hereinafter provided by specific amendment, the following publications are hereby adopted, incorporated and made a part of this Code the same as though spread at large herein:

International Mechanical Code, 2021 edition, published by the International Code Council.

(b) One (1) printed copy of each publication described above has been filed in the office of the city clerk for the use and examination of the public.
(Code 1987, § 7-60; Ord. No. 05-29, § 16, 10-17-2005; Ord. No. 12-048, § 10, 1-21-2013; Ord. No. 18-007, § 10, 4-2-2018; Ord. No. 25-17, § 10, 6-7-2025)

Sec. 7-156. Additions, insertions and changes to the International Mechanical Code, 2021 edition.

That sections 101.1, 106.2, 109.2, 109.6, 115.4, 116.1, and 113.1 of the International Mechanical Code, 2021 edition, are amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Mechanical Code of the City of Beatrice, Nebraska, hereinafter referred to as "this code."

Section 106.2 Permits not required. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

1. Portable heating appliances;
2. Portable ventilation appliances and equipment;
3. Portable cooling units;
4. Steam, hot water or chilled water piping within any heating or cooling equipment or appliances regulated by this code;
5. The replacement of any minor part that does not alter the approval of equipment or an appliance or make such equipment or appliance unsafe;
6. Portable evaporative coolers;
7. Self-contained refrigeration systems that contain ten (10) pounds (four and one-half kilograms (4.5 kg)) or less of refrigerant, or that are actuated by motors of one (1) horsepower (seventy-five hundredths kilowatts (0.75 kW)) or less;
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid; and
9. Installation of a water heater to replace an existing water heater.

Section 109.2 Fee schedule. A fee for each permit shall be established by resolution adopted by the city council.

Section 109.6 Fee refunds. The refunding of fees shall be established by resolution adopted by the city council.

Section 113.1. Appeals. The procedure for appeals is contained in article X, sections 7-318 through 7-327 of the Beatrice City Code.

Section 115.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair anything in violation of the approved construction documents or directive of the building official, or of a

permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding thirty (30) days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 116.1 Stop work orders. Upon notice from the building official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform by the building official to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00). Each day that work continues in or about a structure after having been served a stop work order shall constitute a separate offense.

That sections 103.1, 103.2, 103.3, 113.2, and 114.1, of the International Mechanical Code, 2021 edition, are hereby repealed.

(Code 1987, § 7-61; Ord. No. 05-29, § 17, 10-17-2005; Ord. No. 08-02, § 5, 1-21-2008; Ord. No. 12-048, § 11, 1-21-2013; Ord. No. 18-007, § 11, 4-2-2018; Ord. No. 25-17, § 11, 6-7-2025)

Secs. 7-157—7-180. Reserved.

ARTICLE VI. ENERGY CONSERVATION CODE

Sec. 7-181. Adoption of International Energy Conservation Code, 2021 edition.

(a) Except as hereinafter provided by specific amendment, the following publications are hereby adopted, incorporated and made a part of this Code the same as though spread at large herein:

International Energy Conservation Code, 2021 edition, published by the International Code Council.

(b) One (1) printed copy of each publication described above has been filed in the office of the City Clerk for the use and examination of the public.

(Code 1987, § 7-70; Ord. No. 05-29, § 18, 10-17-2005; Ord. No. 12-048, § 12, 1-21-2013; Ord. No. 18-007, § 12, 4-2-2018; Ord. No. 25-17, § 12, 6-7-2025)

Sec. 7-182. Additions, insertions and changes to the International Energy Conservation Code, 2021 edition.

That sections C101.1 C104.2, C104.5, C109.1, C109.4, and C110.1 of the International Energy Conservation Code, 2021 edition, are amended to read as follows:

Section C101.1 Title. These codes shall be known as the Energy Conservation Code of the City of Beatrice, Nebraska, and shall be cited as such. It is referred to herein as "this code."

Section C104.2 Schedule of permit fees. The building permit fees shall be established by resolution adopted by the city council.

Section C104.5 Refunds. The refunding of fees shall be established by resolution adopted by the city council.

Section C109.1 Stop work orders. Upon notice from the building official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform by the building official to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00). Each day that work continues in or about a structure after having been served a stop work order shall constitute a separate offense.

Section C109.4 Failure to comply. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair anything in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding thirty (30) days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section C110.1 Appeals. The procedure for appeals is contained in article X, sections 7-318 through 7-327 of the Beatrice City Code.

That sections C109.2, C109.3, C109.4, C110.2, and C110.3 of the International Energy Conservation Code, 2021 edition, are hereby repealed.

(Code 1987, § 7-71; Ord. No. 96-37, § 2, 7-15-1996; Ord. No. 99-7, § 1, 2-1-1999; Ord. No. 04-14, § 12, 6-21-2004; Ord. No. 05-29, § 19, 10-17-2005; Ord. No. 12-048, § 13, 1-21-2013; Ord. No. 18-007, § 13, 4-2-2018; Ord. No. 25-17, § 13, 6-7-2025)

Secs. 7-183—7-202. Reserved.

ARTICLE VII. PLUMBING CODE*

DIVISION 1. GENERALLY

Sec. 7-203. Adoption of International Plumbing Code, 2021 edition.

(a) Except as hereinafter provided by specific amendment, the following publications are hereby adopted, incorporated and made a part of this Code the same as though spread at large herein:

International Plumbing Code, 2021 edition, published by the International Code Council.

***State law reference—**Plumbing inspection, R.R.S. § 18-1901 et seq.

(b) One (1) printed copy of each publication described above has been filed in the office of the city clerk for the use and examination of the public.
(Code 1987, § 7-90; Ord. No. 05-29, § 21, 10-17-2005; Ord. No. 12-048, § 14, 1-21-2013; Ord. No. 18-007, § 14, 4-2-2018; Ord. No. 25-17, § 14, 6-7-2025)

Sec. 7-204. Additions, insertions and changes to the International Plumbing Code, 2021 edition.

That sections 101.1, 106.1, 106.2, 109.2, 109.5, 115.4, 116.1, 113.1, 305.4.1, 410.2, 410.4, and 903.1.1 of the International Plumbing Code, 2021 edition, are amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Plumbing Code of the City of Beatrice, Nebraska, hereinafter referred to as "this code."

Section 106.1 Where required. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, move, demolish or change the occupancy of a building or structure, or replace any plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit for the work.

Section 106.2 Exempt work. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. The following work shall be exempt from the requirement for a permit:

1. The stopping of leaks in drains, water, soil, waste or vent pipe;
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets and fixtures, provided such repairs do not involve or require the rearrangement of valves, pipes or fixtures; and
3. Installation of a water heater to replace an existing water heater.

Section 109.2 Schedule of permit fees. The building permit fees shall be established by resolution adopted by the city council.

Section 109.5 Refunds. The refunding of fees shall be established by resolution adopted by the city council.

Section 113.1. Appeals. The procedure for appeals is contained in article X, sections 7-318 through 7-327 of the Beatrice City Code.

Section 115.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair anything in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding thirty (30) days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 116.1 Stop work orders. Upon notice from the building official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform by the building official to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00). Each day that work continues in or about a structure after having been served a stop work order shall constitute a separate offense.

That section 301.8 be added to the International Plumbing Code, 2021 edition, as follows:

Section 301.8 Future fixtures; basement requirements. Provisions shall be made for the future installation of one floor drain, one lavatory, and one water closet in every basement of a single-family dwelling through the installation of fixture drains conforming to the requirements of this code. The fixture drains shall include the required vent pipes connected to the vent system. As used in this section, the term "basement" shall mean any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined in the Beatrice City Code.

Section 305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be a minimum of thirty-six (36) inches (nine hundred fourteen and four-tenths millimeters (914.4 mm)) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of thirty-six (36) inches (nine hundred fourteen and four-tenths millimeters (914.4 mm)) below grade.

Section 410.2 Small occupancies. Drinking fountains shall not be required for an occupant load of forty-nine (49) or fewer.

Section 410.4 Substitution. Where restaurants provide drinking water in a container free of charge, drinking fountains shall not be required in those restaurants. In other occupancies where drinking fountains are required, water dispensers shall be permitted to be substituted for not more than fifty percent (50%) of the required number of drinking fountains. In B and M occupancy groups with an occupant load of forty-nine (49) or fewer, water dispensers shall be permitted to be substituted for the required drinking fountains.

Section 903.1.1 Roof extension unprotected. All open vent pipes that extend through a roof shall be terminated at least twelve (12) inches (three hundred four and eight-tenths millimeters (304.8 mm)) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least seven (7) feet (two thousand one hundred thirty-four millimeters (2,134 mm)) above the roof.

That sections 103.1, 103.2, 103.3, and 114.1, of the International Plumbing Code, 2021 edition, are hereby repealed.

(Code 1971, § 27-1; Code 1987, § 7-91; Ord. No. 04-14, § 17, 6-21-2004; Ord. No. 05-29, § 22, 10-17-2005; Ord. No. 08-02, § 6, 1-21-2008; Ord. No. 12-048, § 15, 1-21-2013; Ord. No. 18-007, § 15, 4-2-2018; Ord. No. 25-17, § 15, 6-7-2025)

Secs. 7-205—7-231. Reserved.

DIVISION 2. BOARD OF EXAMINATION OF PLUMBERS

Sec. 7-232. Created.

There is hereby created in and for the city a board of examination of plumbers.
(Code 1971, § 27-14; Code 1987, § 7-106)

Sec. 7-233. Application of state law.

All provisions of state law regarding the board of examination of plumbers shall be applicable to the board created by this division and included herein by reference as though set out in full.
(Code 1971, § 27-15; Code 1987, § 7-107)

State law reference—Board for examination of plumbers, R.R.S. § 18-1901 et seq.

Sec. 7-234. Composition.

The board of examination of plumbers shall be composed of the city physician-chief health officer, the community development director, two (2) master plumbers and one (1) journey worker plumber. The water superintendent and wastewater superintendent of the board of public works shall be ex officio members of the board but shall have no vote upon any matter before the board. All members of the plumbing board shall be residents of the city or live within the zoning jurisdiction of the city. The plumbing inspector and the journey worker and master plumbers shall be licensed plumbers.
(Code 1971, § 27-16; Code 1987, § 7-108; Ord. No. 89-15, § 1, 6-5-1989; Ord. No. 04-14, § 19, 6-21-2004; Ord. No. 09-007, § 1, 3-2-2009)

Sec. 7-235. Compensation; vacancies.

The master and journey worker plumbers shall be paid five dollars ($5.00) per meeting attended. Vacancies shall be filled by appointment for the unexpired term only.
(Code 1971, § 27-17; Code 1987, § 7-109; Ord. No. 89-15, § 2, 6-5-1989)

Sec. 7-236. Secretary; duties.

The community development director shall be the secretary of the board of examination of plumbers. It shall be the duty of the secretary to keep full, true and correct minutes and records of all licenses issued by the board, together with their types and dates, and the names of the persons to whom issued, in books provided by the community development department for that purpose, which books and records shall be open for free inspection at the community development department office by all persons during business hours.
(Code 1971, § 27-19; Code 1987, § 7-111; Ord. No. 09-007, § 3, 3-2-2009)

Sec. 7-237. Powers, duties generally.

The board of examination of plumbers shall have powers and perform such duties as provided for it by state law, this Code and city ordinances, rules and regulations, and shall have such other duties as the mayor and council shall require.
(Code 1971, § 27-21; Code 1987, § 7-113)

State law reference—General duties of board for examination of plumbers, R.R.S. 18-1904 et seq.

Secs. 7-238—7-267. Reserved.

DIVISION 3. LICENSING*

Sec. 7-268. Classes of licenses.

There shall be three (3) classes of plumber licenses as follows:

(1) Master plumber is hereby defined to be any person skilled in the planning, superintending and material installation of plumbing and drainage, who is familiar with the ordinances and regulations governing the same, and who is competent to install, repair, alter or remove plumbing or drainage with the full responsibility of supervisor, whether doing such work by himself or herself or employing journey worker plumbers. A master plumber shall have at least four (4) years of verifiable experience consisting of at least two (2) years of verifiable experience as a journey worker plumber.

(2) Journey worker plumber is hereby defined to be any person employed by a master plumber who as his or her principal occupation is engaged in the practical installation, repair or removal of plumbing and drainage. A journey worker plumber shall have at least two (2) years of verifiable experience as a plumber's apprentice.

(3) Plumber's apprentice is hereby defined to be a person other than a master plumber or journey worker plumber who, as his or her principal occupation, is engaged in learning and assisting in the installation, repair, alteration or removal of plumbing and drainage as an employee under the direct supervision of a master plumber or journey worker plumber.

(Code 1971, § 27-33; Code 1987, § 7-126; Ord. No. 09-007, § 4, 3-2-2009)

Sec. 7-269. Required.

Except as otherwise provided in this division, no person shall engage in the plumbing business in the city and within two (2) miles thereof or install any piping, fixtures or other apparatus for supplying water nor to install any plumbing fixtures, drainage, vents and water distribution system unless he or she shall have been duly authorized to do so by being licensed by the city in one (1) of the classifications listed in section 7-268. It shall be unlawful for any person to perform any plumbing work

*__State law reference—__Plumbing licenses, R.R.S. § 18-1907 et seq.

not authorized by the license issued to him or her by the city; provided, however, that the requirements of this section shall not apply to employees of the water department or wastewater department of the board of public works acting within the scope of their employment.
(Code 1971, § 27-34; Code 1987, § 7-127; Ord. No. 09-007, § 5, 3-2-2009)

Sec. 7-270. Exceptions.

(a) Nothing contained in this division shall be construed as requiring the owner of real estate to have a license when personally installing plumbing in a single-family dwelling or a unit in a multiple-family dwelling owned and occupied by him.

(b) Nothing contained in this division shall be construed as requiring an employee working for a single employer as part of such employer's full-time staff and not holding himself or herself out to the public for hire to hold a license while acting within the scope of his or her employment.
(Code 1971, § 27-35; Code 1987, § 7-128)

Sec. 7-271. Application.

Application for a master plumber's license, journey worker plumber's license or plumber's apprentice license shall be made in writing to the board of examination of plumbers, upon blanks furnished by the community development department. Such form shall show the name and address of the applicant, the business location of the applicant, current building licenses held, and such other information as may be required by the board.
(Code 1971, § 27-36; Code 1987, § 7-129; Ord. No. 09-007, § 6, 3-2-2009)

Sec. 7-272. Licensing of firms, corporations, etc.

(a) In case of a partnership or firm consisting of more than one (1) person, only one (1) of such persons shall be required to qualify as a master plumber.

(b) In the case of a legally constituted corporation, only one (1) executive officer who is liable to service of legal process shall be required to qualify as a master plumber.
(Code 1971, § 27-37; Code 1987, § 7-130)

Sec. 7-273. Written examination.

(a) Any applicant for a license as a master plumber or journey worker plumber shall be required to submit to a written examination given by the board of examination of plumbers to determine his or her qualifications and fitness for executing the type of work covered by the license for which application is made. Any applicant who fails to pass the required examination shall not be eligible to take another examination until at least three (3) months shall have elapsed from the date of the last examination.

(b) Any applicant for a plumber license shall not be required to submit a written examination if the individual can provide proof they are certified through an accredited certification organization, or licensed through a plumbing board that is equal to or greater than the plumbing board of the city and in good standing with said certification organization or plumbing board. Applicants meeting these requirements shall be required to pay the applicable licensing fee.
(Code 1971, § 27-38; Code 1987, § 7-131; Ord. No. 09-007, § 7, 3-2-2009)

Sec. 7-274. Fees.

(a) Each applicant for a master plumber's license or journey worker plumber's license shall pay an application fee established by resolution adopted by the city council.

(b) A master plumber or journey worker plumber shall pay an annual license fee established by resolution adopted by the city council. Such fee shall be paid to the community development department.
(Code 1971, § 27-39; Code 1987, § 7-132; Ord. No. 95-22, § 1, 5-1-1995; Ord. No. 09-007, § 8, 3-2-2009; Ord. No. 13-054, § 5, 10-21-2013)

State law reference—License fees, R.R.S. § 18-1911.

Sec. 7-275. Issuance.

If the applicant for a master plumber's license or journey worker plumber's license has shown himself or herself competent and complied with the requirements of this division and on the payment of the proper fees, the board of examination of plumbers shall cause its chair and secretary to execute and deliver to the applicant a license authorizing him or her to do plumbing in the city.
(Code 1971, § 27-41; Code 1987, § 7-133)

Sec. 7-276. Registration.

Any person desiring to engage in the business of a master plumber in the city shall have his or her full name, residence and place of business registered in a book kept for that purpose by the community development director and, in case of removal or change of address of any such person, it shall be the duty of such person to notify the community development director at once of such removal or change.
(Code 1971, § 27-42; Code 1987, § 7-134; Ord. No. 09-007, § 9, 3-2-2009)

Sec. 7-277. Apprentice plumber's license; fees.

(a) Licenses shall be granted by the board of examination of plumbers to applicants for apprentice plumber's licenses on such conditions and after such examination as shall be required by the board.

(b) An apprentice plumber shall pay an annual license fee established by resolution adopted by the city council. Such fee shall be paid to the community development department.
(Code 1971, § 27-43; Code 1987, § 7-135; Ord. No. 09-007, § 10, 3-2-2009; Ord. No. 13-054, § 6, 10-21-2013)

Sec. 7-278. Employment of apprentice plumbers.

No master plumber licensed pursuant to this article shall employ any person as a plumber's apprentice who is not licensed as a plumber's apprentice pursuant to section 7-277. No plumber's apprentice shall be permitted to work at the installation, alteration, repair or removal of any plumbing or drainage except under the direct supervision and in the immediate presence of a duly licensed master plumber or journey worker plumber.
(Code 1971, § 27-44; Code 1987, § 7-136)

Sec. 7-279. Term.

All licenses issued under this division shall expire two (2) years after the date of issuance as determined by the plumbing board. The license year shall begin on January 10 of each year.
(Code 1971, § 27-45; Code 1987, § 7-137; Ord. No. 95-22, § 2, 5-1-1995)

State law reference—Term of license, R.R.S. § 18-1909.

Sec. 7-280. Renewal.

All classes of licenses may be renewed by the plumbing board, without an examination, upon submission of a written application to the plumbing board by the applicant showing that his or her purposes and conditions remain unchanged and upon payment of the required renewal fee, unless it is made to appear by affidavit before the board that the applicant is no longer competent or entitled to such renewal license, in which event the renewal license shall not be granted until the applicant has undergone the examination required in this article.
(Code 1971, § 27-46; Code 1987, § 7-138)

Sec. 7-281. Re-examination upon failure to renew.

Any master plumber or journey worker plumber failing to renew his or her license within three (3) months after date of expiration shall pay the examination fee required by this article for a master plumber's license or journey worker plumber's license, as the case may be, and shall submit himself or herself to and pass the examination required pursuant to section 7-273.
(Code 1971, § 27-47; Code 1987, § 7-139)

Sec. 7-282. Suspension; revocation.

Any license issued under the provisions of this division may be revoked or suspended by the city council for the violation by the licensee of any applicable provision of this Code, state law or city ordinance, rule or regulation.
(Code 1971, § 27-48; Code 1987, § 7-140)

State law reference—Revocation of license by plumbing board, R.R.S. § 18-1909.

Secs. 7-283—7-312. Reserved.

DIVISION 4. SEWER AND DRAIN LAYER'S LICENSE

Sec. 7-313. Classes of licenses.

There shall be three (3) classes of sewer and drain layers licenses as follows:

(1) Master sewer and drain layer is hereby defined to be any person skilled in the planning, superintending and material installation of sewer or drain pipes outside of a building, the planning, superintending and material installation of water services from meter pits or curb stops to structures and into structures, including stop and water valve within such structure, the planning and superintending of cleaning sewers and drains outside of buildings; and who is competent to engage in the above-described work with the full responsibility of supervisor, whether doing such work by himself or herself or employing journey worker sewer and drain layers; and who is familiar with the ordinances and regulations governing the above-described work.

(2) Journey worker sewer and drain layer is hereby defined to be any person employed by a master sewer and drain layer and who as his or her principal occupation is engaged in the practical installation of sewer or drain pipes outside of a building, the cleaning of sewers and drains outside of buildings and the installation of water services from meter pits or curb stops to structures and into structures including stop and water valve within such structure.

(3) Sewer and drain layer apprentice is hereby defined to be a person other than a master or journey worker sewer and drain layer, who, as his or her principal occupation, is engaged in learning and assisting in the installation of sewer or drain pipes outside of a building and the cleaning of sewers and drains outside of buildings, and the installation of water services from meter pits or curb stops to structures and into structures, including a water stop and water valve within such structure as an employee under the direct supervision of a master or journey worker sewer and drain layer.

(Code 1971, § 27-88; Code 1987, § 7-171)

Sec. 7-314. Required.

No person shall engage in the sewer and drain layer business in the city and within two (2) miles thereof unless he or she shall have been duly authorized to do so by being licensed in one (1) of the classifications listed in section 7-313. It shall be unlawful for any person to perform any sewer and drain layer work not authorized by the license issued to him or her. However, the requirements of this section shall not apply to employees of the water department of the board of public works acting within the scope of their employment.

(Code 1971, § 27-89; Code 1987, § 7-172)

Sec. 7-315. Application.

Application for a master, journey worker or apprentice sewer and drain layer's license shall be made in writing to the board of examination of plumbers, upon blanks furnished by the community development department. Such form shall show the name and address of the applicant, the business location of the applicant, and such other information as may be required by the board.

(Code 1971, § 27-90; Code 1987, § 7-173)

Sec. 7-316. Written examination.

Any applicant for a license as a master or journey worker sewer and drain layer shall be required to submit to a written examination given by the board of examination of plumbers to determine his or her qualifications and fitness for executing the type of work covered by the license for which application is made. Any applicant who fails to pass the required examination shall not be eligible to take another examination until at least three (3) months shall have elapsed from the date of the last examination.
(Code 1971, § 27-91; Code 1987, § 7-174)

Sec. 7-317. Fees.

(a) Each applicant for a master or journey worker sewer and drain layer's license shall pay an examination fee as established by resolution adopted by the city council.

(b) The fee for the master sewer and drain layer's license or the journey worker sewer and drain layer's license shall be established by resolution adopted by the city council. The fee for a renewal of the master sewer and drain layer's license or the journey worker sewer and drain layer's license shall be established by resolution adopted by the city council. Such fees shall be paid to the community development department.
(Code 1971, § 27-93; Code 1987, § 7-175; Ord. No. 13-054, § 5, 10-21-2013)

Sec. 7-318. Issuance.

If the applicant for a master or journey worker sewer and drain layer's license has shown himself or herself competent and complied with the requirements of this division and on the payment of the proper fees, the board of examination of plumbers shall cause its chair and secretary to execute and deliver to the applicant a license authorizing him or her to do sewer and drain laying in the city.
(Code 1971, § 27-94; Code 1987, § 7-176)

Sec. 7-319. Term; renewal.

(a) All licenses issued under this division shall expire one (1) year after the date of issuance. The license year shall begin on January 10 of each year.

(b) All classes of licenses may be renewed by the plumbing board without an examination, upon submission of a written application to the plumbing board by the applicant showing that his or her purpose and conditions remain unchanged and upon payment of the required renewal fee, unless it is made to appear by affidavit before the board that the applicant is no longer competent or entitled to such renewal license, in which event the renewal license shall not be granted until the applicant has undergone the examination required in this division.
(Code 1971, § 27-95; Code 1987, § 7-177)

Sec. 7-320. Reexamination upon failure to renew.

Any master or journey worker sewer and drain layer failing to renew his/her license within three (3) months after date of expiration shall pay the examination fee required by this division for a master or journey worker sewer and drain layer's license, as the case may be, and shall submit himself/herself to and pass the examination required pursuant to section 7-316.
(Code 1971, § 27-96; Code 1987, § 7-178)

Sec. 7-321. Liability.

Any licensed plumber or sewer or drain layer who connects with the public sewers or water mains shall be held responsible for any damage he or she may cause to the sewers, or water mains, or public streets of the city.
(Code 1971, § 27-97; Code 1987, § 7-179)

Sec. 7-322. Suspension, revocation.

The city council shall have the authority to suspend or revoke any license issued under the provisions of this division for the violation by the licensee of any applicable provision of this Code, state law or city ordinance, rules or regulations.
(Code 1971, § 27-98; Code 1987, § 7-180)

Sec. 7-323. Registration.

Any person desiring to engage in the business of a master sewer and drain layer in the city shall have his or her full name, residence and place of business registered in a book kept for that purpose by the community development director; and in case of removal or change of address of any such person, it shall be the duty of such person to notify the community development director at once of such removal or change.
(Code 1971, § 27-99; Code 1987, § 7-181)

Sec. 7-324. Apprentice sewer and drain layer's license; fees.

(a) Licenses shall be granted by the board of examination of plumbers to applicants for apprentice sewer and drain layer's licenses on such conditions and after such examination as shall be required by the board.

(b) The fees for an apprentice sewer and drain layer's license and the renewal of such license shall be established by resolution adopted by the city council. Such fee shall be paid to the community development department.
(Code 1971, § 27-100; Code 1987, § 7-182; Ord. No. 13-054, § 8, 10-21-2013)

Sec. 7-325. Employment of apprentice sewer and drain layers.

No master sewer and drain layer licensed pursuant to this division shall employ any person as an apprentice sewer and drain layer who is not licensed as an apprentice sewer and drain layer pursuant

to section 7-324. No apprentice sewer and drain layer shall be permitted to work at the business of sewer and drain laying except under the direct supervision and in the immediate presence of a duly licensed master or journey worker sewer and drain layer.
(Code 1971, § 27-101; Code 1987, § 7-183)

Sec. 7-326. Manner of work generally.

All work done under the provisions of this division shall be done under and in compliance with the direction of the community development director and in conformity to the rules and regulations established therefor.
(Code 1971, § 27-81; Code 1987, § 7-184)

Sec. 7-327. Record of work.

A record shall be kept by sewer or drain layers covering full details of such work and a return shall be filed with the community development director upon the completion of the work.
(Code 1971, § 27-82; Code 1987, § 7-185)

Secs. 7-328—7-357. Reserved.

ARTICLE VIII. EXISTING BUILDING CODE

Sec. 7-358. Adoption of International Existing Building Code, 2021 edition.

(a) Except as hereinafter provided by specific amendment, the following publications are hereby adopted, incorporated and made a part of this Code the same as though spread at large herein:

International Existing Building Code, 2021 edition, published by the International Code Council.

(b) One (1) printed copy of each publication described above has been filed in the office of the city clerk for the use and examination of the public.
(Code 1987, § 7-201; Ord. No. 18-007, § 16, 4-2-2018; Ord. No. 25-17, § 16, 6-7-2025)

Sec. 7-359. International Existing Building Code, 2021 edition.

That sections 101.1, 105.2, 105.3 108.2, 108.6, 112.1, and 114.2 of the International Existing Building Code, 2021 edition, are amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Existing Building Code of the City of Beatrice, Nebraska, hereinafter referred to as "this code."

Section 105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building.

1. Sidewalks and driveways not more than thirty (30) inches (seven hundred sixty-two (762) mm) above grade and not over any basement or story below that are not part of an accessible route.

2. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
3. Temporary motion picture, television, and theater stage sets and scenery.
4. Shade cloth structures constructed for nursery or agricultural purposes, and not including service systems.
5. Window awnings supported by an exterior wall of Group R-3 or Group U occupancies.
6. Movable cases, counters, and partitions not covered sixty-nine (69) inches (one thousand seven hundred fifty-three (1,753) mm) in height.
7. Installation of a water heater to replace an existing water heater.

Electrical.

Repairs and maintenance: Minor repair work, including the placement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for power supply, the installations of towers, and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas.

1. Portable heating appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical.

1. Portable heating appliances.
2. Portable ventilation equipment.
3. Portable cooling units.
4. Steam, hot, or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration system containing ten (10) pounds (four and fifty-four hundredths (4.54) kg) or less of refrigerant and actuated by motors of one (1) horsepower (seven hundred forty-six (746) W) or less.

Plumbing.

1. The stopping of leaks in drains, water, soil, waste, or vent pipe.

2. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the rearrangement of valves, pipes, or fixtures.
3. Installation of a water heater to replace an existing water heater.

Section 105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the building official for that purpose. Such application shall:

1. Identify and describe the work in accordance with chapter 3 to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in section 106.3.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the code official.

Section 108.2 Fee schedule. A fee for each permit shall be established by resolution adopted by the city council.

Section 108.6 Refunds. The refunding of fees shall be established by resolution adopted by the city council.

Section 112.1 Appeals. The procedure for appeals is contained in article X, sections 7-318 through 7-327 of the Beatrice City Code.

Section 114.1 Stop work orders. Upon notice from the building official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform by the building official to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00). Each day that work continues in or about a structure after having been served a stop work order shall constitute a separate offense.

That sections 103.1, 103.2, 103.3, 108.5, 112.2, 112.3, 114.2 and 114.4 of the International Existing Building Code, 2021 edition, are hereby repealed.

(Code 1987, § 7-202; Ord. No. 18-007, § 16, 4-2-2018; Ord. No. 25-17, § 17, 6-7-2025)

Secs. 7-360—7-376. Reserved.

ARTICLE IX. FUEL GAS CODE

Sec. 7-377. Adoption of International Fuel Gase Code, 2021 edition.

(a) Except as hereinafter provided by specific amendment, the following publications are hereby adopted, incorporated and made a part of this Code the same as though spread at large herein:

International Fuel Gas Code, 2021 edition, published by the International Code Council.

(b) One (1) printed copy of each publication described above has been filed in the office of the city clerk for the use and examination of the public.
(Code 1987, § 7-316; Ord. No. 18-007, § 17, 4-2-2018; Ord. No. 25-17, § 18, 6-7-2025)

Sec. 7-378. International Fuel Gas Code, 2021 edition.

That sections 101.1, 106.2, 109.2, 109.6, 115.4, 113.1, and 116.1 of the International Fuel Gas Code, 2021 edition, are amended to read as follows:

Section 101.1 Title. These regulations shall be known as the Fuel Gas Code of the City of Beatrice, Nebraska, hereinafter referred to as "this code."

Section 106.2 Permits not required. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Permits shall not be required for the following:

1. Portable heating appliances.
2. Replacement of any minor component of an appliance or equipment that does not alter approval of such appliance or equipment or make such appliance or equipment unsafe.
3. Installation of a water heater to replace an existing water heater.

Section 109.2 Fee schedule. A fee for each permit shall be established by resolution adopted by the city council.

Section 109.6 Refunds. The refunding of fees shall be established by resolution adopted by the city council.

Section 113.1. Appeals. The procedure for appeals is contained in article X, sections 7-318 through 7-327 of the Beatrice City Code.

Section 115.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair anything in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor,

punishable by a fine of not more than five hundred dollars ($500.00) or by imprisonment not exceeding thirty (30) days, or both. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 116.1 Stop work orders. Upon notice from the building official that work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform by the building official to remove a violation or unsafe condition, shall be subject to a fine of not less than one hundred dollars ($100.00) or more than five hundred dollars ($500.00). Each day that work continues in or about a structure after having been served a stop work order shall constitute a separate offense.

That sections 103.1, 103.2, 103.3, and 106.6.1 of the International Fuel Gas Code, 2021 edition, are hereby repealed.
(Code 1987, § 7-317; Ord. No. 18-007, § 17, 4-2-2018; Ord. No. 25-17, § 19, 6-7-2025)

Secs. 7-379—7-399. Reserved.

ARTICLE X. APPEALS

Sec. 7-400. Application for appeal.

Any person directly affected by a decision of the community development director or a notice or order issued under this chapter shall have the right to appeal to the board of appeals, provided that a written application for appeal is file within twenty (20) calendar days after the date of the decision, notice or order was served. An application for appeal shall be based upon a claim that the true intent of this chapter or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this chapter do not fully apply, or the requirements of this Code are adequately satisfied by other means.
(Code 1987, § 7-318; Ord. No. 18-007, § 18, 4-2-2018)

Sec. 7-401. Membership of board.

The board of appeals shall consist of five (5) members appointed by the mayor, by and with the consent of the city council, each for a term of five (5) years, or until a successor has been appointed. The board shall annually select one (1) of its members to serve as chair.
(Code 1987, § 7-319; Ord. No. 18-007, § 18, 4-2-2018)

Sec. 7-402. Board decision.

The board shall modify or reverse the decision of the code official by a concurring vote of at least three (3) members. The board shall not make a ruling that would result in a violation of city codes, the city zoning ordinance, the city subdivision ordinance, or state law.
(Code 1987, § 7-320; Ord. No. 18-007, § 18, 4-2-2018; Ord. No. 22-18, § 1, 8-1-2022)

Sec. 7-403. Court review.

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the city clerk.
(Code 1987, § 7-321; Ord. No. 18-007, § 18, 4-2-2018)

Sec. 7-404. Qualifications.

The board of appeals shall consist of members who are qualified by experience and training to pass judgment on matters related to building construction and are not employees of the city.
(Code 1987, § 7-322; Ord. No. 18-007, § 18, 4-2-2018)

Sec. 7-405. Alternate members.

The mayor, with the approval of the city council, shall appoint two (2) alternate members who shall be called by the board chair to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five (5) years or until a successor has been appointed.
(Code 1987, § 7-323; Ord. No. 18-007, § 18, 4-2-2018)

Sec. 7-406. Disqualification of member.

A member shall not hear an appeal in which that member has a personal, professional, or financial interest.
(Code 1987, § 7-324; Ord. No. 18-007, § 18, 4-2-2018)

Sec. 7-407. Secretary.

The code official shall designate the secretary to the board. The secretary shall file a detailed record of all proceedings in the office of the city clerk.
(Code 1987, § 7-325; Ord. No. 18-007, § 19, 4-2-2018)

Sec. 7-408. Notice of meeting.

The board shall meet within twenty (20) business days of the filing of an appeal or at stated periodic meetings.
(Code 1987, § 7-326; Ord. No. 18-007, § 19, 4-2-2018)

Sec. 7-409. Open hearing.

All hearings before the board shall be open to the public. The appellant, the appellant's representative, the code official, and any person whose interests are affected shall be given an opportunity to be heard and must attend such hearings in person. A quorum shall consist of not less than three (3) members of the board.
(Code 1987, § 7-327; Ord. No. 18-007, § 19, 4-2-2018; Ord. No. 22-18, § 2, 8-1-2022)

Secs. 7-410—7-431. Reserved.

ARTICLE XI. DEMOLITION OF STRUCTURES

Sec. 7-432. Permit required.

Any person intending to wreck or demolish any building or house shall, before proceeding with such wrecking or demolition of any such structure in the city or the two (2) mile area beyond its corporate limits, secure a permit to do so from the community development director; provided, however, no permit shall be required if any person wrecks or demolishes an accessory building with an area of twenty (20) square feet or less customarily incidental to a principal residential structure.
(Code 1987, § 7-340; Ord. No. 18-007, § 20, 4-2-2018)

Sec. 7-433. Permit fee.

The demolition permit fee shall be established by resolution adopted by the city council.
(Code 1987, § 7-341; Ord. No. 18-007, § 20, 4-2-2018)

Sec. 7-434. Termination, discontinuance of utility services.

It shall be the duty of the person demolishing any structure under the provisions of this article that all utilities, such as gas, electricity, water and sewer, be shut off either at the street line or the alley. The sewer service from the house to the main shall be properly closed in accordance with requirements of the city engineer.
(Code 1987, § 7-342; Ord. No. 18-007, § 21, 4-2-2018)

Sec. 7-435. Completion deadline.

All demolition work must be completed within ninety (90) calendar days from the date of the granting of the demolition permit.
(Code 1987, § 7-343; Ord. No. 18-007, § 21, 4-2-2018)

Sec. 7-436. Holes, depressions at site.

It shall be unlawful for any person to wreck or demolish any structure in such a manner that there shall remain holes or depressions in the earth dangerous to life or limb.
(Code 1987, § 7-344; Ord. No. 18-007, § 21, 4-2-2018)

Sec. 7-437. Burning of materials.

No burning of materials during the performance of demolition work shall be permitted without written authorization of the fire chief.
(Code 1987, § 7-345; Ord. No. 18-007, § 21, 4-2-2018)

Sec. 7-438. Condition of site.

The site remaining after the demolition of any structure under the provisions of this article shall be left in a safe and sanitary condition and left in a condition as close as possible to its natural state, both above and below grade.
(Code 1987, § 7-346; Ord. No. 18-007, § 21, 4-2-2018)

Sec. 7-439. Cleanup of site.

All material, debris, or rubbish from the demolished structure shall be disposed of at a licensed landfill as approved by the community development director. It shall be unlawful for any person to allow debris or rubbish from which dust or offensive odor may emanate or become dangerous to the public health to remain at the site of any demolished structure.
(Code 1987, § 7-347; Ord. No. 18-007, § 21, 4-2-2018)

Sec. 7-440. Stop work order; revocation of permit.

(a) The community development director shall have the authority to stop the wrecking or demolition of any structure or part thereof when the same is being done in a reckless or careless manner or in violation of the provisions of this article or any other ordinances of the city. When such work is stopped by order of the community development director, it shall not be resumed without approval of the building official.

(b) A permit issued pursuant to this article may be suspended or revoked by the building official, city administrator, mayor, or the city council at any time upon the violation of any provisions of this article or any other ordinance of the city.
(Code 1987, § 7-348; Ord. No. 18-007, § 21, 4-2-2018)

Secs. 7-441—7-463. Reserved.

ARTICLE XII. VACANT BUILDING CODE

Sec. 7-464. Purpose.

Recognizing that vacant commercial buildings and properties contribute to blight, discourage economic development, retard appreciation of property values, endanger public health and safety, attract criminal activity, and create fire hazards, it is the responsibility of property owners to prevent buildings from becoming a burden to the neighborhood and community and a threat to the public health, safety, and welfare. Maintenance of the public health, safety, and welfare thus requires the city to maintain an accurate registration of all vacant commercial buildings and properties.
(Code 1987, § 7-350; Ord. No. 16-026, § 1, 6-6-2016)

Sec. 7-465. Public nuisance.

Vacant commercial buildings shall constitute a public nuisance.
(Code 1987, § 7-351; Ord. No. 16-026, § 2, 6-6-2016)

Sec. 7-466. Community development director responsible for enforcement.

The community development director or designees are designated to administer and enforce this article.
(Code 1987, § 7-352; Ord. No. 16-026, § 3, 6-6-2016)

Sec. 7-467. Definitions.

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

Building means a building, accessory structure, mobile or modular structure, or other structure used for commercial or mixed use purposes.

Calendar year means a period of one (1) year starting January 1 of the given year and ends on December 31 of the same year.

City means the City of Beatrice.

Commercial activity means having the objective of supplying commodities (goods and services), industrial uses, industrial manufacturing, and ancillary business functions.

Commercial building means a building with more than fifty percent (50%) of its floor space used for commercial activity. For the purposes of this section, floor space shall be designated as the area on the main or street level of the building.

Community development director means the community development director, the building inspector, the code enforcement officer, or any designees.

Owner means the person or entity shown to be the owner of record on the records of the county register of deeds.

Significant fire damage means fire damage which has damaged the structural integrity of the building or has made the building unfit for human occupancy.

Unoccupied means a building which is not being used for a legal use or occupancy. The storage of products and materials does not constitute occupancy unless authorized by the zoning ordinance of the city.

Vacant building means a commercial building or property that:

(1) Is unoccupied;

(2) Is without a tenant for a period of ninety (90) consecutive days;

(3) Has had minimal or no utility usage for a period of ninety (90) consecutive days; and

(4) Is not for sale, for rent, or for lease. The owner has the obligation to produce evidence of active marketing the sale, rent or lease. Such evidence may include one (1) of the following: listing with a licensed real estate broker, advertisement in a newspaper of general circulation within the city, or listing on a recognized online website.

The term "vacant building" does not include any building being constructed pursuant to a valid building permit issued by the city.
(Code 1987, § 7-353; Ord. No. 16-026, § 4, 6-6-2016)

Sec. 7-468. Vacant building registration; registration and maintenance requirements; fees.

(a) The owner of a vacant building must register the building with the city within thirty (30) calendar days of written notice provided to the owner or the owner's resident agent of the existence of the vacant building. Such notice shall be served on the owner or resident agent by personal service or by certified mail, return receipt requested. If the owner is a nonresident, such notice shall be sent by certified mail, return receipt requested, to the last known address of the owner. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the city or by conspicuously posting the notice on the property or building which is vacant. A copy of the notice under this article shall be recorded by the community development director or designee in the records of the register of deeds for the county and indexed against the premises.

(b) The required registration shall be submitted on the form provided by the city. The form shall include, but not be limited to, the name, current mailing address, phone number and any other contact information of the owner; the common address of the building; the sale or rental price of the building; and such other information deemed necessary by the city. The form shall also include the period of time the vacant building is expected to remain vacant, and a plan and timetable for either:

(1) Returning the vacant building or property to appropriate occupancy or use;

(2) Marketing the property pursuant to the requirements of this article;

(3) Making any necessary repairs; or

(4) Demolition of the building.

(c) All applicable laws and codes shall be complied with by the owner. The owner shall notify the city of any changes in information supplied as part of the vacant building registration within thirty (30) calendar days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must be approved by the community development director.

(d) Pursuant to the registration requirements of this section, for every subsequent year a building remains vacant beyond the initial registration, the owner of the vacant building must:

(1) Re-register the building, including appropriate fees; and

(2) Submit an updated plan for either returning the vacant building to appropriate occupancy or use, marketing thereof, making necessary repairs, or demolition of the building.

(e) If the owner of the vacant building does not reside in the county for at least one hundred eighty (180) days in a calendar year, then they must provide the information for a resident agent with authority to act with respect to the property, including name, current mailing address, phone number, and any other contact information of the owner's agent.

(f) Any subsequent owner of a vacant building must register or re-register the building with the city within thirty (30) calendar days of any transfer of any ownership interest in the vacant building. The new owner shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the city.

(g) The owner of a vacant building shall keep the building and any adjoining property secure, safe, and properly maintained in compliance with all federal, state and local ordinances and regulations.

(h) The building shall not be used for storage unless specifically allowed pursuant to the city zoning ordinance.
(Code 1987, § 7-354; Ord. No. 16-026, § 5, 6-6-2016)

Sec. 7-469. Vacant building fees.

(a) The owner of a vacant building shall pay a registration fee as established by resolution adopted by the city council for the period the building remains a vacant building. This fee includes the initial inspection of the property by the community development director.

(b) The registration fee shall be paid at the time of registration.

(c) The fees shall be paid in full prior to the issuance of any building permits.

(d) Fees associated with this article shall be paid directly to the city. In the event that fees are unpaid, the city attorney shall institute appropriate action against the owner for the recovery of such costs.

(e) An owner who acquires a vacant building for which the registration fee has already been paid for the calendar year period shall register the change of ownership with the city, but is not liable for an additional registration fee for that calendar year.
(Code 1987, § 7-355; Ord. No. 16-026, § 6, 6-6-2016)

Sec. 7-470. Exceptions.

The owner of a vacant building that meets one (1) of the exceptions set forth below shall be required to have the building inspected and to register the building with the city but the registration fee is waived:

(1) A building that is vacant because it has suffered significant fire damage within the previous ninety (90) calendar days;

(2) All vacant buildings in which the owner shows proof of acquisition and maintenance of liability insurance in an amount not less than one million dollars ($1,000,000.00). The owner shall provide written notice to the community development director within thirty (30) calendar days of any lapse, cancellation, or change in coverage related to the insurance policy

outlined herein. The community development director at any time may verify or request verification that the liability insurance coverage outlined herein is still valid. Registration and proof of insurance shall not exempt any vacant building from an inspection based upon emergency or visual observation pursuant to any other applicable city code.

(3) All buildings owned by government entities, including the United States federal government, the state, and any political subdivisions thereof, shall be exempt from all sections of this article.

(Code 1987, § 7-356; Ord. No. 16-026, § 7, 6-6-2016)

Sec. 7-471. Inspections.

(a) The community development director shall schedule and notify the property owner of a primary inspection of the property. At least ten (10) calendar days' advance written notice of the inspection shall be provided to the property owner and/or tenant in accordance with applicable law. If the owner and/or tenant of a vacant building refuses to consent to an inspection, the community development director shall obtain a warrant for the inspection in accordance with applicable law.

(b) The city shall inspect a vacant building upon registration to ensure compliance with the provisions of this article, the current adopted version of the International Property Maintenance Code, and all other applicable building codes of the city. Upon registration the vacant building will be inspected by the community development director. The community development director shall be authorized to take such actions as the community development director determines necessary or appropriate to implement, administer, and carry out the inspection requirements of this article, including, but not limited to, scheduling inspections for the efficient use of city resources.

(c) When the primary inspection of a vacant building reveals any violation, a notice shall be provided to the property owner identifying the violations and such violations shall be corrected pursuant to all applicable building codes adopted by the city.

(d) The primary inspection shall be conducted at no charge. Follow up inspections after the primary inspection also shall be conducted at no charge if violations have been corrected. If any violation has not been corrected, a fee as established by resolution adopted by the city council shall be charged for inspections after the primary inspection.

(e) Inspections may also be conducted at other times as the community development director determines necessary, including inspections on a complaint-basis.

(f) Inspections provided under this article shall be in addition and supplemental to any other inspection or access authorized under applicable law.

(g) A vacant building shall be inspected annually near the registration renewal date. The city reserves the right to inspect a vacant building at any reasonable time as conditions warrant.

(h) The community development director or designee may inspect or cause to be inspected any premises in the city for the purposes of enforcing and assuring compliance with the provisions of this chapter and safeguarding the health, safety and welfare of the general public. Upon the request of the city designated officer, an owner shall provide access to all interior portions of any vacant building or suspected vacant building in order to permit a complete inspection.

(i) The state fire marshal or designee is authorized to enter and inspect, or cause to be inspected, all vacant buildings and premises for the purpose of conducting an annual fire code compliance inspection.

(j) A vacant building found to be in compliance at the primary annual inspection shall not be subject to the annual inspection requirements of this section for a period of three (3) years. Such relief from inspection shall not limit the city's ability to inspect the property pursuant to any other applicable requirements of the International Property Maintenance Code, other building codes, and ordinances adopted or amended from time to time by the city.
(Code 1987, § 7-357; Ord. No. 16-026, § 8, 6-6-2016)

Sec. 7-472. Emergency repairs.

Where any vacant building poses an immediate danger to the health, safety, or general welfare of any person, and the owner fails to remedy the situation in a reasonable time after notice by the city to do so, the city may summarily repair such building or structure.
(Code 1987, § 7-358; Ord. No. 16-026, § 9, 6-6-2016)

Sec. 7-473. Appeal hearing.

(a) Upon receiving notice declaring a building vacant, the owner of the building may appeal such decision within twenty (20) calendar days of receipt of the notice. Such appeal shall be in writing to the city clerk accompanied by a non-refundable appeal fee. Such appeal shall request a hearing before the board of appeals to present reasons why the building should not be declared vacant. The appeal fee shall be set by resolution of the city council. The board of appeals shall set such hearing within twenty (20) business days from the date of receipt of the written request.

(b) A written notice of the board of appeals decision following the hearing shall be sent to the property owner by certified mail or shall be provided at the conclusion of the meeting. If the board of appeals rejects the appeal, the owner shall have thirty (30) calendar days from the decision to register the vacant building, provided the property owner may appeal such decision, within thirty (30) calendar days of the board of appeals decision, to the appropriate court for adjudication during which proceedings the decision of the board of appeals shall be stayed.
(Code 1987, § 7-359; Ord. No. 16-026, § 10, 6-6-2016)

Sec. 7-474. Penalties.

(a) Any person or entity who fails to register a vacant building pursuant to the timeline requirements established in this article shall pay a late registration fee as established by resolution adopted by the city council; such late registration fee shall be in addition to the required yearly registration fee.

(b) Any person upon whom a duty is placed by the provisions of this article who shall fail, neglect, or refuse to perform such duty or who shall violate a provision of this article shall be deemed guilty of an infraction and upon conviction thereof shall be fined in any sum not to exceed five hundred dollars ($500.00), except that each person so convicted shall be fined in a sum of not less than two hundred dollars ($200.00) for the first offense, not less than three hundred dollars ($300.00) for the second offense, and not less than four hundred dollars ($400.00) for the third offense and each

offense thereafter. The penalty herein provided shall be cumulative with and in addition to the revocation, cancellation, or forfeiture of any license, permit, or right elsewhere provided for or as provided by law. Each day that a violation of this article continues shall constitute a separate and distinct offense and shall be punishable as such.

(c) Any and all civil penalties assessed under this article shall be billed to the owner or other responsible party. Failure or refusal to pay any and all such penalties permits the city to pursue any and all available legal remedies for the enforcement and collection of such penalties, including, but not limited to, civil actions being filed in district court, suits or actions being maintained in any court of competent jurisdiction, abatement of nuisances maintained in violation of this article, institution of injunction, mandamus, or other appropriate action or proceedings to enforce the penalty provisions of this article.

(d) This article in no way limits the penalties, actions or abatement procedures which may be taken by the city for a violation of any other ordinance of the city or statute of the state.
(Code 1987, § 7-360; Ord. No. 16-026, § 11, 6-6-2016)

Sec. 7-475. Savings clause.

Should any paragraph, section or subsection of this article be declared to be invalid by a court of competent jurisdiction, the decision shall not affect the validity of this article as a whole or any part thereof, other than the part so declared to be invalid.
(Code 1987, § 7-361; Ord. No. 16-026, § 12, 6-6-2016)

Sec. 7-476. Alternative procedures.

Nothing in this article shall be deemed to abolish or impair existing remedies of the city authorized by this Code.
(Code 1987, § 7-362; Ord. No. 16-026, § 13, 6-6-2016)

Secs. 7-477—7-506. Reserved.

ARTICLE XIII. ADJOINING BUILDING CODE

Sec. 7-507. Purpose.

It is recognized that buildings that are in disrepair or dilapidated and adjoining to neighboring buildings endanger public health, safety, and welfare. Maintenance of the public health, safety, and welfare thus requires the city to inspect adjoining commercial buildings.
(Code 1987, § 7-370; Ord. No. 16-005, § 1, 4-18-2016)

Sec. 7-508. Definitions.

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

Adjoining building means:

(1) Any commercial building which touches, abuts, or adjoins another building; or

(2) Any commercial building with an exterior wall whose height (in feet) is greater than the distance (in feet) from the base of the exterior wall to the base of any surrounding building;

Building means a building, accessory structure, mobile or modular structure, or other structure adapted to permanent occupancy for residential or commercial purposes.

City means the City of Beatrice.

Commercial activity means having the objective of supplying commodities (goods and services) and ancillary business functions.

Commercial building means a building with more than fifty percent (50%) of its floor space used or formerly used for commercial activity. For the purposes of this article, floor space shall be designated as the area on the main or street level of the building.

Community development director means the community development director, the code enforcement officer, or any designees.

Owner means the person or entity shown to be the owner of record on the records of the county register of deeds; those identified as the owner on an adjoining building registration form.
(Code 1987, § 7-372; Ord. No. 16-005, § 3, 4-18-2016; Ord. No. 19-055, § 1, 12-2-2019)

Sec. 7-509. Registration.

(a) The owner of an adjoining building shall register his/her building with the community development department annually and pay a registration fee as established by resolution adopted by the city council. An adjoining building registration shall run from January 1 to December 31 each year.

(b) The fee set forth in subsection (a) of this section shall be waived if the owner of an adjoining building provides proof of insurance as provided in section 7-516.

(c) All buildings owned by government entities, including the United States federal government, the state, and any political subdivisions thereof, shall be exempt from all sections of this article.
(Code 1987, § 7-373; Ord. No. 16-005, § 4, 4-18-2016; Ord. No. 19-055, § 1, 12-2-2019)

Sec. 7-510. Adjoining building inspection.

Any owner of an adjoining building shall allow the community development director or designee to inspect their property pursuant to this article and any other applicable city code.
(Code 1987, § 7-374; Ord. No. 16-005, § 5, 4-18-2016; Ord. No. 19-055, § 1, 12-2-2019)

Sec. 7-511. Duty to maintain.

The owner of an adjoining building and property shall keep the building secure, safe, and properly maintained in compliance with all federal, state and local ordinances and regulations.
(Code 1987, § 7-375; Ord. No. 16-005, § 6, 4-18-2016)

Sec. 7-512. Inspection.

All adjoining buildings shall be inspected annually by the community development department.

(1) The community development department shall schedule and notify the property owner of an inspection of the property. At least ten (10) calendar days' advance written notice of the inspection shall be provided to the property owner and/or tenant in accordance with applicable law. If the owner and/or tenant of an adjoining building refuses to consent to an inspection, the community development director shall obtain a warrant for the inspection in accordance with applicable law.

(2) The inspection will be conducted to determine if the adjoining building satisfies applicable requirements of the International Property Maintenance Code, other building codes, and ordinances adopted or amended from time to time by the city, as such requirements, codes, and ordinances relate to the structural elements of the adjoining building. The structural elements of the adjoining building shall include, but not be limited to, the foundation, walls, floors, joists, ceiling, and roof of the adjoining building. Peripheral observation, identification, or inspection of obvious violations of applicable requirements of the International Property Maintenance Code, other building codes, and ordinances adopted or amended from time to time by the city may also occur.

(3) The community development director shall be authorized to take such actions as the community development director determines necessary or appropriate to implement, administer, and carry out the inspection requirements of this article, including, but not limited to, scheduling inspections for the efficient use of city resources.

(4) When the inspection of an adjoining building reveals any violation of applicable local, state, or federal rules or regulations, a notice shall be provided to the property owner identifying the violations and such violations shall be corrected pursuant to all applicable building codes adopted by the city.

(5) The initial inspection shall be conducted at no charge. Follow-up inspections after the initial inspection also shall be conducted at no charge if violations have been corrected. If any violation has not been corrected, a fee as established by resolution adopted by the city council shall be charged for inspections after the initial inspection.

(6) Inspections may also be conducted at other times as the community development director determines necessary, including inspections on a complaint basis, based upon emergency conditions, or upon visual observations pursuant to any other applicable city code.

(7) Inspections provided under this article shall be in addition and supplemental to any other inspection or access authorized under applicable law.

(8) The owner of an adjoining building found to be in compliance at the annual inspection, who properly registers their building, and provides proof of insurance as set forth in section 7-516, shall not be subject to the annual inspection requirements of this section for a period of four (4) years. Such relief from inspection shall not limit the city's ability to inspect the property pursuant to any other applicable requirements of the International Property Maintenance Code, other building codes, and ordinances adopted or amended from time to time by the

city. Registration and proof of insurance shall not exempt any adjoining building from an inspection based upon a complaint received, emergency conditions, or visual observations pursuant to any other applicable city code.

(Code 1987, § 7-376; Ord. No. 16-005, § 7, 4-18-2016; Ord. No. 19-055, § 1, 12-2-2019)

Sec. 7-513. Adjoining building inspection access.

(a) It shall be the responsibility of the property owner or the property owner's agent to be present at the building on the date and time of all inspections to provide access for the inspection. Failure to be present at any inspection will result in a rescheduling fee as established by resolution adopted by the city council.

(b) If any property owner, tenant, or other person lawfully in control of an adjoining building contained therein fails or refuses to consent to access and entry to the rental property or rental dwelling under its/his/her ownership or control for any inspection pursuant to this article, the community development director shall apply for and obtain a warrant or other appropriate court order authorizing such inspections in accordance with applicable law. Obstruction by a property owner, tenant, or other person of an inspection authorized by a legally enforceable warrant or other court order, shall be grounds for denial or revocation of the occupancy permit or renewal thereof, in addition to any other rights or remedies of the city under applicable law.

(c) Access requirements of this article shall be in addition and supplemental to any other access authorized under applicable law.

(Code 1987, § 7-377; Ord. No. 16-005, § 8, 4-18-2016; Ord. No. 19-055, § 1, 12-2-2019)

Sec. 7-514. Appeal hearing.

(a) Upon receiving notice of determination of an adjoining building, the owner of the building may appeal such decision within twenty (20) calendar days of receipt of the notice. Such appeal shall be in writing to the city clerk accompanied by a non-refundable appeal fee. The appeal fee shall be set by resolution of the city council. Such appeal shall request a hearing before the board of appeals to present reasons why the building should not be declared adjoining. The board of appeals shall set such hearing within twenty (20) business days from the date of receipt the written request.

(b) A written notice of the board of appeals decision following the hearing shall be sent to the property owner by certified mail or shall be provided at the conclusion of the meeting. If the board of appeals rejects the appeal, the owner shall have thirty (30) calendar days from the decision to allow for inspection or register the adjoining building with the proper insurance certificate, provided the property owner may appeal such decision, within thirty (30) calendar days of the board of appeals decision, to the appropriate court for adjudication during which proceedings the decision of the board of appeals shall be stayed.

(Code 1987, § 7-378; Ord. No. 16-005, § 9, 4-18-2016)

Sec. 7-515. Violations.

(a) Any person upon whom a duty is placed by the provisions of this article who shall fail, neglect, or refuse to perform such duty, or who shall violate a provision of this article shall be deemed guilty of an infraction and upon conviction thereof shall be fined in any sum not to exceed five hundred

dollars ($500.00), except that each person so convicted shall be fined in a sum of not less than two hundred dollars ($200.00) for the first offense, not less than three hundred dollars ($300.00) for the second offense, and not less than four hundred dollars ($400.00) for the third offense and each offense thereafter. The penalty herein provided shall be cumulative with and in addition to the revocation, cancellation, or forfeiture of any license, permit, or right elsewhere provided for or as provided by law. Each day that a violation of this article continues shall constitute a separate and distinct offense and shall be punishable as such.

(b) Any and all civil penalties assessed under this section shall be billed to the owner or other responsible party. Failure or refusal to pay any and all such penalties permits the city to pursue any and all available legal remedies for the enforcement and collection of such penalties, including, but not limited to, civil actions being filed in district court, suits or actions being maintained in any court of competent jurisdiction, abatement of nuisances maintained in violation of this article, institution of injunction, mandamus, or other appropriate action or proceedings to enforce the penalty provisions of this article.

(c) This article in no way limits the penalties, actions or abatement procedures which may be taken by the city for a violation of any other ordinance of the city or statute of the state.
(Code 1987, § 7-379; Ord. No. 16-005, § 10, 4-18-2016)

Sec. 7-516. Voluntary insurance.

(a) The owner of an adjoining building may reduce the frequency of required inspections as outlined in section 7-512 and avoid the fee referenced in section 7-509 by acquiring and maintaining insurance coverage in an amount not less than one million dollars ($1,000,000.00), which insurance shall provide coverage for any damage to any person or any property caused by any physical condition of or in the adjoining building. Such insurance shall also provide coverage for demolition and debris removal of the building, if necessary.

(b) A copy of the certificate of insurance shall be attached to a registration form maintained and kept in the office of the community development department. The owner shall provide written notice to the community development department within thirty (30) calendar days of any lapse, cancellation, or change in coverage related to the insurance policy outlined herein. The community development department at any time may verify or request verification that the insurance coverage outlined herein is still valid. Registration and proof of insurance shall not exempt any adjoining building from an inspection based upon a complaint received, emergency conditions, or visual observations pursuant to any other applicable city code.
(Code 1987, § 7-380)

Sec. 7-517. Savings clause.

Should any paragraph, section or subsection of this article be declared to be invalid by a court of competent jurisdiction, the decision shall not affect the validity of the article as a whole or any part thereof, other than the part so declared to be invalid.
(Code 1987, § 7-381; Ord. No. 19-055, § 1, 12-2-2019)

Sec. 7-518. Alternative procedures.

Nothing in this article shall be deemed to abolish or impair existing remedies of the city authorized by this Code.

(Code 1987, § 7-382; Ord. No. 19-055, § 2, 12-2-2019)

Chapter 8

RESERVED

Chapter 9

FIRE PREVENTION AND PROTECTION*

Article I. In General

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ARTICLE I. IN GENERAL

Sec. 9-1. Applicability.

This article is intended to regulate the activities and responsibilities of persons who purchase, rent or use and persons who own or conduct the business of selling, leasing, renting, installing, maintaining or monitoring alarm systems, devices or services. It is further intended to encourage improvement in reliability of these systems, devices and services and to ensure that police and fire department personnel will not be unduly diverted from responding to actual criminal activity or emergencies as a result of responding to false and nuisance alarms. This article specifically applies to burglar alarms, robbery alarms, hold-up alarms, and panic alarms, and fire alarms, both audible and inaudible. The provisions of this article shall not apply to audible alarms affixed to motor vehicles. (Code 1987, § 9-1; Ord. No. 09-021, § 1, 5-18-2009)

Sec. 9-2. Definitions.

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

Act of God means an unusual, extraordinary, sudden and unexpected manifestation of the forces of nature, the adverse effects of which cannot be prevented by reasonable human care, skill or foresight. Such events include tornadoes, floods, earthquakes, and other similarly violent conditions.

Alarm answering service or *remote monitoring point* means a business providing among its services the service of receiving on a continuous basis, through trained employees, emergency signals from alarm systems, and thereafter immediately relaying the message by live voice to the public safety department communications center.

Alarm system means any device used to detect or prevent intrusion, criminal activity or other such emergency situations which, when activated, causes notification to be made indirectly to the police department, or any device or system designed primarily for the purpose of giving an audible or visual signal of an attempted intrusion, criminal activity or other such emergency. The term "alarm system" also means any device, audible or inaudible, which is used to detect smoke, heat or sprinkler activation, which when activated, causes notification to be made indirectly to the fire department.

Alarm user means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility who purchases, leases, contracts for or otherwise obtains an alarm system and thereafter contracts with or hires an alarm business to monitor and/or service the alarm device.

Annunciator means that part of an alarm system which communicates the fact that the system has been triggered.

Audible annunciator means an annunciator which gives an alarm by means of a bell, siren, buzzer, or similar sound-producing device mounted at some location which, when activated, is clearly audible at a distance of fifty (50) feet or more outside of any building in which it is mounted.

Coordinator means the person designated by the city administrator to issue registrations and enforce the provisions in this article.

False alarm means an alarm signal eliciting an urgent response by police or fire personnel when a situation requiring an urgent response does not, in fact, exist, but does not include an alarm signal caused by acts of God or other extraordinary circumstances not reasonably subject to control by the alarm user. The burden of proof that such an alarm was not a false alarm shall be on the alarm user.

Fire watch means a condition beyond normal staffing, undertaken when any required fire alarm system is out of service for more than four (4) hours in a twenty-four (24) hour period, requiring the assigning of additional personnel to walk the affected areas. The assigned individuals should be trained in fire prevention and in occupant and fire department notification techniques, and they should understand the particular fire safety situation.

Knox Box® means a high security key box system, designed to give fire department and emergency services personnel access to locked buildings, elevators and other secured areas.

Local alarm system means an alarm system which, when activated, causes an audible and/or visual signaling device to be activated and which is intended to be seen and/or heard by others outside of the protected premises.

Maintenance means repair service, including periodic inspections and tests, required to keep the fire alarm system and its component parts in an operative condition at all times, and the replacement of the system or its components when they become undependable or inoperable for any reason.

Nuisance alarm means any fire alarm caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance, or any alarm activated by a cause that cannot be determined.

Principal means the person, firm or corporation whose premises are protected by an alarm system. In the event that a building having more than one (1) tenant, such as an apartment building, is protected by a single alarm system, the term "principal" means building owner; only one (1) registration is required per building.

Registration means a twelve (12) month period beginning on August 1 of each year and ending July 31 of the same year.
(Code 1987, § 9-2; Ord. No. 09-021, § 1, 5-18-2009)

Sec. 9-3. General alarm system requirements.

(a) No alarm system shall be installed, used or maintained in violation of any of the requirements of this article.

(b) All fire alarm systems required by law shall be installed, used and maintained in accordance with all applicable state laws.

(c) The holder of an alarm system registration shall be responsible for training and retraining all employees, family members and other persons who make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger an alarm. Such training shall include procedures and practices to avoid accidental alarms and steps to take in the event the system is accidentally triggered.

(d) The holder of the alarm system registration shall, at all times, be responsible for the proper maintenance and repair of the system and for the repair and replacement of any component, method of installment, design feature or like condition which may give rise to a false alarm.

(e) Alarms, other than fire alarms, shall be programmed so that each audible annunciator will automatically silence within fifteen (15) minutes of being activated, and will not sound again unless a new act or circumstance triggers a sensor.

(f) No test of an alarm system incorporating an audible annunciator shall be conducted between the hours of 8:00 p.m. of any day and 7:00 a.m. the following day.

(g) The application of an alarm system registration shall list the name and phone number of three (3) persons, or an alarm answering service, having access to the premises and who may be notified to assist the police or fire department personnel in the event the alarm is activated. The principal shall immediately notify the coordinator of any changes in this information. This information must be updated annually.

(h) The application for a fire alarm system registration installed in a commercial, industrial or multifamily dwelling must be accompanied by an inspection report from an inspector licensed by the state certifying the alarm system has been installed and is working properly.

(i) In all buildings, other than single-family residences or duplexes, with an installed fire alarm system, a Knox Box® system must be installed on the exterior of the building adjacent to the main door. This must contain all necessary keys for complete access to the building and fire alarm panel. The Knox Box® can only be purchased with advanced authorization from the fire department.
(Code 1987, § 9-3; Ord. No. 09-021, § 1, 5-18-2009)

Sec. 9-4. Registration required.

(a) As of August 1, 2009, it shall be unlawful for any person within the zoning jurisdiction of the city or for any person who has the city fire department as a first responder to use or operate any alarm system without current valid registration thereof, not to include single-family residences and duplexes.

(b) Any person within the zoning jurisdiction of the city or any person who has the city fire department as a first responder installing a new alarm system after the effective date of the ordinance from which this article is derived shall have thirty (30) calendar days from the date of installation to obtain a registration therefor as required in this article, not to include single-family residences and duplexes.

(c) Any person who is a governmental entity or political unit shall be required to obtain an alarm system permit pursuant to the provisions of this article; however, such governmental entity or political unit is not required to pay the fee required for the issuance of the permit.
(Code 1987, § 9-4; Ord. No. 09-021, § 1, 5-18-2009)

Sec. 9-5. Application for registration; fee; fee reduction for residential fire alarm systems.

Each application for an alarm system, registration or renewal shall be made on a form prescribed by the coordinator and shall contain the following information:

(1) The name, address and telephone number of the principal of the protected premises.

(2) The type of premises (apartment, office, variety store, etc.) and any business name by which the premises is known.

(3) The address of the protected premises, including if it is in an apartment complex, commercial or industrial complex and any name by which the complex is commonly known.

(4) The names, current addresses, and current telephone numbers, including home phone numbers, of three (3) persons, or an alarm answering service.

(5) The application shall be accompanied by a fee payable to the city. The applicable fee shall be in such amount as set from time to time by the mayor and city council, and a current record of such amount shall be maintained by the city clerk.

(6) Renewal applications shall be completed annually and will be accompanied by a fee payable to the city. The applicable fee shall be in such amount as set from time to time by the mayor and city council, and a current record of such amount shall be maintained by the city clerk.

(7) Alarm system users in single-family residences and duplexes, while being excused from annual alarm registration, will not be excused from compliance with all provisions of this article or from any fees incurred as a result of nuisance alarms.
(Code 1987, § 9-5; Ord. No. 09-021, § 1, 5-18-2009)

Sec. 9-6. Issuance of registration.

Upon receipt of the completed registration application and fee, the coordinator shall, if it appears that the proposed system will comply with the provisions of this article, issue to the applicant a registration bearing an identifying number, and setting forth the expiration date. The city shall not, by the issuance of any alarm system registration, be obligated to respond or accord any priority to an alarm from such system.
(Code 1987, § 9-6; Ord. No. 09-021, § 1, 5-18-2009)

Sec. 9-7. Term of registration; transfer; termination; renewal.

(a) All alarm system registrations shall be valid for twelve (12) months and issued for the calendar year from August 1 to July 31 of the given year. No rebates, or reduction of registration fee will be granted for registrations issued that will expire in less than twelve (12) months.

(b) All alarm system registrations shall automatically terminate upon any change of the principal of protected premises. No registration may be transferred to another principal or protected premises. No refunds will be given on termination of any registration for any reason.

(c) The renewal registration will not be issued until the applicable registration fee is paid, and a late charge, per month or any part thereof, will be assessed on all registration holders who do not pay the renewal fee prior to expiration of their existing registrations. The late charge shall be in such amount as set from time to time by the mayor and city council, and a current record of such amount shall be maintained by the city clerk. The renewal application shall contain the principal's signed statement that there have been no changes in the principal or protected premises.
(Code 1987, § 9-7; Ord. No. 09-021, § 1, 5-18-2009)

Sec. 9-8. Verification of registration information.

Prior to issuing an alarm system registration, and at any time thereafter during the term thereof, the coordinator, or designee, may conduct, or direct an investigation to be conducted as is determined necessary to verify that the information furnished by the application or permittee is correct and that the system is in conformance with the provisions of this article. The coordinator shall maintain all information obtained by such inspection confidentially, unless such inspection reveals noncompliance with existing fire code and/or state statute; the coordinator or designee may contact appropriate authorities as deemed necessary.
(Code 1987, § 9-8; Ord. No. 09-021, § 1, 5-18-2009)

Sec. 9-9. Changes to registration information.

Within ten (10) calendar days following any change of circumstances, which renders obsolete any of the information, submitted pursuant to section 9-5, the registrant shall file an amendment to his or her application setting forth the currently accurate information. No additional fee shall be required unless the change has terminated the registration as provided in section 9-7.
(Code 1987, § 9-9; Ord. No. 09-021, § 1, 5-18-2009)

Sec. 9-10. Required information when reporting an alarm.

Any alarm answering service reporting an alarm to the southeast communications 911 center shall give the following information:

(1) The principal or business name, the address of the protected premises, the type of premises, and the name by which the premises are known, if any. This information shall be repeated a second time at the end of the message.

(2) The name and telephone number of the principal or agent having ready access to the protected premises; and

(3) The type of criminal activity or emergency that is indicated.
(Code 1987, § 9-10; Ord. No. 09-021, § 1, 5-18-2009)

Sec. 9-11. False alarm fees.

(a) As a condition of any alarm system registration or usage, under the provisions of this article, the principal or the person responsible for the false alarm shall pay to the city, within thirty (30) calendar days of invoice, for any false alarm generated (from August 1 through July 31 of each year), a fee which shall be in such amount as set from time to time by the mayor and city council, and a current record of such amount shall be maintained by the city clerk.

(b) All fees will be doubled if a representative from the business or residence, generally those identified on the application for registration discussed in section 9-3, does not respond to the property at the request of the police or fire personnel.

(c) For false and nuisance alarms occurring at a commercial or residential location that does not have a current and valid registration if required:

(1) The first false or nuisance alarm will serve as warning and notice that alarm registration is required;

(2) All subsequent false and nuisance alarms will carry a penalty fee which shall be in such amount as set from time to time by the mayor and city council, and a current record of such amount shall be maintained by the city clerk.

(d) The city may revoke the registration of any alarm system other than a fire alarm system, having more than ten (10) false alarms annually, or when the assessed fees become delinquent. The system must be removed from the protected premises within fifteen (15) calendar days, unless a decision by the coordinator allows for reinstatement of alarm system registration.
(Code 1987, § 9-11; Ord. No. 09-021, § 1, 5-18-2009)

Sec. 9-12. Notices.

(a) Notice or billing from the city to any registration holder shall be deemed to have been given or rendered on the date such notice or billing is deposited in the U.S. mail, first class postage, prepaid, addressed to the registration holder at the address shown in the city's registration records. A certificate signed by the person who mailed the notice shall be prima facie evidence of the facts state therein with respect to such notice.

(b) Notice to the city or payment under this article shall be effective when received at the appropriate city office.
(Code 1987, § 9-12; Ord. No. 09-021, § 1, 5-18-2009)

Sec. 9-13. Failure to pay fees.

(a) For all non-fire alarm systems, if the alarm user fails to pay the registration fee or false alarm fees, written notice shall be sent to the user by certified mail. If payment is not made within ten (10) calendar days from the date of the mailing, then the user's permit to maintain an alarm shall be revoked by the coordinator. The system must be removed from the protected premises within fifteen (15) calendar days, unless a decision by the coordinator allows for reinstatement of the alarm systems registration.

(b) In the case of a fire alarm system, for which the registration fees or nuisance alarm fees have not been paid, upon determination of the coordinator, or designee, registration may be revoked and the state fire marshal notified. If such action is taken in a location required by state law to have an operable fire alarm system, the premises may be closed until the alarm is brought into compliance, and/or fees have been paid, or an approved fire watch must be implemented.
(Code 1987, § 9-13; Ord. No. 09-021, § 1, 5-18-2009)

Secs. 9-14—9-44. Reserved.

ARTICLE II. FIRE DEPARTMENT

DIVISION 1. GENERALLY

Sec. 9-45. Obstructing free use of fire hydrants.

It shall be unlawful for any person to in any manner obstruct the use of a fire hydrant or have or place any material in front thereof or within fifteen (15) feet from either side thereof; and any and all material found as an obstruction as aforesaid may forthwith be removed by any member of the fire department at the risk, cost and expense of the owner or claimant.
(Code 1971, § 14-4; Code 1987, § 9-18)

State law reference—Parking vehicle near fire hydrant, R.R.S. § 60-6,166(1)(b)(ii).

Sec. 9-46. Tampering with fire department equipment.

It shall be unlawful for any person to turn on or turn off any fire hydrant without the authority of the fire chief, or to molest, tamper with or deface any fire hydrant, fire truck, fire apparatus or fire equipment belonging to the city.
(Code 1971, § 14-6; Code 1987, § 9-19)

State law reference—Criminal mischief, R.R.S. § 28-519.

Secs. 9-47—9-66. Reserved.

DIVISION 2. FIRE CHIEF

Sec. 9-67. Office created.

There is hereby created in and for the city the office of chief of the fire department.
(Code 1971, § 14-31; Code 1987, § 9-31)

Sec. 9-68. Powers, duties generally.

The fire chief shall have such powers and authority and shall perform such duties as are provided for him or her by the provisions of this Code, state law and city ordinances, rules and regulations.
(Code 1971, § 14-33; Code 1987, § 9-33)

Sec. 9-69. Custody of apparatus.

The fire chief shall have the custody, subject to the direction of the council, of the engines, hose carts, trucks, ladders and all other property, apparatus and appurtenances belonging to the fire department.
(Code 1971, § 14-2; Code 1987, § 9-34)

Sec. 9-70. Repair of fire apparatus.

The fire chief shall, when any of the fire engines, trucks or other apparatus need to be repaired, cause the same to be repaired under his or her direction and supervision.
(Code 1971, § 14-7; Code 1987, § 9-35)

Sec. 9-71. Call for assistance at fires.

The fire chief, or his or her assistant in charge of operations at a fire, may command the services of any person present at such fire in extinguishing the same or in the removal and protection of property, and it shall be unlawful for any such person to refuse or fail to perform such requested service.
(Code 1971, § 14-8; Code 1987, § 9-36)

Sec. 9-72. Preservation of property.

The fire chief or the officer in command shall have power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire, or to prevent the spreading of fire, or to protect adjoining property. The chief may direct the removal of any building, erection or fence for the purpose of checking the progress of any fire; and the chief shall have the power to blow up or cause to be blown up, with powder or otherwise, any building or structure during the progress of a fire, for the purpose of extinguishing or checking the same.
(Code 1971, § 14-9; Code 1987, § 9-37)

Secs. 9-73—9-102. Reserved.

DIVISION 3. PROTECTION OUTSIDE CITY LIMITS*

Sec. 9-103. Restricted.

The fire department of the city shall not provide fire protection outside the city limits except as is specifically provided by this division.
(Code 1971, § 14-42; Code 1987, § 9-51)

Sec. 9-104. Disaster; civil defense emergency.

The fire department may move its fire and other emergency equipment and personnel outside the limits of the city in order to render aid in the event of a disaster or civil defense emergency or in

***State law references—**Emergency services outside corporate limits, R.R.S. § 18-1706; services outside corporate limits generally, R.R.S. § 18-1707 et seq.

connection with any program of practice or training for such disaster or civil defense emergency when such program is conducted or participated in by the civil defense agency of the state. Such movement may be to any point in the state or may be into any adjoining state when mutual aid arrangements have been entered into on behalf of the state and such other state as authorized by statute.

(Code 1971, § 14-43; Code 1987, § 9-52)

State law references—"Disaster" and "civil defense emergency" defined, R.R.S. § 81-829.39; mutual aid arrangements, R.R.S. § 81-829.48.

Sec. 9-105. Mutual aid agreements generally.

The fire department may move its fire and other emergency equipment and personnel outside the limits of the city at the direction of the fire chief to comply with mutual aid agreements which the city is authorized to enter into with other counties or other fire protection associations.

(Code 1971, § 14-44; Code 1987, § 9-53)

State law reference—Agreements with other municipalities for fire protection, R.R.S. § 18-1709.

Sec. 9-106. Contracts for service.

The fire department may move its fire and other emergency equipment and personnel outside the limits of the city in accordance with contracts entered into between the city and business establishments, industries, other political subdivisions or government agencies.

(Code 1971, § 14-45; Code 1987, § 9-54; Ord. No. 98-4, § 1, 1-20-1998)

Secs. 9-107—9-125. Reserved.

ARTICLE III. FIRE PREVENTION CODE

DIVISION 1. GENERALLY

Sec. 9-126. Adoption of NFPA 1 Uniform Fire Code and NFPA 101 Life Safety Code.

(a) Except as hereinafter provided by specific amendment, the following publications are hereby adopted, incorporated and made a part of this Code the same as though spread at large herein:

(1) NFPA 1 Uniform Fire Code, 2003 edition, published by the National Fire Protection Association.

(2) NFPA 101 Life Safety Code, 2000 edition, published by the National Fire Protection Association.

(b) One (1) printed copy of each publication described in subsection (a) of this section has been filed in the office of the city clerk for the use and examination of the public.

(Code 1971, § 14-68; Code 1987, § 9-86; Ord. No. 87-1, § 1, 1-19-1987; Ord. No. 94-46, § 1, 10-3-1994; Ord. No. 97-20, § 1, 3-17-1997; Ord. No. 01-55, § 1, 11-19-2001; Ord. No. 06-05, § 2, 1-16-2005)

State law reference—Authority to adopt standard codes, R.R.S. §§ 18-132, 19-922.

Sec. 9-127. Tank location and capacity, generally.

Above-ground storage tanks with a capacity in excess of one thousand (1,000) gallons containing Class I and/or Class II flammable/combustible liquids shall be allowed to be located in industrial zoned areas within the city limits, contingent on compliance with the standards of current editions of NFPA 30 (flammable and combustible liquids code), the requirements of the state fire marshal's fuels division, and are located a minimum of five hundred (500) feet from any residential zoned property or any existing building.
(Code 1987, § 9-100; Ord. No. 94-46, § 14, 10-3-1994; Ord. No. 97-20, § 13, 3-17-1997; Ord. No. 01-55, § 14, 11-19-2001; Ord. No. 06-05, § 9, 1-16-2005; Ord. No. 06-54, § 1, 10-16-2006; Ord. No. 25-18, § 1, 7-7-2025)

Secs. 9-128—9-151. Reserved.

DIVISION 2. BURNING

Sec. 9-152. Definitions.

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

Garbage means and includes all animal, fruit, or vegetable waste residue which is produced by preparation, dressing, use, cooling, dealing in or storage of meats, fish, fowl, fruits, vegetables, cereals, or grains for human consumption and shall mean and include all dead animals.

Refuse means and includes garbage, rubbish, ashes, street refuse, dead animals, vehicles and parts thereof, industrial wastes, construction wastes, sewage treatment residue, leaves and grass and any other waste matter or matter which accumulates in the conduct of a household, business establishment, shop or factory of any kind or nature, and any other combustible waste material containing carbon in a free or combined state.
(Code 1987, § 9-110; Ord. No. 92-16, § 3, 5-18-1992)

Sec. 9-153. Open burning ban; waiver; permit.

Section 10.11.1 of the NFPA 1 Uniform Fire Code, 2003 edition, is amended to read as follows:

10.11.1

(a) There shall be a city-wide open burning ban, and it shall be unlawful for any person to build or cause to be built or set out any bonfire, outdoor rubbish fire, fire for the purpose of clearing land or any other fire outside of any building or structure within the city. Cooking fires and recreational fires are permitted.

(b) The fire chief, or designee, may waive an open burning ban for an area under his or her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. A written application shall be filed with the fire chief which shall include the amount and kind of refuse to be burned, the exact location where the burning will take place including the distances to adjacent structures, and the dates or

days and times when the burning is proposed to be done. The permit issued by the fire chief to a person desiring to conduct open burning shall be in writing signed by the fire chief or designee, and on a form prescribed, and provided to the fire department, by the state fire marshal. The fire chief is authorized to issue a permit only if there is no other practicable method except open burning which can be employed to dispose of the refuse involved and if the fire chief determines that the application meets the requirements of this division.

(Code 1971, § 14-86; Code 1987, § 9-111; Ord. No. 92-16, § 4, 5-18-1992; Ord. No. 06-05, § 16, 1-16-2005)

State law reference—Statewide open burning ban, R.R.S. § 81-520.01 et seq.

Sec. 9-154. Salvage and garbage burning prohibited.

All salvage and garbage burning is prohibited; and no permit shall be issued under section 9-153 for burning associated with a salvage operation or the burning of garbage. As used in this section, the term "salvage operation" means and includes any operation conducted in whole or in part for the salvaging or reclaiming of any product or material.

(Code 1987, § 9-113; Ord. No. 92-16, § 5, 5-8-1992)

Sec. 9-155. Restrictions on burning of refuse.

(a) The open burning of refuse, when permitted by this division, shall be allowed only during the hours of 7:00 a.m. and 5:00 p.m.

(b) The fire created in the burning of refuse, when permitted by this division, shall be located at least twenty-five (25) feet from any structure, provided the fire created in the burning of refuse, when permitted by this division and contained in a waste burner approved by the fire chief or designee, shall be located safely not less than fifteen (15) feet from any structure.

(c) The refuse burned shall be indigenous to the property of the owner or person in lawful possession of the land.

(d) In no case shall the following auxiliary fuels be used to start or promote the continued burning of refuse: gasoline, diesel oil, heavy oils, rubber, or asphalt products.

(Code 1987, § 9-114; Ord. No. 92-16, § 6, 5-8-1992)

Sec. 9-156. Wind velocity.

No person shall start an open burning fire during any time when the wind velocity exceeds twenty (20) miles per hour, provided the fire chief is hereby given the authority to waive the requirements of this section if, in his or her opinion, the fire will be contained, supervised, and does not constitute a hazard.

(Code 1987, § 9-115; Ord. No. 92-16, § 7, 5-8-1992)

Secs. 9-157—9-180. Reserved.

DIVISION 3. FIREWORKS*

Sec. 9-181. Definitions.

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

Permissible fireworks means any consumer fireworks, as that term is defined and from time to time amended in Nebraska Revised Statute 28-1241.

Sale includes barter, exchange, or gift or offer thereof, and each such transaction made by any person, whether as principal, proprietor, agent, servant, or employee.
(Code 1987, § 9-126; Ord. No. 86-43, § 1, 10-6-1986; Ord. No. 15-008, § 1, 4-6-2015; Ord. No. 15-018, § 1, 10-5-2015; Ord. No. 21-29, § 1, 6-7-2021)

Sec. 9-182. Generally.

It shall be unlawful for any person to possess, sell, offer for sale, bring into the city or discharge, explode or use any pyrotechnics, commonly known as fireworks, other than permissible fireworks, provided that the provisions of this section shall not apply to:

(1) Any fireworks for purposes of public exhibitions or displays purchased from a licensed distributor of the holder of a display license to be issued by the state fire marshal as provided by state law;

(2) Any public exhibition or display under the auspices of any governmental subdivision of the state;

(3) Any fireworks brought into the state for storage by a licensed distributor and held for sale outside of the state;

(4) Any fireworks furnished for agricultural purposes pursuant to written authorization from the state fire marshal to any holder of distributor's license; or

(5) Toy cap pistols or toy caps and other approved novelties permitted by the state fire marshal, each of which does not contain more than twenty-five hundredths (0.25) of a grain of explosive material.

(Code 1987, § 9-127; Ord. No. 86-43, § 2, 10-6-1986; Ord. No. 06-05, § 18, 1-16-2005)

Sec. 9-183. Permit for sale.

(a) It shall be unlawful for any person to sell or offer for sale permissible fireworks in the city without first having made application for and received a permit to do so from the fire chief.

(b) Any person desiring a permit required by this section shall make application therefor to the fire chief, setting forth the following:

(1) The name and residence of the address of the applicant;

***State law references—**Municipal regulation of fireworks, R.R.S. § 16-227; fireworks generally, R.R.S. § 28-1241 et seq.

(2) The location of the premises for which the permit is sought;

(3) If in a building, an accurate drawing or plat showing location of display within the building, the aisles and exits, etc.;

(4) If in a temporary structure, the legal description of the premises, a description of structure to be used, and the location of such structure upon such premises; and

(5) Any other information deemed necessary by the fire chief.

(c) A nonrefundable application fee established by resolution adopted by the city council shall accompany all applications.

(d) After an inspection of the premises and consideration of information contained in the application for a permit required by this section, the fire chief may issue a permit therefor, conditioned upon reasonable safety measures to be specified in the permit.

(e) Any permit issued under the provisions of this section shall be valid only for the days of June 29 to July 4 of the year in which issued. Such permit shall at all times be displayed at the place of business of the holder thereof.

(Code 1971, §§ 23-83—23-87; Code 1987, § 9-128; Ord. No. 86-43, §§ 6, 7, 10-6-1986; Ord. No. 89-16, 6-5-1989; Ord. No. 94-46, § 20, 10-3-1994; Ord. No. 99-36, § 1, 5-17-1999; Ord. No. 06-05, § 19, 1-16-2005; Ord. No. 13-054, § 9, 10-21-2013)

State law reference—State license for sale of fireworks, R.R.S. § 28-1246.

Sec. 9-184. Fireworks stands.

(a) Any person having obtained a permit to sell permissible fireworks may sell or offer for sale such fireworks only from premises which are separate and distinct from any other business activity. Premises shall be deemed separate and distinct only when located in a building which is not adjacent to any other building or when located in the same building, they shall be so separated by walls (floor to ceiling) that access cannot be had directly from the area of sales of permissible fireworks to any other business activity by means of doors or other openings.

(b) Such premises shall be equipped with one (1) 2-A-10-BC fire extinguisher. Such extinguisher shall be mounted properly for easy access.

(c) "No smoking" signs shall be posted at all entrances of such premises.

(d) Temporary stands or enclosures shall not be located closer than twenty-five (25) feet from any building and shall be at least seventy-five (75) feet from any gasoline pumps or above-ground storage tanks.

(Code 1987, § 9-129; Ord. No. 86-43, § 5, 10-6-1986)

Sec. 9-185. When sale, use permitted.

(a) The sale of permissible fireworks within the city shall be permitted only on the days of June 29 to July 4 of each year.

(b) The discharge of permissible fireworks within the city shall be permitted as follows:

(1) From June 29 to July 2 of each year, the discharge of permissible fireworks within the city shall be permitted only between 8:00 a.m. Central Standard Time and 10:00 p.m. Central Standard Time.

(2) On July 3 and 4 of each year, the discharge of permissible fireworks within the city shall be permitted only between 8:00 a.m. Central Standard Time and 11:59 p.m. Central Standard Time.

(c) The sale or discharge of permissible fireworks within the city outside of the permitted dates and times shall be unlawful and any person having sold or discharged permissible fireworks in such a manner shall be guilty of a misdemeanor.

(d) Public exhibitions or displays, under the control of a valid holder of a display license, may be allowed on any date which is approved by the mayor, chief of police, and fire chief.
(Code 1987, § 9-130; Ord. No. 86-43, § 3, 10-6-1986; Ord. No. 89-16, § 2, 6-5-1989; Ord. No. 99-36, § 2, 5-17-1999; Ord. No. 06-05, § 20, 1-16-2005; Ord. No. 15-008, § 2, 4-6-2015; Ord. No. 22-33, § 1, 9-19-2022; Ord. No. 24-7, § 1, 3-4-2024)

State law reference—Permissible fireworks, when sold at retail, R.R.S. § 28-1249.

Sec. 9-186. Throwing fireworks or other explosives.

It shall be unlawful for any person to throw any firecracker or any object which explodes upon contact with another object:

(1) From, at, or into a motor vehicle;

(2) At or near any person;

(3) Into any building; or

(4) Into or at any group of persons.
(Code 1987, § 9-131; Ord. No. 86-43, § 4, 10-6-1986)

Secs. 9-187—9-210. Reserved.

ARTICLE IV. HAZARDOUS MATERIALS EMERGENCY RESPONSES

Sec. 9-211. Definitions.

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

Expenses means:

(1) The actual labor costs of government, and other personnel, including workers compensation benefits, fringe benefits, and administrative overhead;

(2) Costs of equipment, cost of equipment operation, including fuels, and other combustibles;

(3) Cost of materials; and

(4) Cost of disposal, including processing costs, fees and transportation.

Hazardous material means any substance that, because of its quantity, concentration or characteristics, may be harmful to humans, domestic animals, wildlife, economic crops or property when released into the environment.

Hazardous materials emergency means any occurrence where a hazardous material is released into the environment, or its container is in a condition such that the contents can be expected to be released with resulting potential to cause significant injury to people or harm to the environment, such condition resulting from damage, deterioration, or other cause.

Response means any act taken as a mitigation or remedy to a hazardous material emergency, including, without limitation, concentrating spilled material, absorption, chemical treatment, barricading and diking of released materials, and transportation and disposal of absorbed or collected materials and their processing.
(Code 1987, § 9-132; Ord. No. 95-12, § 2, 2-21-1995)

Sec. 9-212. Recovery authorization and procedure.

(a) The city may recover from any person the city's expenses for any hazardous materials emergency response, when such person fits any one (1) or more of the following criteria:

(1) Is the owner of any hazardous materials involved in a hazardous materials emergency;

(2) Is the owner of any plant or facility containing or producing the hazardous materials involved in the hazardous materials emergency;

(3) Is the owner or operator of any vehicle carrying any hazardous materials where such vehicle contains or carries, or had immediately preceding its release, contained or carried, the hazardous materials involved in a hazardous materials emergency. In the case of a separate tractor and trailer vehicle, the owner of both vehicles shall be responsible; and

(4) The operator of any site or facility or vehicle, all as described above.

(b) The responsibility for payment of expenses set out herein shall be joint and several. Responsibility to pay such expenses of the city shall extend to all expenses directly associated with a response to a hazardous materials emergency. The fire chief or the fire chief's designee shall determine responsibility for the emergency and shall notify the responsible person or persons by certified mail of the city's determination of responsibility and the costs to be recovered. The city may decline to seek recovery under circumstances where the expenses to be recovered do not merit the expense of seeking recovery.
(Code 1987, § 9-133; Ord. No. 95-12, § 3, 2-21-1995)

Sec. 9-213. Appeals.

Any person aggrieved by the determination as to the responsible persons for reimbursement of expenses under this article may, within ten (10) calendar days of the issuance of such a determination, appeal to the city council by filing an appeal with the fire chief of city. The city council shall meet to hear this appeal within thirty (30) calendar days after the filing of the appeal.
(Code 1987, § 9-134; Ord. No. 95-12, § 4, 2-21-1995)

Sec. 9-214. Legal effect.

The determination of liability for recovery of expenses under this article, shall be binding on the city only with respect to the damages it experienced under the provisions of this article. Furthermore, such determination of liability is not in any way an adjudication of liability between or among any other parties for any damages they have as a result of any motor vehicle accident or any hazardous materials emergency and nothing in this article shall be construed as a determination or admission of liability for any claims outside of the specific expenses of the city herein provided. The payment of expenses as determined under this article does not in any way constitute an admission of liability or negligence by any person making the same.
(Code 1987, § 9-135; Ord. No. 95-12, § 5, 2-21-1995)

Sec. 9-215. Actions to recover expenses.

In the event that the person or persons determined to be responsible for the payment of hazardous material emergency response expenses fail to make payment to the city within thirty (30) calendar days after a determination of any appeal by the city council or thirty (30) calendar days from the deadline for the filing of such appeal in the event the same is not filed, the city may initiate a legal action to recover such expenses from the person or persons determined responsible. Such expenses may include, as provided by law, court costs and attorney fees.
(Code 1987, § 9-136; Ord. No. 95-12, § 6, 2-21-1995)

Chapter 10

HEALTH*

Article I. In General

Secs. 10-1—10-18. Reserved.

Article II. Board of Health

Division 1. Generally

Sec. 10-19. Created.
Sec. 10-20. Compensation.
Sec. 10-21. Meetings.
Sec. 10-22. Quorum.
Sec. 10-23. Rules, regulations.
Sec. 10-24. Powers, duties generally.
Secs. 10-25—10-51. Reserved.

Division 2. City Physician

Sec. 10-52. Office created.
Sec. 10-53. Qualifications.
Sec. 10-54. Designated health officer.
Sec. 10-55. Term.
Sec. 10-56. Powers, duties generally.

***State law references—**Municipal control over unwholesome substances, R.R.S. § 16-231; municipal disease control, board of health, R.R.S. § 16-238; municipal health regulations, R.R.S. § 16-240; local public health departments, R.R.S. § 71-1626 et seq.

ARTICLE I. IN GENERAL

Secs. 10-1—10-18. Reserved.

ARTICLE II. BOARD OF HEALTH*

DIVISION 1. GENERALLY

Sec. 10-19. Created.

There is hereby created a board of health in and for the city.
(Code 1971, § 17-16; Code 1987, § 10-16)

Sec. 10-20. Compensation.

The members of the board of health shall serve without compensation.
(Code 1971, § 17-18; Code 1987, § 10-18)

Sec. 10-21. Meetings.

The board of health shall hold meetings upon the call of the chair or any two (2) members.
(Code 1971, § 17-19; Code 1987, § 10-19)

Sec. 10-22. Quorum.

A majority of the members of the board of health shall constitute a quorum for the transaction of business.
(Code 1971, § 17-20; Code 1987, § 10-20)

Sec. 10-23. Rules, regulations.

The board of health shall have the authority to enact rules and regulations, which shall have the force and effect of law to safeguard the health of the people of the city.
(Code 1971, § 17-21; Code 1987, § 10-21)

Sec. 10-24. Powers, duties generally.

The board of health shall have such powers and shall perform such duties as are prescribed by state law, this Code or city ordinances, rules and regulations.
(Code 1971, § 17-22; Code 1987, § 10-22)

Secs. 10-25—10-51. Reserved.

***State law reference—**Municipal board of health, R.R.S. § 16-238.

DIVISION 2. CITY PHYSICIAN

Sec. 10-52. Office created.

The office of city physician is hereby created in and for the city.
(Code 1971, § 17-31; Code 1987, § 10-36)

Sec. 10-53. Qualifications.

The person to be appointed city physician shall be a medical physician in the city, engaged in active practice of medicine.
(Code 1971, § 17-32; Code 1987, § 10-37)

Sec. 10-54. Designated health officer.

The person appointed as city physician shall act and serve as the city health officer.
(Code 1971, § 17-33; Code 1987, § 10-38)

Sec. 10-55. Term.

The city physician shall serve for a term of four (4) years or until his or her successor is appointed and qualified.
(Code 1971, § 17-35; Code 1987, § 10-40)

State law reference—End of term of officers, R.R.S. § 16-309.

Sec. 10-56. Powers, duties generally.

The city physician shall have such powers and perform such duties as provided by this Code, state law and city ordinances, rules and regulations for him or her and for the health officer.
(Code 1971, § 17-37; Code 1987, § 10-42)

State law reference—Chief municipal health officer to be member of board for examination of plumbers, R.R.S. § 18-1901.

Chapter 11

HOUSING

Article I. In General

Secs. 11-1—11-18. Reserved.

Article II. Fair Housing

Sec. 11-19. Discrimination in housing generally.
Sec. 11-20. Disability of buyer or renter.
Sec. 11-21. Real estate business.
Sec. 11-22. Multiple listing service.
Sec. 11-23. Exceptions.
Sec. 11-24. Definitions.

ARTICLE I. IN GENERAL

Secs. 11-1—11-18. Reserved.

ARTICLE II. FAIR HOUSING

Sec. 11-19. Discrimination in housing generally.

Except as exempted by R.R.S. § 20-322, it shall be unlawful to:

(1) Refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of or otherwise make unavailable or deny, refuse to show, or refuse to receive and transmit an offer for a dwelling to any person because of race, color, religion, national origin, disability, familial status, or sex;

(2) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, national origin, disability, familial status, or sex;

(3) Make, print, publish, or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, disability, familial status, or sex or an intention to make any such preference, limitation, or discrimination;

(4) Represent to any person because of race, color, religion, national origin, disability, familial status, or sex that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;

(5) Cause to be made any written or oral inquiry or record concerning the race, color, religion, national origin, disability, familial status, or sex of a person seeking to purchase, rent, or lease any housing;

(6) Include in any transfer, sale, rental, or lease of housing any restrictive covenants or honor or exercise or attempt to honor or exercise any restrictive covenant pertaining to housing;

(7) Discharge or demote an employee or agent or discriminate in the compensation of such employee or agent because of such employee's or agent's compliance with the Nebraska Fair Housing Act; and

(8) Induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, disability, familial status, or sex.

(Code 1971, § 18-11; Code 1987, § 11-4; Ord. No. 91-47, § 1, 12-2-1991; Ord. No. 17-013, § 1, 6-19-2017)

State law references—Nebraska Civil Rights Act of 1969, R.R.S. § 20-105 et seq.; unlawful acts relating to housing, R.R.S. § 20-107.

Sec. 11-20. Disability of buyer or renter.

(a) It shall be unlawful to:

(1) Discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or renter because of a disability of:

a. The buyer or renter;

b. Any person associated with the buyer or renter; or

c. A person residing in or intending to reside in the dwelling after it is so sold, rented or made available; or

(2) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with a dwelling because of a disability of:

a. Such person;

b. Any person associated with such person; or

c. A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available.

(b) For purposes of this section, the term "discrimination" shall include:

(1) A refusal to permit, at the expense of the disabled person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that in the case of a rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the disabled person equal opportunity to use and enjoy a dwelling; and

(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after the effective date of the ordinance from which this article derives, a failure to design and construct the dwellings in such a manner that:

a. The public use and common use portions of the dwellings are readily accessible to and usable by disabled persons;

b. All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by disabled persons in wheelchairs; and

c. All premises within the dwellings contain the following features of adaptive design:

1. An accessible route into and through the dwelling;

2. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

3. Reinforcements in bathroom walls to allow later installation of grab bars; and
4. Kitchens and bathrooms such that a disabled person in a wheelchair can maneuver about the space.

(c) Compliance with the appropriate requirements of the American National Standards Institute standard for buildings and facilities providing accessibility and usability for physically disabled people, ANSI A117.1, shall satisfy the requirements of subdivision (b)(3)c of this section.

(d) For purposes of this section, the term "covered multifamily dwellings" shall mean:

(1) Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and

(2) Ground floor units in other buildings consisting of four (4) or more units.

(e) Nothing in this section shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.
(Code 1987, § 11-5; Ord. No. 91-47, § 2, 12-2-1991; Ord. No. 17-013, § 3, 6-19-2017)

Sec. 11-21. Real estate business.

(a) It shall be unlawful for any person or other entity whose business includes engaging in transactions related to residential real estate to discriminate against any person in making available such a transaction or in the terms or conditions of such a transaction because of race, color, religion, sex, disability, familial status, or national origin.

(b) For purposes of this section, the term "transactions related to residential real estate" shall mean any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

a. For purchasing, constructing, improving, repairing, or maintaining a dwelling; or

b. Secured by residential real estate; or

(2) The selling, brokering, or appraising of residential real property.

(c) Nothing in this section shall prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, national origin, sex, disability, or familial status.
(Code 1987, § 11-6; Ord. No. 91-47, § 3, 12-2-1991; Ord. No. 17-013, § 4, 6-19-2017)

Sec. 11-22. Multiple listing service.

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization, or other service, organization or facility relation to the business of selling or renting dwellings or to discriminate against any person in the terms or conditions or such access, membership, or participation on account of race, color, religion, national origin, disability, familial status, or sex.
(Code 1987, § 11-7; Ord. No. 17-013, § 5, 6-19-2017)

Sec. 11-23. Exceptions.

(a) The prohibitions against discrimination in the sale or rental of housing set forth in this article shall not apply to:

(1) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as his or her residence;

(2) A religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin, disability, familial status or sex;

(3) A private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members; or

(4) Housing for older persons with respect to familial status.

(b) For purposes of subsection (a)(4) of this section, the term "housing for older persons" shall mean housing:

(1) Provided under any state program that the commission determines is specifically designed and operated to assist elderly persons as defined in the program;

(2) Intended for and solely occupied by persons sixty-two (62) years of age or older; or

(3) Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older per unit. In determining whether housing qualifies as housing for older persons under this subsection, the commission shall develop regulations which require at least the following factors:

a. The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons or, if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;

b. That at least eighty percent (80%) of the units are occupied by at least one (1) person fifty-five (55) years of age or older per unit; and

c. The publication of and adherence to policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years of age or older.

(c) Housing shall not fail to meet the requirements of housing for older persons by reason of:

(1) Persons residing in the housing as of the effective date of this section who do not meet the age requirements of subsection (b)(2) or (3) of this section if succeeding occupants of the housing meet the age requirements; or

(2) Unoccupied units if the units are reserved for occupancy by persons who meet the age requirements.

(Code 1971, § 18-12; Code 1987, § 11-8; Ord. No. 91-47, § 4, 12-2-1991; Ord. No. 17-013, § 6, 6-19-2017)

State law reference—Exemptions from Civil Rights Act for religious organizations, private clubs, etc., R.R.S. § 20-110.

Sec. 11-24. Definitions.

For the purpose of this article, the definitions found in the Nebraska Fair Housing Act, R.R.S. §§ 20-304 to 20-317, shall be used.

(Code 1971, § 18-13; Code 1987, § 11-9; Ord. No. 91-47, § 5, 12-2-1991; Ord. No. 17-013, § 7, 6-19-2017)

Chapter 12

LIBRARIES*

Article I. In General

Sec. 12-1. Public library established.
Secs. 12-2—12-20. Reserved.

Article II. Library Advisory Board

Sec. 12-21. Creation.
Sec. 12-22. Composition.
Sec. 12-23. Appointment, removal.
Sec. 12-24. Terms.
Sec. 12-25. Filling of vacancies.
Sec. 12-26. Compensation.
Sec. 12-27. Officers.
Sec. 12-28. Quorum.
Sec. 12-29. Powers, duties generally.
Sec. 12-30. Recommendations.
Sec. 12-31. Meetings.

***State law references—**Municipal libraries generally, R.R.S. § 51-201 et seq.; establishment, maintenance of municipal libraries, R.R.S. § 16-251.

ARTICLE I. IN GENERAL

Sec. 12-1. Public library established.

There is hereby established a public library, pursuant to R.R.S. § 16-251, which should be known as the Beatrice Public Library.
(Code 1971, § 19-1; Code 1987, § 12-1; Ord. No. 20-016, § 4, 6-1-2020)

Secs. 12-2—12-20. Reserved.

ARTICLE II. LIBRARY ADVISORY BOARD*

Sec. 12-21. Creation.

There is hereby established a Beatrice Library Advisory Board. The library advisory board shall make recommendations to the mayor and city council regarding the operations, maintenance, and development of the city public library.
(Code 1971, § 19-16; Code 1987, § 12-16; Ord. No. 20-016, § 6, 6-1-2020)

Sec. 12-22. Composition.

The library advisory board shall be comprised of five (5) members who shall be residents of the city. The mayor or any member of the city council shall not be a member of the library advisory board.
(Code 1971, § 19-17; Code 1987, § 12-17; Ord. No. 20-016, § 7, 6-1-2020)

Sec. 12-23. Appointment, removal.

The members of the library advisory board shall be appointed by the mayor with the approval of the city council. Any member of the library advisory board may be removed from office by the mayor, by and with the approval of the city council.
(Code 1971, § 19-18; Code 1987, § 12-18; Ord. No. 20-016, § 8, 6-1-2020)

Sec. 12-24. Terms.

The members of the library advisory board shall serve terms of five (5) years and until their successors are appointed.
(Code 1971, § 19-19; Code 1987, § 12-19; Ord. No. 20-016, § 9, 6-1-2020)

Sec. 12-25. Filling of vacancies.

In cases of vacancies on the library advisory board by resignation, removal, or otherwise, the mayor, with the approval of the city council, shall fill such vacancy for the unexpired term.
(Code 1971, § 19-20; Code 1987, § 12-20; Ord. No. 20-016, § 10, 6-1-2020)

***State law reference—**City library boards, R.R.S. § 51-202 et seq.

Sec. 12-26. Compensation.

No library advisory board member shall receive any pay or compensation for any services rendered as a member of the library advisory board.
(Code 1971, § 19-21; Code 1987, § 12-21; Ord. No. 20-016, § 11, 6-1-2020)

State law reference—Powers and duties of library board, R.R.S. § 51-204 et seq.

Sec. 12-27. Officers.

The library advisory board shall, at the meeting in July of each year, organize by electing one (1) of their members as president, another as secretary and such other officers as may be necessary. No member of the library advisory board shall serve in the capacity of both president and secretary of the board. It shall be the duty of the secretary to keep the minutes of all meetings and to timely file the minutes with the city clerk as public records.
(Code 1971, § 19-22; Code 1987, § 12-22; Ord. No. 86-41, § 45, 10-6-1986; Ord. No. 20-016, § 12, 6-1-2020)

State law reference—Annual report, R.R.S. § 51-213.

Sec. 12-28. Quorum.

Three (3) members of the library advisory board shall constitute a quorum.
(Code 1971, § 19-23; Code 1987, § 12-23; Ord. No. 86-41, § 46, 10-6-1986; Ord. No. 20-016, § 13, 6-1-2020)

State law reference—Rules and regulations, R.R.S. § 51-205.

Sec. 12-29. Powers, duties generally.

The members of the library advisory board shall have such powers and perform such duties as may be conferred upon and required of them by the city council. The library advisory board is an advisory board, thus having only those powers and duties to advise and recommend to the council, mayor, and city administrator as are granted to them by the city council.
(Code 1987, § 12-24; Ord. No. 20-016, § 14, 6-1-2020)

Sec. 12-30. Recommendations.

The library advisory board shall provide advice or recommendations as specifically requested by the city administrator, the mayor, or city council relative to matters concerning the city public library. All recommendations of the library advisory board shall be subject to the review and control of the city council.
(Code 1987, § 12-25; Ord. No. 20-016, § 15, 6-1-2020)

Sec. 12-31. Meetings.

Regular meetings of the library advisory board shall be held at least every three (3) months. Special meetings of the library advisory board shall be held whenever called by the library advisory board chair or any three (3) members of the library advisory board.
(Code 1987, § 12-26; Ord. No. 20-016, § 16, 6-1-2020)

Chapter 13

LICENSES AND BUSINESS REGULATIONS*

Article I. In General

Secs. 13-1—13-18. Reserved.

Article II. Pawnbrokers

Sec. 13-19. Penalty for violations.
Sec. 13-20. Minors and intoxicated persons.
Secs. 13-21—13-43. Reserved.

Article III. Peddlers and Solicitors

Division 1. Generally

Sec. 13-44. Definitions.
Sec. 13-45. Refusal to leave premises upon request.
Sec. 13-46. Sale of goods on public property, streets, parking lots, parks.
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Division 2. Peddler's Permit

Sec. 13-68. Required.
Sec. 13-69. Application.
Sec. 13-70. Investigation and issuance.
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Sec. 13-72. Qualifications of applicant.
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Sec. 13-74. Expiration of permit.
Sec. 13-75. Duty of police to enforce; records.
Sec. 13-76. Exhibition of permit.
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Division 3. Mobile Food Vending

Sec. 13-102. Definitions.
Sec. 13-103. Permit required.
Sec. 13-104. Permit types.
Sec. 13-105. Permit exemptions.
Sec. 13-106. Applications.
Sec. 13-107. Issuance or denial.

***State law references—**Power of city to levy and collect license or occupation taxes, R.R.S. § 16-205; power of city to regulate dangerous, obnoxious and offensive businesses, R.R.S. § 16-222.

Sec. 13-108. Transferability.
Sec. 13-109. Permit fee.
Sec. 13-110. Waiver of liability.
Sec. 13-111. Change in operating area.
Sec. 13-112. Permit renewal.
Sec. 13-113. Sales regulations.
Sec. 13-114. Penalty.
Sec. 13-115. Notice of violations.
Sec. 13-116. Revocation or suspension.
Sec. 13-117. Notice of revocation or suspension; re-application.
Sec. 13-118. Appeal hearing.
Sec. 13-119. Severability.

ARTICLE I. IN GENERAL

Secs. 13-1—13-18. Reserved.

ARTICLE II. PAWNBROKERS*

Sec. 13-19. Penalty for violations.

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding one hundred dollars ($100.00), and each day that a violation continues shall constitute a separate offense. Upon conviction for violation of any of the provisions of this article, the city council may, at its option, revoke the license of such pawnbroker.
(Code 1971, § 24½-8; Code 1987, § 13-17)

Sec. 13-20. Minors and intoxicated persons.

It shall be unlawful for any person licensed as a pawnbroker to take or receive upon deposit, pawn or pledge any personal property of any kind from a minor, unless such person shall be doing business wholly on his or her own account; and it shall also be unlawful for any such licensed pawnbroker to knowingly receive on pawn or deposit any personal property of any kind from any person not being the owner thereof or from any intoxicated person.
(Code 1971, § 24½-7; Code 1987, § 13-23)

State law reference—Age of majority and minority, R.R.S. § 43-2101.

Secs. 13-21—13-43. Reserved.

ARTICLE III. PEDDLERS AND SOLICITORS

DIVISION 1. GENERALLY

Sec. 13-44. Definitions.

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

Peddler means any person who engages in requesting retail orders for the immediate or future delivery of goods, merchandise or services, specifically, but not limited to include, the taking of subscriptions for magazines, tree trimming and termite extermination, when such requesting is from house to house, store to store, and such activity is not made from one established spot except as provided in section 13-46.

Solicitor means any person who requests orders as described above for charitable, civic, religious or patriotic purposes or who engages in requesting financial assistance for such purposes.

***State law reference—**Pawnbrokers, R.R.S. § 69-201 et seq.

(b) This section shall not apply to any established organization organized and operated exclusively for charitable, civic, religious or patriotic purposes, and not operated for the pecuniary profit of any person if the solicitations by such established person or organization are conducted among the members thereof by other members or officers thereof, voluntarily and without remuneration for making such solicitations, or if the solicitations are in the form of collections or contributions at the regular assemblies of services of any of such established organization.
(Code 1971, § 25-1; Code 1987, § 13-36)

State law reference—Definitions relating to itinerant merchants, R.R.S. § 75-323.

Sec. 13-45. Refusal to leave premises upon request.

Any solicitor, peddler or hawker of goods or merchandise who enters upon premises owned or leased by another and willfully refuses to leave the premises after having been notified by the owner or possessor of the premises, or his or her agent, to leave the same, shall be deemed guilty of a misdemeanor.
(Code 1971, § 25-2; Code 1987, § 13-37)

State law reference—Criminal trespass, R.R.S. § 28-520 et seq.

Sec. 13-46. Sale of goods on public property, streets, parking lots, parks.

It shall be unlawful for any person to sell or offer for sale or peddle goods, wares, or merchandise upon public property owned by the city, including, but not limited to, streets, sidewalks, parking lots, parks, and within public buildings without first having obtained permission to do so from the mayor and city administrator, or designees, unless permission is otherwise granted via this Code or resolution.
(Code 1971, § 25-3; Code 1987, § 13-38; Ord. No. 16-063, § 1, 12-5-2016; Ord. No. 22-6, § 1, 3-7-2022; Ord. No. 22-19, § 1, 8-1-2022; Ord. No. 25-16, § 1, 5-5-2025)

Sec. 13-47. Registration of solicitors; disclosure requirement.

(a) It shall be unlawful for any person to engage in activity as a solicitor within the city without having first having registered with the city clerk. The registrant shall give the city clerk the information set out in section 13-69 and, if the city clerk is satisfied that the applicant meets the requirements of this Code for solicitors, he or she shall furnish a certificate to the applicant indicating that he or she has registered showing the date and activity covered by such registration.

(b) If the city clerk does not furnish such a certificate within thirty (30) calendar days of a request for such a certificate, the person denied such a certificate may appeal the decision of the city clerk to the city council as provided in division 2 of this article.

(c) Any offer for sale of merchandise made in conjunction with a charitable solicitation shall clearly disclose the amount or percentage of money from the sale which will actually go to the organization for whose benefit the appeal is made.
(Code 1971, § 25-4; Code 1987, § 13-39; Ord. No. 98-42, § 1, 8-3-1998)

Secs. 13-48—13-67. Reserved.

DIVISION 2. PEDDLER'S PERMIT

Sec. 13-68. Required.

It shall be unlawful for any person to engage in activity as a peddler within the city without first having applied for and obtained a permit to do so from the city clerk.
(Code 1971, § 25-14; Code 1987, § 13-51; Ord. No. 98-42, § 2, 8-3-1998)

Sec. 13-69. Application.

Any person desiring a permit to engage in activity as a peddler within the city shall make a written application to the city clerk, which application shall show and contain the following information:

(1) Name, age, and description of the applicant;

(2) Address;

(3) Brief description of the nature of the business and the goods to be sold or services to be provided;

(4) If employed, the name and address of the employer, together with documents verifying such employment;

(5) The length of time (not to exceed one (1) year) for which the right to do business as a peddler is desired;

(6) If a vehicle is to be used, description of the same, together with the license number;

(7) A copy of a valid driver's license;

(8) The fingerprints of the applicant;

(9) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor, the nature of the offense, and the punishment or penalty assessed therefor;

(10) A nonrefundable application fee, established by resolution adopted by the city council, shall accompany all applications.

(Code 1971, § 25-15; Code 1987, § 13-52; Ord. No. 98-42, § 3, 8-3-1998; Ord. No. 13-054, § 10, 10-21-2013)

Sec. 13-70. Investigation and issuance.

(a) Upon receipt of an application as described in section 13-69, the original shall be referred to the chief of police, who shall cause an investigation of the statements contained within the application to be made to determine if the same are true and correct.

(b) If, as a result of such investigation, the chief of police finds that the statements within the application are materially untrue or incorrect, or if it is found that the applicant has been convicted within the past ten (10) years of a felony or a crime involving moral turpitude, the chief of police shall disapprove such application in writing and provide the reasons for the same, and return said application to the city clerk, who shall notify the applicant that the application is disapproved and that no permit will be issued.

(c) If, as a result of such investigation, the statements contained in the application are found to be true and correct and the applicant has not been convicted within the past ten (10) years of any felony or any crime involving moral turpitude, the chief of police shall approve the application, in writing, and shall return the said application to the city clerk for issuance of the permit.

(d) The permit shall contain the signature and seal of the issuing officer and shall show the name and address of the permittee and the kind of goods to be sold thereunder, or services to be furnished or performed, the date of issuance, and the length of time the same shall be operative. The clerk shall keep a permanent record of all permits issued.
(Code 1971, § 25-16; Code 1987, § 13-53; Ord. No. 98-42, § 4, 8-3-1998)

Sec. 13-71. Appeal.

Any person aggrieved by the action of the chief of police or the city clerk in denial of an application for a permit or certificate or in a decision with reference to the revocation of a permit as provided in this article shall have the right of appeal to the city council. Such appeal shall be taken by filing with the city clerk, within fourteen (14) business days of the action complained of, a written statement setting forth the grounds for the appeal. The council shall set a time and place for hearing on such appeal and notice of such hearing shall be given to the appellant. The decision and order of the council on such appeal shall be final and conclusive.
(Code 1971, § 25-17; Code 1987, § 13-54; Ord. No. 98-42, § 5, 8-3-1998)

Sec. 13-72. Qualifications of applicant.

No permit shall be issued to any person:

(1) Who has been convicted of a felony or a crime involving moral turpitude within the ten (10) years immediately preceding the date of the filing of such application with the city clerk;

(2) Who is under the age of sixteen (16) years unless the applicant first obtains an employment certificate as required by state law; or

(3) Whose permit has been revoked pursuant to section 13-78.
(Code 1971, § 25-18; Code 1987, § 13-55; Ord. No. 98-42, § 6, 8-3-1998)

Sec. 13-73. Transfer.

Permits issued under this division shall be nontransferable and no such permit shall be used at any time by any person other than the one to whom it was issued.
(Code 1971, § 25-19; Code 1987, § 13-56; Ord. No. 98-42, § 7, 8-3-1998)

Sec. 13-74. Expiration of permit.

All permits issued under the provisions of this division shall expire one (1) year from the date of issuance.
(Code 1971, § 25-20; Code 1987, § 13-57; Ord. No. 98-42, § 8, 8-3-1998)

Sec. 13-75. Duty of police to enforce; records.

It shall be the duty of any police officer of the city to enforce the provisions of this division against convictions for violations of this division, and the city clerk shall maintain a record for each permit issued and record reports of violations therein.
(Code 1971, § 25-21; Code 1987, § 13-58; Ord. No. 98-42, § 9, 8-3-1998)

Sec. 13-76. Exhibition of permit.

Peddlers shall exhibit their permit at the request of any police officer or at the request of the occupant of any house, residence, dwelling or store which such peddler has approached in search of a prospective customer.
(Code 1971, § 25-22; Code 1987, § 13-59; Ord. No. 98-42, § 10, 8-3-1998)

Sec. 13-77. Peddling; hours restricted.

It shall be unlawful to make in-person calls as a peddler to prospective customers before 8:00 a.m. or after 8:00 p.m. on any day of the week, unless requested to do so by the prospective customer.
(Code 1971, § 25-23; Code 1987, § 13-60; Ord. No. 98-42, § 11, 8-3-1998)

Sec. 13-78. Revocation of permit.

(a) Permits issued under the provisions of this division may be revoked by the city clerk after notice and hearing for any of the following causes:

(1) Fraud, misrepresentation, or false statement contained in the application for the permit;

(2) Fraud, misrepresentation, or false statement made in the course of carrying on the permittee's business as a peddler;

(3) Any violation of this article;

(4) Conviction of any felony or crime involving moral turpitude.

(b) Notice of the hearing for revocation of the permit shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the permittee at his or her last known address at least five (5) days prior to the date set for hearing.
(Code 1987, § 13-61; Ord. No. 98-42, § 12, 8-3-1998)

Sec. 13-79. Penalty.

Any person who shall violate any of the provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for a period not to exceed thirty (30) days or by a fine not to exceed five hundred dollars ($500.00), recoverable with costs, or both. Each day that a violation of this division continues shall constitute a

separate and distinct offense and shall be punishable as such. The penalty provided in this section shall be cumulative with and in addition to the revocation of a permit under the provisions of this division.
(Code 1987, § 13-62; Ord. No. 98-42, § 13, 8-3-1998)

Secs. 13-80—13-101. Reserved.

DIVISION 3. MOBILE FOOD VENDING

Sec. 13-102. Definitions.

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

Auxiliary equipment means any equipment used in the serving, preparation, storage, or cleanup of food for mobile food trucks or mobile food vending units, including, but not limited to, cooking equipment, warming and holding equipment, food prep equipment, refrigeration equipment, janitorial equipment, generators, tables, seating, and umbrellas.

Food means any raw, cooked, or processed edible substance, beverage, ingredient, ice, or water used or intended for use or for sale in whole or in part for human consumption.

Mobile food truck means a licensed and operable vehicle or concession trailer, which is enclosed and self-contained, independent with respect to water, sewer, and power utilities, that contains equipment for the preparation and sale or service of food or beverages with or without a charge which is designed for immediate consumption. Mobile food trucks may connect to city power utilities if the conditions set forth by the city and board of public works are satisfied.

Mobile food vending means the act of preparation and sale or service of food or beverages with or without charge that are designed for immediate consumption from a mobile food truck or mobile food vending unit.

Mobile food vending units means any non-motorized vehicle, trailer, stand, cart, or other device designed to be portable and not permanently attached to the ground from which food is served or offered for sale, which is enclosed and self-contained, independent with respect to water, sewer, and power utilities, that contains equipment for the preparation and sale or service of food or beverages with or without a charge which is designed for immediate consumption. Mobile food vending units may connect to city power utilities if the conditions set forth by the city and board of public works are satisfied. Food vending machines which are designed to be unstaffed and exchange food items for money are not considered mobile food vending units.

Mobile food vendor means any person or entity conducting the sale or service of food and beverage with or without charge from a mobile food truck or mobile food vending unit that are designed for immediate consumption in the public right-of-way or on private property.
(Code 1987, § 13-71; Ord. No. 22-6, § 2, 3-7-2022)

Sec. 13-103. Permit required.

It shall be unlawful for any person to engage in mobile food vending on public property owned by the city without first obtaining a mobile food vending permit or operate under a valid mobile food establishment permit and all applicable state and city permits and licenses, unless exempted under section 13-105.
(Code 1987, § 13-72; Ord. No. 22-6, § 3, 3-7-2022)

Sec. 13-104. Permit types.

Applicants for a permit under this article may apply for an annual mobile food vending permit, a weekly mobile food vending permit, or an annual mobile food establishment permit.
(Code 1987, § 13-73; Ord. No. 22-6, § 4, 3-7-2022)

Sec. 13-105. Permit exemptions.

For purposes of this article, the following activities shall be exempt from the permit requirement set forth in section 13-103:

(1) A mobile food vendor engaging in mobile food vending on private property.

(2) The sale or offer to sell ice cream or other frozen confectionery products only from a mobile food truck vendor that drives around town and makes stops only when customers indicate that they wish to purchase said products.

(Code 1987, § 13-74; Ord. No. 22-6, § 5, 3-7-2022)

Sec. 13-106. Applications.

(a) An applicant for a weekly or annual mobile food vending permit shall file with the city clerk a signed application on a form to be furnished by the city clerk, which shall contain the following information:

(1) The applicant's business name, address, phone number, and e-mail address;

(2) If the applicant is a corporation, partnership, or other entity, the names of all officers and managers of such entity;

(3) The vehicle license plate numbers and descriptions of all vehicles from which the applicant proposes to sell food;

(4) The description of the general type of food items to be sold;

(5) Documentation (certificate) from the state (department of agriculture) health department showing its approval of the applicant's sale of food, if required;

(6) A copy of the state sales tax permit, or proof of an applicable sales tax exemption for the applicant;

(7) The address of the location the applicant anticipates selling from;

(8) A copy of the vehicle registration and proof of insurance;

(9) Proof of insurance with a minimum coverage amount of one million dollars ($1,000,000.00), together with an insurance certificate listing the city as an additional insured, unless such applicant is engaged in mobile food vending with the permission of a mobile food vending establishment that:

a. Has been issued a mobile food vending establishment permit; and

b. Has executed a lease with the city leasing the city-owned property and agreeing to indemnify and hold the city harmless for any and all liability related to the operation of mobile food trucks or mobile food vending units on said property.

The insurance certificate shall remain valid for the duration of the permit.

(10) A traffic flow plan, if applicant will operate a drive through;

(11) A parking lot layout, if applicant will operate in an established parking lot;

(12) A signed waiver of liability described in section 13-110;

(13) A nonrefundable application fee shall accompany all applications; and

(14) Such other information as the city clerk may require and as requested in the said application form.

(b) Application for a weekly mobile food vending permit may be issued by the city clerk for a future date of use. In the event a weekly mobile food vending permit is issued for a future date of use the applicant shall confirm with the city clerk that there has been no material change to the information contained in their application at least one (1) business day before the applicant's mobile food vending permit is set to begin.

(c) An applicant for a mobile food establishment permit shall file with the city clerk a signed application on a form to be furnished by the city clerk, which shall contain the following information:

(1) The applicant's business name, address, phone number, and e-mail address;

(2) If the applicant is a corporation, partnership, or other entity, the names of all officers and managers of such entity;

(3) The address of the location the applicant will have the mobile food vendor operate;

(4) Proof of insurance with a minimum coverage amount of one million dollars ($1,000,000.00) together with an insurance certificate listing the city as an additional insured. The insurance certificate shall remain valid for the duration of the permit;

(5) A traffic flow plan, if mobile food vendor will operate a drive-through;

(6) A parking lot layout, if mobile food vendor will operate in an established parking lot;

(7) A signed waiver of liability described in section 13-110;

(8) A nonrefundable application fee shall accompany all applications; and

(9) Such other information as the city clerk may require and as requested in the said application form.

(d) Applicants for a mobile food establishment permit must provide the following information to the city clerk at least one (1) business day before a mobile food vendor operates under their mobile food establishment permit:

(1) The vehicle license plate numbers and descriptions of all vehicles from which the mobile food vendor proposes to sell food;

(2) The description of the general type of food items to be sold;

(3) Documentation (certificate) from the state (department of agriculture) health department showing its approval of the mobile food vendor's sale of food, if required;

(4) A copy of the state sales tax permit or proof of an applicable sales tax exemption for the mobile food vendor; and

(5) A copy of the vehicle registration and proof of insurance of the mobile food vendor.

(e) Mobile food establishment permits may only be applied for by business, organizations, or property owners for a location adjacent to their business or property or if they have written authorization from the adjacent property owners.
(Code 1987, § 13-75; Ord. No. 22-6, § 6, 3-7-2022; Ord. No. 22-12, § 1, 6-20-2022)

Sec. 13-107. Issuance or denial.

(a) Upon receipt of a complete application for a permit pursuant to this article, the city clerk shall verify that the information provided is accurate and to determine whether the applicant is in compliance with the provisions of all applicable laws and this Code.

(b) After receipt of the completed application and application fee, the city clerk shall either approve or deny the annual mobile food vending permit and the annual mobile food establishment permit applications and the city clerk shall either approve or deny weekly mobile food vending permit applications. Grounds for denial may include, but are not limited to, the following:

(1) A finding that the application is incomplete;

(2) The nonpayment of applicable fees;

(3) A finding that the application is not in conformance with any applicable laws or any provisions of this Code;

(4) A finding that the applicant has an in adequate traffic flow plan or parking lot layout, if applicable;

(5) A finding that the statements within the application are materially untrue or incorrect;

(6) Previous revocations or suspensions of a mobile food vending permit or a mobile food establishment permit;

(7) When the location for the permit requested is within an area authorized for a city-sanctioned event or within four hundred (400) feet of any boundary of such authorized area, unless the mobile food vendor possesses of the written consent of the event organizer to sell or offer to sell food from that location; or

(8) When the location for the permit requested is within a city park, unless the mobile food vendor possesses the written consent of the city administrator or designee.

(c) The city clerk shall keep a permanent record of mobile food vending permits and mobile food establishment permits issued.
(Code 1987, § 13-76; Ord. No. 22-6, § 7, 3-7-2022)

Sec. 13-108. Transferability.

Permits issued under this article shall be nontransferable and no such permit shall be used at any time by any person other than the one to whom it was issued.
(Code 1987, § 13-77; Ord. No. 22-6, § 8, 3-7-2022)

Sec. 13-109. Permit fee.

An application fee for a permit under this article shall be established by resolution adopted by the city council.
(Code 1987, § 13-78; Ord. No. 22-6, § 9, 3-7-2022)

Sec. 13-110. Waiver of liability.

Before a weekly mobile food vending permit, annual mobile food vending permit, or an annual mobile food establishment permit is granted, the applicant shall sign a waiver of liability holding harmless the city and indemnifying the city, its officials, and employees, for any claims for damages to property or injury to persons, which may occur in connection with any activity carried on pursuant to any activities associated with mobile food vending.
(Code 1987, § 13-79; Ord. No. 22-6, § 10, 3-7-2022)

Sec. 13-111. Change in operating area.

Permits issued pursuant to this article shall be valid only when used at the operating area designated on the permit. The operating area may be changed by amending the permit application and paying the applicable fee which shall be set by resolution adopted by the city council.
(Code 1987, § 13-80; Ord. No. 22-6, § 11, 3-7-2022)

Sec. 13-112. Permit renewal.

(a) Annual mobile food vending permits and mobile food establishment permits issued under this article shall expire on December 31 of each year. The permit holder may renew the permit for the following year by filing with the city clerk a renewal application updating or confirming the information provided in the immediately preceding permit application. At the time of permit renewal, the permit holder shall pay a renewal fee established by resolution adopted by the city council.

(b) Weekly mobile food vending permits issued under this article shall expire at 5:00 p.m. on the sixth (6th) calendar day after the permit begins. The permit holder may renew the permit for an additional six (6) calendar days by filing a renewal application updating or confirming the information provided in the immediately preceding permit application. At the time of permit renewal, the permit holder shall pay a renewal fee established by resolution adopted by the city council.
(Code 1987, § 13-81; Ord. No. 22-6, § 12, 3-7-2022)

Sec. 13-113. Sales regulations.

(a) All mobile food vendors shall comply with the following regulations:

(1) Mobile food vending is allowed in any zoning district when a mobile food vendor has the permission of a political subdivision to engage in mobile food vending on that political subdivision's property.

(2) While engaging in mobile food vending, mobile food vendors shall not be in violation of any city ordinances including any zoning, health, fire, building, or safety requirements.

(3) A mobile food vendor shall not sell or offer to sell food from a location which would involve customers to wait in line, to be waited on, or to be served while standing in a portion of a street that is open to be traversed by motor vehicle traffic.

(4) The city may order a mobile food vendor to move from or leave a specific location if the mobile food vending at that location causes an obstruction to vehicular or pedestrian traffic or otherwise endangers the health, safety, or welfare of the public. The city may tow or otherwise move, at the vendor's expense, any vehicles or equipment of a mobile food vendor if the vehicle or equipment presents a danger to public safety and the mobile food vendor fails to move the same; or if a mobile food vendor is engaged in mobile food vending without a valid mobile food vending permit where such permit is required.

(5) A mobile food vendor shall maintain in operable condition all fire suppression equipment or devices as required by local, state or federal law.

(6) It shall be unlawful for a mobile food vendor to sell or offer to sell alcoholic drinks without obtaining the appropriate permits.

(7) A mobile food vendor shall provide trash receptacles for the collection of trash, in sizes sufficient to serve his/her customers. On a daily basis, and prior to leaving a location, the mobile food vendor shall pick up and properly dispose of any trash and litter within twenty-five (25) feet of the location. Receptacles and their contents shall be removed from the location for proper disposal and contents shall not be deposited in public trash containers on city rights-of-way or city property.

(8) No mobile food vendor shall utilize any electricity or power without the prior written authorization of the electrical customer; no power cable or similar device shall be extended at or across any street or sidewalk except in a safe manner. If a mobile food vendor requires electric service, an application must be submitted to the city board of public works.

(9) Minimum of three (3) marked parking spaces must be available within one hundred fifty (150) feet of the mobile food vendor.

(b) The following regulations apply only to mobile food vendors engaging in mobile food vending on public property owned by the city:

(1) A mobile food vendor may sell or offer to sell food from a mobile food truck or mobile food vending unit at a location in a city right-of-way open to traffic or parking, but only from a mobile food truck or mobile food vending unit parked in a location where a mobile food truck

or mobile food vending unit is authorized to park by law, signage, or city permit. Such a mobile food truck or mobile food vending unit and auxiliary equipment shall not be parked in a parking space adjacent to the corner of a street intersection. No mobile food truck, mobile food vending unit, or auxiliary equipment shall be parked in any parking stall designated for handicap parking.

(2) An individual representative of the mobile food vendor shall be present with the mobile food truck, mobile food vending unit, and auxiliary equipment of the mobile food vendor at all times that it is engaged in mobile food vending.

(3) Upon evidence of endangerment of public safety, the chief of police or designee may limit hours of operation for any mobile food vendor within the city, as needed for the protection of public safety.

(4) A mobile food vendor using a mobile food truck shall maintain a motor vehicle liability insurance policy for such motor vehicle as required by state law, and shall exhibit proof of such policy when requested.

(5) A mobile food vendor shall visibly display his/her business name on his/her mobile food truck, mobile food vending unit, and auxiliary equipment.

(Code 1987, § 13-82; Ord. No. 22-6, § 13, 3-7-2022)

Sec. 13-114. Penalty.

It shall be unlawful for any person to violate the provisions of this article. Any person found guilty of violating any of the provisions of this article shall, upon conviction, be fined a sum of not less than two hundred dollars ($200.00) nor more than five hundred dollars ($500.00). Each day that a violation of any of the provisions of this section continues shall constitute a distinct offense and shall be punishable as such.

(Code 1987, § 13-83; Ord. No. 22-6, § 14, 3-7-2022)

Sec. 13-115. Notice of violations.

For purposes of revocation or suspension of mobile food vending permits or mobile food establishment permit, upon discovery of any violation under this article, the city clerk, or designee, shall provide written notice to the permit holder of such violation. Such notice shall be served personally upon the permit holder or shall be sent by regular U.S. mail to the permit holder's address as stated in his/her application.

(Code 1987, § 13-84; Ord. No. 22-6, § 15, 3-7-2022)

Sec. 13-116. Revocation or suspension.

A permit issued under this article may be revoked or suspended by the city clerk or designee for any of the following reasons:

(1) Any fraud, misrepresentation, or false statement contained in the application for permit;

(2) Any fraud, misrepresentation, or false statement made in connection with the selling of food;

(3) Receipt of notice of violation pursuant to section 13-117(b); or

(4) Mobile food vending in an unlawful manner or in such a manner as to constitute a breach of the peace or a menace to the health, safety, or general welfare of the public.

(Code 1987, § 13-85; Ord. No. 22-6, § 16, 3-7-2022)

Sec. 13-117. Notice of revocation or suspension; re-application.

(a) Notice to revoke or suspend a permit, the city clerk or designee shall provide written notice to the permit holder stating the revocation or suspension action taken, the grounds for such action, and the availability of an appeal under this section. Such notice shall be served personally upon the permit holder or sent by regular U.S. mail to the permit holder's address as stated in his/her application.

(b) The city clerk or designee shall revoke a permit issued under this article for any mobile food vendor who has received notice for one (1) or more violations of the provisions of this article on three (3) separate occasions, or who has received notice of three (3) or more violations of the provisions of this article in total, or any combination thereof, within any consecutive 12-month period.

(c) A person whose permit has been revoked under this article may not re-apply for a new permit for a period of six (6) months after the effective date of the revocation.

(Code 1987, § 13-86; Ord. No. 22-6, § 17, 3-7-2022)

Sec. 13-118. Appeal hearing.

(a) Violations. A permit holder aggrieved by the decision of the city clerk or designee under this section may file an appeal with the city administrator or designee. Such request for appeal shall be in writing to the city clerk or designee accompanied by the non-refundable appeal fee. The appeal fee shall be set by resolution adopted by the city council. Such appeal shall be heard by the city administrator or designee. The city administrator or designee shall set such hearing within twenty (20) calendar days from the date of receipt of the written request.

(b) Denials, suspensions, or revocations of permits. Mobile food vendors whose permits under this article have been denied, suspended, or revoked may file an appeal of such decision within twenty (20) calendar days of receipt of the notice. Such request for appeal shall be in writing to the city clerk or designee accompanied by the nonrefundable appeal fee. The appeal fee shall be set by resolution adopted by the city council. Such appeal shall be heard by the city council. The city council shall set such hearing within twenty (20) calendar days from the date of receipt of the written request.

(c) A written notice of the decision by the city administrator or designee, or the city council, decision following the hearing shall be sent to the property owner by regular U.S. mail or shall be provided at the conclusion of the meeting.

(Code 1987, § 13-87; Ord. No. 22-6, § 18, 3-7-2022)

Sec. 13-119. Severability.

If any provision, clause, sentence, paragraph or other portion of this article or the application thereof to any person or circumstances shall be held to be invalid, that invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application and, to this end, the provisions of this article are declared to be severable.
(Code 1987, § 13-88; Ord. No. 22-6, § 19, 3-7-2022)

Chapter 14

LOTTERIES*

Sec. 14-1. Established.
Sec. 14-2. Awarding of prizes, use of proceeds.
Sec. 14-3. Rules and regulations.
Sec. 14-4. Prohibited lotteries.

*State law reference—Municipal lotteries, R.R.S. § 28-1116 et seq.

Sec. 14-1. Established.

There is hereby established a lottery to be operated by the city, the entire net proceeds which are to be used for community betterment purposes.
(Code 1971, § 19½-1; Code 1987, § 14-1)

Sec. 14-2. Awarding of prizes, use of proceeds.

Not less than sixty-five percent (65%) of the gross proceeds of a lottery conducted by the city shall be used for the awarding of prizes and not more than fourteen percent (14%) of the gross proceeds shall be used to pay the expenses of operating the lottery, except that license fees paid to the state department of revenue and audit or legal expenses incurred by the city directly to the conduct of operating the lottery shall not be included in determining the fourteen percent (14%) limitation on expenses.
(Code 1971, § 19½-2; Code 1987, § 14-2; Ord. No. 90-32, § 1, 8-2-1990)

State law reference—Uses of proceeds of lottery, R.R.S. § 9-629.

Sec. 14-3. Rules and regulations.

The mayor and city council shall adopt by resolution rules and regulations related to the operation of the lotteries.
(Code 1971, § 19½-3; Code 1987, § 14-3)

Sec. 14-4. Prohibited lotteries.

It shall be unlawful for any county, city, or village to conduct a lottery operation pursuant to the Nebraska City and County Lottery Act, R.R.S. § 9-601 et seq., within the boundaries of the city, except a lottery established by the city pursuant to section 14-1.
(Code 1987, § 14-4; Ord. No. 92-57, § 1, 9-21-1992)

Chapter 15

MOBILE HOMES AND MOBILE HOME PARKS*

Sec. 15-1. Definitions.
Sec. 15-2. Parking restricted.
Sec. 15-3. Fee for parking.
Sec. 15-4. Property owners to report parking or placement.
Sec. 15-5. Stands, skirting.
Sec. 15-6. Stabilization.

***State law references—**Manufactured homes, recreational vehicles and mobile home parks, R.R.S. § 71-4601 et seq.; moving mobile homes, tax stickers, etc., R.R.S. § 77-3701 et seq.

Sec. 15-1. Definitions.

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

House trailer or *mobile home* means any vehicle used for sleeping, living or business purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, and which has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place whether by motive power or other means. The removal of wheels, or the replacement of a mobile home or trailer on a permanent foundation, shall not constitute an exception to this definition.

Tourist camp means any plot of ground, with or without buildings, privately or municipally owned, which is used for camping, business or lodging and shall specifically include any plot of ground where house trailers, mobile homes or like vehicles are parked for a period of time exceeding twenty-four (24) hours.

(Code 1971, § 20-1; Code 1987, § 15-1)

State law reference—Definitions relating to manufactured homes and recreational vehicles, R.R.S. § 71-4603.

Sec. 15-2. Parking restricted.

No house trailer or mobile home, if occupied for any purpose, shall be permitted to park for more than twenty-four (24) hours within the city and outside of an area where they are allowed pursuant to the city's zoning ordinance. The removal of wheels or the placement of a trailer or mobile home on a permanent foundation shall not constitute an exception to this section.

(Code 1971, § 20-2; Code 1987, § 15-2)

Sec. 15-3. Fee for parking.

No person shall park or place any mobile home or house trailer on any property within the city or in unincorporated area two (2) miles beyond and adjacent to the corporate boundaries of the city without first paying a fee as established by resolution adopted by the city council.

(Code 1971, § 20-3; Code 1987, § 15-3; Ord. No. 13-054, § 11, 10-21-2013)

State law reference—Suburban development, R.R.S. § 16-901 et seq.

Sec. 15-4. Property owners to report parking or placement.

Every owner of real estate within the area designated by section 15-3 where any mobile home or house trailer is parked or placed shall report the parking or placing of such structure to the board of public works within two (2) of such board's business days from the parking or placing of such structure.

(Code 1971, § 20-4; Code 1987, § 15-4)

Sec. 15-5. Stands, skirting.

(a) All mobile homes and house trailers shall be set upon a mobile home or trailer stand. A mobile home or trailer stand is that portion of a mobile home or trailer space with provisions for placing a mobile home or trailer or appurtenant structures thereto onto a foundation system, to minimize frost

action and resist horizontal wind pressure of twenty-five (25) pounds per square foot minimum and one and one-fourth (1¼) times this pressure for uplift, or upon a surface foundation system designed to resist the same forces. The area of the mobile home or trailer stand shall be improved to provide an adequate and approved foundation for the placement of the mobile home or trailer, thereby positioning the superstructure against uplift, sliding, rotation or overturning.

(b) The mobile home or trailer stand shall be on basically incombustible materials and shall not shift or settle unevenly under the weight of the mobile home or trailer due to frost action, inadequate drainage, vibration or other forces acting upon the superstructure. The mobile home or trailer stand may be provided by means of a solid concrete footer block sixteen (16) inches by sixteen (16) inches by four (4) inches minimum, placed on solid uniform soil upon which are placed and centered standard concrete blocks, one on top of another, with cells placed vertically. A solid four (4) inch concrete cap covering the concrete blocks shall be provided as the bearing area to be positioned directly beneath the steel frame of the mobile home or trailer. Such blocking shall be provided, upon which shall be placed a wooden spacer and wooden shims along the full length of the mobile home or trailer unit, spaced not more than ten (10) feet apart, and not more than five (5) feet from the ends of the unit.

(c) The skirting of all mobile homes and trailers is required. Such skirting shall not attach a mobile home or trailer permanently to the ground, but shall be sufficient to withstand wind load requirements and shall not provide a harborage for junk or rodents, nor create a fire hazard. Such skirting shall be provided with removable or hinged access panels sufficient to provide easy access to all utility connection points of the mobile home or trailer and its subsequent connection to the utility risers if they are located within the skirted area.

(d) Skirting for trailers, travel trailers or recreational trailers on authorized overnight trailer spaces shall not be required, provided the trailer, travel trailer or recreational trailer is not parked on such overnight trailer space for more than forty-five (45) calendar days.
(Code 1971, § 20-5; Code 1987, § 15-5)

Sec. 15-6. Stabilization.

All owners of mobile homes or house trailers shall comply with the following requirements for stabilizing devices after each mobile home or house trailer is installed on a mobile home stand as required in section 15-5:

(1) *Ties.* Each mobile home or house trailer shall be provided with over-the-top ties and frame ties as follows:

a. The minimum number of ties per side for a mobile home or house trailer fifty (50) feet or less in length shall be two (2) over-the-top ties and two (2) frame ties.

b. The minimum number of ties per side for a mobile home or house trailer greater than fifty (50) feet in length shall be three (3) over-the-top ties and three (3) frame ties.

c. The ties nearest the ends of the mobile home or house trailer shall be placed within two (2) feet of the end, and any other ties shall be placed as near the center of the mobile home or house trailer as practical at stud locations.

d. Over-the-top ties and frame ties may be connected to a common anchor.

e. Protection of the roof of the mobile home or house trailer shall be provided at sharp corners where the anchoring system requires the use of external cables or straps.

f. Ties shall consist of either galvanized or steel strapping (1¼-inch by 0.035-inch) or galvanized steel cable (7/32-inch, 7 by 7 or ¼-inch, 7 by 19) or other equivalent materials as approved by the community development director.

(2) *Anchors.* Ties shall be anchored as follows:

a. Ground anchors may consist of screw augers, expanding anchors or concrete dead-men or similar anchors as approved by the community development director.

b. Anchors shall be installed to a depth of at least four (4) feet below the surface of the ground. Such anchors must withstand four thousand eight hundred (4,800) pounds or greater working load.

c. Anchoring equipment shall be designed to prevent self-disconnection and hookends are prohibited.

(3) *Tensioning devices.* Tensioning devices on the tie-anchor systems shall meet the following requirements:

a. Tensioning devices, such as turnbuckles or yoke-type fasteners, shall be terminated with a clevis or forged or welded eyes.

b. If cables are used, cable clamps shall be positioned with nuts on the live side of the cable.

c. Tensioning should be checked and adjusted when necessary to prevent damage to the mobile home or trailer.

(4) *Inspection.* It shall be the duty of the community development director to inspect all mobile homes and house trailers in the city for compliance with the standards of this Code, provided that the community development director shall have the power to approve alternate stabilizing systems pursuant to mobile home manufacturer's installation instructions if such systems provide equivalent stabilization to the standards of this Code.

(5) *Application.*

a. This section shall not apply to mobile homes and house trailers parked within the city's zoning jurisdiction for forty-five (45) calendar days or less, provided that an extension of thirty (30) calendar days may be granted with the approval of the community development director at no additional cost.

b. This section shall not apply to mobile homes or house trailers situated on a manufacturer's or dealer's lot and not intended for use thereon as a dwelling or place of business.

c. This section shall not apply to mobile homes or house trailers within the city's zoning jurisdiction prior to the effective date of Ordinance No. 76-43, provided, if any such mobile homes or house trailers are moved to a new location after that date, the provisions of this section shall apply to them.

(Code 1971, § 20-6; Code 1987, § 15-6)

Editor's note—Ordinance No. 76-43 was adopted on September 7, 1976.

State law reference—Effective date of ordinances, R.R.S. § 19-3701.

Chapter 16

MOTOR VEHICLES AND TRAFFIC*

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ARTICLE I. IN GENERAL

Sec. 16-1. Definitions.

The definitions in R.R.S. ch. 60, art. 6 apply to this chapter. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them:

Alley entrance means the extension of the alley from the lot line to the street curbline.

Automatic traffic signal means any signal electrically or mechanically controlled, by which traffic is alternately directed to stop and proceed.

Central business (or traffic) district means all streets and portions of streets within the area described by city ordinance as such.

Commercial vehicle means every vehicle designed, maintained or used primarily for the transportation of property.

Curb means the lateral boundaries of that portion of a street designed for the use of vehicles whether marked by curb stones or not so marked.

Curb loading zone means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

Driver means every person who drives or is in actual physical control of a vehicle.

Freight curb loading zone means a space adjacent to a curb for the exclusive use of vehicles during the loading or unloading of freight or passengers.

Laned roadway means a roadway which is divided into two (2) or more clearly marked lanes for vehicular traffic.

Maintenance, repair or construction zone means the portion of a street or roadway identified as being under maintenance, repair or construction by appropriate signs displayed pursuant to the authority of the traffic engineer. The maintenance, repair or construction zone starts at the location of the first sign identifying the maintenance, repair, or construction zone and continues until an appropriate sign indicates that the maintenance, repair or construction zone has ended.

Official traffic control devices means all signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

Official traffic signals means all signals, not inconsistent with this chapter, placed or erected by authority of the city council, or a public body or official having jurisdiction, for the purpose of directing, warning or regulating traffic.

Official traffic signs means all signs, markings and devices, other than signals, not inconsistent with this chapter, placed or erected by authority of the city council, or a public body having jurisdiction for the purpose of guiding, directing, warning or regulating traffic.

Passenger curb loading zone means a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

Police officer means every officer of the city police department or any officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations.

Traffic division means the traffic division of the police department of the city or, if a traffic division is not established, then the term "traffic division," whenever used in this chapter, shall be deemed to refer to the police department of the city.
(Code 1971, § 32-1; Code 1987, § 16-1; Ord. No. 97-70, § 1, 9-15-1997)

Sec. 16-2. City traffic engineer.

(a) The office of city traffic engineer is established. The chief of police or other designated city official shall serve as city traffic engineer in addition to his or her other functions, and shall exercise the powers and duties with respect to traffic as provided in this chapter.

(b) The city traffic engineer shall determine the installation and proper timing and maintenance of traffic control devices, conduct engineering analyses of traffic accidents and devise remedial measures, conduct engineering investigations of traffic conditions, plan the operation of traffic on the streets and highways of the city, and cooperate with other city officials in the development of ways and means to improve traffic conditions, and carry out the additional powers and duties imposed by this Code or ordinances of the city.

(c) The board of public works is directed to cooperate with the city traffic engineer and to erect such signs and mark streets and curbs as he or she may direct in accordance with this Code and the ordinances and resolution of the city council.
(Code 1971, § 32-3; Code 1987, § 16-5)

Sec. 16-3. Emergency and experimental regulations; testing of devices.

(a) The chief of police, by and with the approval of the city traffic engineer, is hereby empowered to make regulations necessary to make effective the provisions of this chapter and traffic ordinances of the city and to make and enforce temporary or experimental regulations to cover emergencies or special conditions. No such temporary or experimental regulation shall remain in effect for more than ninety (90) calendar days.

(b) The city traffic engineer may test traffic control devices under actual conditions of traffic.
(Code 1971, § 32-4; Code 1987, § 16-6)

Sec. 16-4. Closing streets to traffic, emergency and public works.

(a) The city traffic engineer, the city administrator, or the designee of either party, is hereby authorized to temporarily close any street, alley, public place or highway and withdraw the same from public use during an emergency.

(b) The city administrator or designee is hereby authorized to temporarily close any street, alley, public place or highway and withdraw the same from public use during public works projects.

(c) During such time that any street, alley, public place or highway is withdrawn from public use, a sign or placard shall be placed at each end of the portion withdrawn from public use. Said placard or sign shall have the following words printed thereon: "Street Closed" or "Road Closed."

(d) No person shall use or attempt to use such street, alley, public place or highway so withdrawn from public use or drive or attempt to drive any vehicle thereon.
(Code 1971, § 32-5; Code 1987, § 16-7; Ord. No. 07-16, § 1, 8-20-2007; Ord. No. 13-056, § 1, 10-21-2013; Ord. No. 17-027, § 1, 9-5-2017; Ord. No. 18-037, § 1, 11-5-2018)

Sec. 16-5. Depositing materials on roads.

(a) Any person who deposits any wood, stone or other kind of material on any part of any lawful public road in the city, causes the accumulation of rubbish, or causes any kind of obstruction shall be guilty of a misdemeanor.

(b) No person shall throw or deposit upon any highway:

(1) Any glass bottle, glass, nails, tacks, wire, cans, or other substance likely to injure any person or animal or damage any vehicle upon such highway; or

(2) Any burning material.

(c) Any person who deposits or permits to be deposited upon any highway any destructive or injurious material shall immediately remove such or cause it to be removed.

(d) Any person who removes a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance deposited on the highway from such vehicle.

(e) No person shall carry, cart, haul or convey any garbage through the streets, alleys or public places of the city except in some vehicle box or bed so made, placed and loaded that none of its contents shall be spilled or strewn over, on or along such street, alley or public place.

(f) No person shall carry, cart, haul or convey any garbage in any wagon, truck or other conveyance unless the vehicle box or bed is tight and equipped with a cover and endgates of such nature as to prevent garbage from blowing out of or falling from such wagon, truck or other conveyance; provided, however, that tree limbs and lumber may be tied down or fastened by rope, mesh or tarp.

(g) No person shall carry, cart, haul or convey any liquid waste through the streets, alleys or public places of the city except in a vehicle box or bed or other container constructed in such a manner as to prevent leakage of its contents.
(Code 1971, §§ 16-29, 32-8; Code 1987, §§ 16-11, 22-27; Ord. No. 93-8, § 4, 2-22-1993; Ord. No. 94-33, § 1, 6-6-1994; Ord. No. 21-15, § 1, 3-15-2021)

State law reference—Similar provisions, R.R.S. § 39-311.

Sec. 16-6. Operation of dangerous vehicle.

No person shall drive, own or operate a vehicle which is driven or towed or hauled over the streets of the city and is so located or constructed as to cause delay, accident to or injury to other vehicles or users of the public streets of the city.
(Code 1971, § 32-168; Code 1987, § 16-17)

Sec. 16-7. Operation of minibikes.

(a) Except as provided in subsection (b) of this section, it shall be unlawful for any person to operate a minibike on the public streets and alleys or on any property owned, operated or controlled by the city, whether within or without the corporate limits thereof.

(b) Minibikes shall be exempt from the provisions of subsection (a) of this section while being used during any public emergency or while being used in parades by organized units of any recognized charitable, social, educational or community service organization.

(c) Nothing contained in subsection (a) of this section shall prohibit the occasional necessary movement of minibikes on a street or alley for purposes of moving the minibike across the street or alley.

(d) As used in this section, the term "minibike" means a two-wheeled motor vehicle which has a total wheel and tire diameter of less than fourteen (14) inches or an engine-rated capacity of less than forty-five (45) cubic centimeters' displacement or any other two-wheel motor vehicle designed by the manufacturer for off-road use only.
(Code 1987, § 16-22; Ord. No. 96-59, § 3, 11-4-1996)

Secs. 16-8—16-32. Reserved.

ARTICLE II. ENFORCEMENT AND OBEDIENCE

DIVISION 1. GENERALLY

Sec. 16-33. Obedience to police and fire department officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.
(Code 1971, § 32-21; Code 1987, § 16-32)

State law reference—Obedience to law enforcement officers, R.R.S. § 60-6,110.

Secs. 16-34—16-54. Reserved.

DIVISION 2. NONMOVING TRAFFIC VIOLATIONS BUREAU*

Sec. 16-55. Established.

For the purposes provided in this division, there is hereby established a nonmoving traffic violations bureau, hereinafter referred to as "the bureau." The operation of the bureau shall be the duty of the city clerk.
(Code 1971, § 32-325; Code 1987, § 16-51; Ord. No. 86-41, § 62, 10-6-1986)

Sec. 16-56. Duties; collection and accounting.

The bureau shall collect and account for all monies paid in accordance with the provisions of this division, issue receipts therefor and keep records of all violators, showing the names, time and date of violation and disposition. It shall be the duty of the city treasurer to credit to the city such amounts as shall be collected for the payment of administrative costs. The balance of money collected shall be disbursed by the city treasurer as provided by law.
(Code 1971, § 32-326; Code 1987, § 16-52; Ord. No. 86-41, § 63, 10-6-1986)

State law references—Imposition of fines by city, R.R.S. § 16-225; disposition of fines for traffic violation convictions under state statutes, R.R.S. § 39-6,117.

Sec. 16-57. Issuance, processing of tickets.

Whenever a police officer of the city shall observe any motor vehicle in violation of a motor vehicle parking ordinance or duly established parking regulation of the city, or stopped or parked in such a manner as to interfere with the lawful use of the street, or stopped or parked in violation of article IX of this chapter, it shall be his or her duty to attach to such motor vehicle an official police tag or notice which shall be directed to the owner or operator of such vehicle, and shall set forth the nature of the violation. A copy of such tag or notice charging violation of such ordinance or regulation shall be processed originally through the bureau.
(Code 1971, § 32-327; Code 1987, § 16-53; Ord. No. 92-17, § 1, 6-15-1992; Ord. No. 08-29, § 1, 10-6-2008; Ord. No. 09-023, § 1, 6-1-2009)

Sec. 16-58. Waiver of arraignment; payment of fines and costs for parking violations.

(a) Any person accused of a violation of article IX of this chapter or of a violation of other motor vehicle parking ordinances or duly established parking regulations may appear before the bureau and waive arraignment and right to a hearing and enter a plea of guilty by payment to the city treasurer.

(b) In those complaints involving a violation of section 16-325, the person shall pay the sum of one hundred dollars ($100.00).

***State law reference—**Power of city to establish nonmoving traffic violations bureau, R.R.S. § 18-1729.

(c) In those complaints involving violations of a motor vehicle parking ordinance or duly established parking regulation of the city, or stopped or parked in such a way as to interfere with the lawful use of the street, or in violation of article IX of this chapter, except violations of section 16-302, 16-325, or 16-390, shall pay the sum of twenty-five dollars ($25.00).

(d) In those complaints in violation of section 16-390 the amount of the fine shall be assessed as follows. Any person in violation of section 16-390 and who has not received a citation for a violation of section 16-390 within the previous twenty-four (24) months shall receive a warning and shall have no fine assessed. Any person committing a second violation of section 16-390 within twenty-four (24) months of a previous citation or warning for violation of section 16-390 shall be issued a citation carrying a fine of five dollars ($5.00). Any person committing a third or subsequent violation of section 16-390 within twenty-four (24) months of receiving a second or subsequent citation for violation of section 16-390 shall pay a fine of forty-five dollars ($45.00) and their motor vehicle may have a boot, or similar driving restriction device placed on the vehicle until all outstanding parking costs and fines have been paid. Any vehicle that has been booted and the parking costs and fines remain unpaid after twenty-four (24) hours shall be towed and impounded until all outstanding parking costs and fines are paid.

(e) In those complaints involving a violation of section 16-302, the person shall pay the sum of forty-five dollars ($45.00).

(f) In each instance of such waiver of arraignment or right to a hearing and entry of a plea of guilty in those complaints involving a violation of article IX of this chapter and a violation of the ordinance prohibiting the parking or stopping of motor vehicle in such a manner as to interfere with the lawful use of a street, the person charged in the complaint shall pay administrative costs of five dollars ($5.00).

(Code 1971, § 32-328; Code 1987, § 16-54; Ord. No. 86-41, § 64, 10-6-1986; Ord. No. 92-17, § 2, 6-15-1992; Ord. No. 96-20, § 1, 6-3-1996; Ord. No. 03-10, § 1, 4-21-2003; Ord. No. 08-29, § 2, 10-6-2008; Ord. No. 09-023, § 2, 6-1-2009; Ord. No. 14-017, § 1, 8-4-2014)

Sec. 16-59. Mailing a notice of complaint.

A person accused of a violation of article IX of this chapter does not appear before the city within seven (7) calendar days after the date of the issuance of the official tag or notice herein, a letter shall be mailed to the last known address of the registered owner of the vehicle found to be in violation of the ordinance or regulation, setting forth the date and nature of the alleged offense, disposition that can be made of the matter by appearing at the bureau within ten (10) business days of the mailing of notice, and that upon the expiration of the ten (10) business day period the opportunity to appear before the bureau and waive arraignment and right to a hearing as foresaid will cease to exist.

(Code 1971, § 32-329; Code 1987, § 16-55; Ord. No. 92-17, § 3, 6-15-1992; Ord. No. 08-29, § 3, 10-6-2008)

Sec. 16-60. Failure to appear.

(a) Whenever any person fails to appear within ten (10) business days after the mailing of notice set forth in section 16-59, a complaint may be filed in the county court for the offense or offenses charged.

(b) Any person who fails to pay a duly issued parking ticket in violation of article IX of this chapter within thirty (30) calendar days of the date of issuance a boot or similar driving restriction device may be placed on his/her, their or its vehicle until the outstanding parking tickets are paid in full. Any vehicle that has been booted and the parking costs and fines remain unpaid after twenty-four (24) hours shall be towed and impounded until all outstanding parking costs and fines are paid.
(Code 1971, § 32-330; Code 1987, § 16-56; Ord. No. 92-17, § 4, 6-15-1992; Ord. No. 96-20, § 2, 6-3-1996; Ord. No. 08-29, § 4, 10-6-2008; Ord. No. 09-023, § 3, 6-1-2009)

Secs. 16-61—16-78. Reserved.

ARTICLE III. TRAFFIC CONTROL DEVICES*

Sec. 16-79. Manual and specifications.

All traffic control signs, signals and devices shall conform to the manual and specifications approved by the state department of transportation or resolution adopted by the city council. All signs or signals required hereunder for a particular purpose shall so far as practicable be uniform as to type and location throughout the city. All traffic control devices so erected and not inconsistent with the provisions of this chapter shall be official traffic control devices.
(Code 1971, § 32-82; Code 1987, § 16-73)

State law reference—Manual on Uniform Traffic Control Devices, R.R.S. § 60-6,118.

Sec. 16-80. Presumption of legality.

(a) Whenever official traffic control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(b) Any official traffic control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.
(Code 1971, § 32-84; Code 1987, § 16-74)

State law reference—Similar provisions, R.R.S. § 60-6,119(3), (4).

Sec. 16-81. Crosswalks, safety zones.

The city council is hereby authorized to:

(1) Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in his or her opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as it may deem necessary;

***State law reference—**Traffic control devices, R.R.S. § 60-6-1118 et seq.

(2) Establish safety zones of such kind and character and at such places as it may deem necessary for the protection of pedestrians.

(Code 1971, § 32-93; Code 1987, § 16-83)

Sec. 16-82. Trucks prohibited on certain streets—Over four tons.

It shall be unlawful for any person to drive a truck with a load capacity of over four (4) tons upon any street designated by resolution by the mayor and city council, except for the purpose of delivering or picking up goods, wares or merchandise when such delivery or pickup is made by use of the shortest route on such restricted street, and except while a trip with a point of origin from or destination on such restricted street.

(Code 1971, § 32-97; Code 1987, § 16-87; Ord. No. 88-3, § 1, 2-15-1988)

Sec. 16-83. Trucks prohibited on certain streets—Semitrailers.

It shall be unlawful for any person to drive a motor vehicle drawing a semitrailer upon any street designated by resolution by the mayor and city council, except for the purpose of delivering or picking up goods, wares or merchandise when such delivery or pickup is made by use of the shortest route on such restricted street.

(Code 1987, § 16-88; Ord. No. 86-47, § 1, 11-17-1986)

Sec. 16-84. Trucks prohibited on certain streets—Over 12 tons.

It shall be unlawful for any person to drive a truck with a load capacity of over twelve (12) tons upon any street designated by resolution by the mayor and city council, except for the purpose of delivery and picking up goods, wares, or merchandise when such delivery or pickup is made by use of the shortest route on such restricted street, and except while on a trip with a point of origin from or destination on such restricted street.

(Code 1987, § 16-89; Ord. No. 93-32, § 1, 5-3-1993)

Secs. 16-85—16-111. Reserved.

ARTICLE IV. OPERATION OF VEHICLES GENERALLY*

Sec. 16-112. Traffic control at fires.

No vehicle, except by direction of the fire chief or other authorized officer of the fire department, shall approach or park within one (1) block of a fire at any time, or be parked or left standing within one (1) block of a fire at any time, or be parked or left standing so as to interfere with the work of the fire department.

(Code 1971, § 32-163; Code 1987, § 16-161)

***State law reference—**Operation of vehicles generally, R.R.S. § 60-6,131 et seq.

Sec. 16-113. Driving over unprotected fire hose.

No vehicle shall be driven over unprotected hose of the fire department when laid down on any highway or private road or driveway, in use or to be used at any fire or alarm of fire, without the consent of the fire department official in command.
(Code 1971, § 32-162; Code 1987, § 16-162)

State law reference—Similar provisions, R.R.S. § 60-6,184.

Sec. 16-114. Corner cutting.

(a) It shall be unlawful for the driver of any vehicle to avoid or attempt to avoid any traffic sign or signal or evade the regulations governing the turning of vehicles at intersections by leaving the street and crossing any private or public property without stopping.

(b) It shall be presumed that the driver of any vehicle intended to avoid or attempt to avoid a traffic sign or signal or turning regulation if he or she leaves a street and drives onto an adjoining intersecting street through private or public property without stopping before entering the street.
(Code 1971, § 32-165; Code 1987, § 16-164)

Sec. 16-115. Negligent driving.

Any person who shall drive, use, operate, park or stop a vehicle in a negligent manner or shall interfere with the moving traffic or use of the streets shall be deemed guilty of negligent driving. Any person convicted of violating this section shall be fined no more than one hundred dollars ($100.00).
(Code 1971, § 32-68; Code 1987, § 16-166; Ord. No. 18-006, § 2, 4-2-2018)

State law reference—Careless driving, R.R.S. § 60-6,212.

Sec. 16-116. Engine braking prohibited.

It shall be unlawful for any person to attempt to retard the forward movement of any vehicle on any portion of a street within the city limits that has a grade of less than five (5) degrees by using motor vehicle brakes that are in any way activated or operated by the compression of an engine of any such vehicle or any unit or part thereof.
(Code 1987, § 16-170; Ord. No. 99-74, § 1, 11-15-1999; Ord. No. 01-10, § 1, 2-19-2001)

Secs. 16-117—16-131. Reserved.

ARTICLE V. SPEED RESTRICTIONS

Sec. 16-132. Alleys.

No person shall drive a vehicle in any alley at a rate of speed greater than fifteen (15) miles per hour.
(Code 1971, § 32-140; Code 1987, § 16-190)

Sec. 16-133. Regulation of speed by traffic signals.

The city traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections and shall erect appropriate signs giving notice thereof.
(Code 1971, § 32-143; Code 1987, § 16-192)

Secs. 16-134—16-145. Reserved.

ARTICLE VI. TURNING MOVEMENTS

Sec. 16-146. Authority to place restricted-turn signs.

The city council is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right or left turn or a U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.
(Code 1971, § 32-111; Code 1987, § 16-210)

State law reference—Power of local authority to regulate or prohibit the turning of vehicles or specified types of vehicles, R.R.S. § 60-680(1)(i).

Sec. 16-147. Authority to place and obedience to turning markers.

(a) The city council is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

(b) When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.
(Code 1971, § 32-113; Code 1987, § 16-212)

Secs. 16-148—16-178. Reserved.

ARTICLE VII. ONE-WAY STREETS AND ALLEYS*

Sec. 16-179. Authority to sign.

Whenever any ordinance of the city designates any one-way street or alley, the city traffic engineer shall place and maintain signs giving notice thereof and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.
(Code 1971, § 32-124; Code 1987, § 16-226)

Sec. 16-180. Authority to restrict direction of movement on streets during certain periods.

(a) The city traffic engineer is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one (1) direction during one (1) period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The city traffic engineer may erect signs temporarily designating lanes to by used by traffic moving in a particular direction, regardless of the centerline of the roadway.

(b) It shall be unlawful for any person to operate any vehicle, except for emergency vehicles, in violation of such markings, signs, barriers or other devices so placed in accordance with this section.
(Code 1971, § 32-126; Code 1987, § 16-228)

Secs. 16-181—16-198. Reserved.

ARTICLE VIII. STOP AND YIELD INTERSECTIONS†

Sec. 16-199. Through streets designated.

Those streets and parts of streets described by resolutions or ordinances of the city are declared to be through streets for the purposes of this article.
(Code 1971, § 32-206; Code 1987, § 16-246)

Sec. 16-200. Signs required at through streets.

Whenever any resolution of the city designates and describes a through street, it shall be the duty of the city traffic engineer to place and maintain a stop sign or, on the basis of an engineering and traffic investigation, at any intersection a yield sign, on every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two (2) such through streets or at the intersection of a through

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***State law reference—**Designation of one-way roadways, R.R.S. §§ 60-6,138, 60-680(1)(d).

†State law reference—Power of local authorities to designate through highways or stop or yield intersections, R.R.S. § 60-680(1)(f).

street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of such streets as may be determined by the city traffic engineer upon the basis of an engineer and traffic study.
(Code 1971, § 32-207; Code 1987, § 16-247)

Sec. 16-201. Other intersections where stop or yield required.

The mayor and city council by resolution may determine and designate intersections where particular hazard exists upon other than through streets and to determine whether vehicles shall stop at one (1) or more entrances to any such intersection, in which event the traffic engineer shall cause to be erected a stop sign at every such place where a stop is required, or whether vehicles shall yield the right-of-way to vehicles on a different street at such intersection, in which event the traffic engineer shall cause to be erected a yield sign at every place where obedience thereto is required.
(Code 1971, § 32-208; Code 1987, § 16-248)

Secs. 16-202—16-225. Reserved.

ARTICLE IX. STOPPING, STANDING AND PARKING*

DIVISION 1. GENERALLY

Sec. 16-226. Presumption of violation.

If any vehicle is found upon any street or alley in violation of any of the provisions of this article, and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.
(Code 1971, § 32-223; Code 1987, § 16-266)

Sec. 16-227. 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 or edge of the roadway in such a manner as to have both right wheels within twelve (12) inches of the curb or edge of the roadway, except where the governing body designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway and except that a vehicle may be parked more than one (1) foot from the curb as long as it is within the lines of a parking stall designated by the board of public works. Upon one-way streets, except during period of time when parking is prohibited thereon, vehicles may be parked on either the right- or left-hand side of the street, headed in the direction traffic moves on the street with the right-hand side of the vehicle when parked on the right-hand side of the street, and with the left-hand side of the vehicle when parked on the left-hand side of the street, parallel with the curb and not more than twelve (12)

***State law references—**Off-street parking, R.R.S. § 16-801 et seq.; stopping, standing and parking, R.R.S. § 60-6,164 et seq.; power of local authorities to regulate or prohibit stopping, standing or parking, R.R.S. § 60-680(1)(a).

inches from the curb. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. No vehicles shall be parked upon a roadway when there is a shoulder adjacent to the roadway that is available for parking.
(Code 1971, § 32-224; Code 1987, § 16-267; Ord. No. 09-035, § 1, 9-21-2009)

State law reference—Similar provisions, R.R.S. § 60-6,197.

Sec. 16-228. Signs or markings indicating angle parking.

(a) The mayor and city council after recommendation from the city traffic engineer shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any federal-aid or state highway within the city, unless the state department of transportation has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.

(b) Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be caused or required to drive upon the left side of the street.
(Code 1971, § 32-225; Code 1987, § 16-268)

State law reference—Angle parking, R.R.S. § w(3).

Sec. 16-229. Obedience to angle parking signs or markers.

On those streets which have been signed or marked by the city traffic engineer for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.
(Code 1971, § 32-226; Code 1987, § 16-269)

Sec. 16-230. Prohibited for more than 24 hours.

No motor vehicle shall be continuously parked upon any street within the city or parked upon any city-owned parking lot for more than twenty-four (24) hours consecutively.
(Code 1971, § 32-228; Code 1987, § 16-271; Ord. No. 03-10, § 2, 4-21-2003)

Sec. 16-231. Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

(1) Displaying such vehicle for sale;

(2) Repairing such vehicle except repairs necessitated by an emergency; or

(3) Washing or greasing such vehicle.
(Code 1971, § 32-230; Code 1987, § 16-273)

Sec. 16-232. Restricted parking lots—Unauthorized parking in.

No person shall park a motor vehicle in a properly posted, restricted parking lot without consent of the owner or tenant authorized to give permission. If the identity of the operator of a motor vehicle in violation of this section cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for any violation.
(Code 1971, § 32-234; Code 1987, § 16-277)

Sec. 16-233. Restricted parking lots—Signs designating.

Signs designating a restricted lot shall be readily visible and shall state the purpose or purposes for parking on the restricted parking lot, state the hours for restricted parking, and state who to contact for information regarding a towed vehicle.
(Code 1971, § 32-235; Code 1987, § 16-278)

Secs. 16-234—16-261. Reserved.

DIVISION 2. PROHIBITED IN SPECIFIED PLACES

Sec. 16-262. Places enumerated.

(a) Except when necessary to avoid conflict with other traffic or when in compliance with law or the directions of a peace officer or traffic control device, no person shall:

(1) Stop, stand, or park any vehicle:
   a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;
   b. On a sidewalk;
   c. Within an intersection;
   d. On a crosswalk;
   e. Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone unless the department of transportation or the local authority indicates a different length by signs or markings;
   f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
   g. Upon any bridge or other elevated structure over a highway or within a highway tunnel;
   h. On any railroad track; or
   i. At any place where official signs prohibit stopping;

(2) Stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger:
   a. In front of a public or private driveway;
   b. Within fifteen (15) feet of a fire hydrant;
   c. Within twenty (20) feet of a crosswalk at an intersection;

d. Within thirty (30) feet of any flashing signal, stop sign, yield sign, or other traffic control device located at the side of a roadway;

e. Within twenty (20) feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within seventy-five (75) feet of such entrance when properly signposted; or

f. At any place where official signs prohibit standing; or

(3) Park a vehicle, whether occupied or not, except temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers:

a. Within fifty (50) feet of the nearest rail of a railroad crossing; or

b. At any place where official signs prohibit parking.

(b) No person shall move a vehicle not lawfully under his or her control into any such prohibited area or away from a curb such a distance as shall be unlawful.
(Code 1971, § 32-240; Code 1987, § 16-291)

State law reference—Similar provisions, R.R.S. 60-6,166.

Sec. 16-263. Parking in alleys.

(a) It shall be unlawful for any person to park any vehicle in any alley.

(b) An exception to subsection (a) of this section is made for a vehicle used for delivery purposes when the vehicle used for delivery purposes is parked only for the actual loading or unloading of such vehicle.

(c) At no time should a vehicle used for delivery purposes park in such a manner or under such conditions as to leave available less than ten (10) feet of the width of the alley for the free movement of vehicular traffic.

(d) No vehicle shall stop, stand or park in such a position as to block the driveway entrance to any abutting property.
(Code 1971, §§ 32-229, 32-241; Code 1987, § 16-292)

Sec. 16-264. Obstructing alley entrance.

No vehicle, while parked, shall have any portion thereof projecting into an alley entrance.
(Code 1971, § 32-242; Code 1987, § 16-293)

Sec. 16-265. Parking prohibited on narrow streets.

(a) The city traffic engineer is authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one (1) side of a street as indicated by such signs when the width of the roadway does not exceed thirty (30) feet.

(b) When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.
(Code 1971, § 32-243; Code 1987, § 16-294)

Sec. 16-266. Downtown no parking zones.

(a) The mayor and city council is hereby authorized to establish by resolution no parking zones in the city to be operative between the hours of 2:00 a.m. and 5:00 a.m.

(b) Any person who violates any provisions of this section shall be issued a citation and any vehicle parked in violation of this section shall be towed.
(Code 1971, § 32-244; Code 1987, § 16-295; Ord. No. 10-030, § 1, 10-18-2010)

Sec. 16-267. Unauthorized use of parking places reserved for electric vehicles; penalty.

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

Electric vehicle means a battery-powered electric vehicle operated solely by electricity or a plug-in hybrid electric vehicle that operates on electricity and gasoline and has a battery that can be recharged from an external source.

(b) Only an electric vehicle shall be parked in a parking space designated for use by electric vehicles.

(c) Non-electric vehicles shall not be parked in any parking space designated for use by electric vehicles, including any such designated stalls or spaces on any private or public off-street parking facility.
(Code 1987, § 16-298; Ord. No. 21-4, § 1, 2-1-2021)

Secs. 16-268—16-297. Reserved.

DIVISION 3. LOADING AND UNLOADING

Sec. 16-298. Limited use parking zones.

(a) There is hereby established limited use parking zones in which all parking or standing of vehicles is prohibited except as authorized by this section and by resolutions of the city council which may add additional zones or extend zones or remove area from limited use parking zones and establish by such resolutions the conditions of the limited parking in such zones. The limited use parking zones shall be designated by painting the curb yellow.

(b) All of such areas adjacent to the curb painted yellow shall be restricted to parking for a period of not longer than fifteen (15) minutes and then only for the purpose of loading or unloading of passengers, merchandise or materials; provided, however, that the council may by resolution establish limited uses other than loading or unloading and shall, in that event, cause proper signs to be placed showing what the restrictions are in that zone and at what time they are effective if they shall apply during designated hours only. All areas presently painted yellow are hereby established as limited use parking zones.

(c) It is further provided that the mayor shall have authority, for proper cause shown to him, or the chief of police when so authorized by the mayor, to authorize the use of a particular designated zone for a longer period of time when great hardship would result therefrom or when public convenience requires it.
(Code 1971, § 32-251; Code 1987, § 16-311)

Sec. 16-299. Parking of truck or trailer.

(a) It shall be unlawful for any person to park a truck or trailer, except a truck or trailer being used for the purpose of delivering or collecting goods, wares, merchandise or materials, on any street, for a period of time longer than is necessary for the expeditious delivery or collecting of goods, wares, merchandise or materials and in no event for a period of time exceeding two (2) hours; provided, however, that the provisions of this section shall not apply to trucks or trailers being used in connection with building, repair, service or moving operations.

(b) It shall be unlawful for any person to park a bus on any street for a period of time exceeding two (2) hours.
(Code 1971, § 32-253; Code 1987, § 16-313; Ord. No. 00-44, § 1, 11-20-2000; Ord. No. 09-025, § 1, 7-20-2009)

Sec. 16-300. Designation of public carrier stops and stands.

The mayor and city council, after recommendation from the city traffic engineer, are hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common carrier motor vehicles on such public streets in such places and in such number as they shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, rideshare or other stand shall be designated by appropriate signs.
(Code 1971, § 32-254; Code 1987, § 16-314)

Sec. 16-301. Buses and taxicabs.

(a) The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided in this division.

(b) The operator of a bus shall not stop such vehicle upon any street at any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of emergency.

(c) The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen (18) inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(d) The operator of a taxicab or rideshare shall not stand or park such vehicle upon any street at any place other than in a taxicab stand or rideshare so designated as provided in this division. This provision shall not prevent the operator of a taxicab or rideshare from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.
(Code 1971, § 32-255; Code 1987, § 16-315)

Sec. 16-302. School zone loading.

It shall be unlawful for any person, except in case of accident or emergency, to load or unload a vehicle in a designated school zone in a through lane of traffic. The prohibition on loading and unloading in this section shall include, but not be limited to, the loading and unloading of passengers, items, and other such matters. All loading and unloading in designated school zones shall be limited to vehicles which are parked curbside in areas designated for parking or loading and unloading.
(Code 1987, § 16-316; Ord. No. 14-017, § 2, 8-4-2014)

Secs. 16-303—16-322. Reserved.

DIVISION 4. HANDICAPPED PARKING*

Sec. 16-323. Definitions.

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

Handicapped or disabled person shall mean any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred (200) feet without the use of a wheelchair, crutch, walker or prosthetic, orthotic or other assistant device, any individual whose personal mobility is limited as a result of respiratory problems, any individual who has a cardiac condition to the extent that his or her functional limitations are classified in severity as being Class III or Class IV, according to the standards set by the American Heart Association and any individual who has permanently lost all or substantially all the use of one (1) or more limbs.

Temporarily handicapped or disabled person shall mean any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than one (1) year.
(Code 1971, § 32-257; Code 1987, § 16-326; Ord. No. 87-44, § 1, 12-21-1987; Ord. No. 96-59, § 14, 11-4-1996)

State law reference—Definitions relating to parking spaces for disabled persons, R.R.S. §§ 60-331.02, 60-352.01.

Sec. 16-324. Parking spaces designated.

The city council may by resolution designate parking spaces both on-street and off-street in any parking facility owned or operated by the city for the exclusive use of handicapped or disabled

***State law reference—**Parking spaces for disabled persons, R.R.S. § 18-1736 et seq.

persons whose vehicles display the distinguishing license plate issued to handicapped or disabled persons pursuant to law, and such other handicapped or disabled persons or temporarily handicapped or disabled persons whose vehicles properly display the identification issued pursuant to law.
(Code 1971, § 32-256; Code 1987, § 16-327; Ord. No. 87-44, § 2, 12-21-1987; Ord. No. 96-59, § 15, 11-4-1996)

Sec. 16-325. Parking in designated parking spaces.

(a) It shall be unlawful for any person to park a vehicle in any on-street or off-street handicapped parking space without properly displaying the proper identification or distinguishing license plates issued pursuant to law. A complaint filed pursuant to this subsection shall be dismissed if, within seven (7) business days after the issuance of the citation, the person cited files with the county court an affidavit signed by a peace officer certifying that the recipient is the lawful possessor in his or her own right of a handicap parking permit and that the peace officer has personally viewed the permit.

(b) It shall be unlawful for any person to park any vehicle in any handicapped parking space when such person is not, in fact, providing transportation for a person to whom the proper identification has been issued pursuant to law.

(c) It shall be unlawful for any person to block access to any handicapped parking space by parking a motor vehicle in such a manner as to render the handicapped parking space unavailable for its intended use.

(d) Any person found guilty of any provision of this section shall be fined:

(1) Not more than one hundred fifty dollars ($150.00) for the first offense;

(2) Not more than three hundred dollars ($300.00) for a second offense within a one (1) year period; and

(3) Not more than five hundred dollars ($500.00) for a third or subsequent offense within a one (1) year period.
(Code 1987, § 16-331; Ord. No. 87-44, § 7, 12-21-1987; Ord. No. 91-38, § 1, 9-3-1991; Ord. No. 96-59, § 20, 11-4-1996)

Secs. 16-326—16-353. Reserved.

DIVISION 5. RESTRICTED OR PROHIBITED ON CERTAIN STREETS

Sec. 16-354. Parking prohibited at all times.

When signs are erected or curbs are painted red giving notice thereof, no person shall park a vehicle at any time upon any of the streets described by resolution.
(Code 1971, § 32-61; Code 1987, § 16-351)

Sec. 16-355. During certain hours on certain streets.

When signs are erected in each block giving notice thereof, no person shall park a vehicle between the hours specified by ordinance on any day except Sunday and public holidays within the district or upon any of the streets described by resolution.
(Code 1971, § 32-262; Code 1987, § 16-352)

State law reference—Holidays enumerated, R.R.S. § 62-301.

Sec. 16-356. Application.

The provisions of this division prohibiting the standing or parking of a vehicle shall apply at all times or at those times herein specified or as indicated on official signs except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.
(Code 1971, § 32-263; Code 1987, § 16-353)

Sec. 16-357. Regulations not exclusive.

The provisions of this division imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times.
(Code 1971, § 32-264; Code 1987, § 16-354)

Sec. 16-358. Parking signs required.

Whenever by this division or any ordinance of the city any parking time limit is imposed or parking is prohibited on designated streets it shall be the duty of the city traffic engineer to erect appropriate signs giving notice thereof and no such regulations shall be effective unless such signs are erected and in place at the time of any alleged offense.
(Code 1971, § 32-265; Code 1987, § 16-355)

Secs. 16-359—16-389. Reserved.

DIVISION 6. RESTRICTED PARKING TWO-HOUR TIME LIMIT

Sec. 16-390. Generally.

(a) Nothing in this section shall be deemed to authorize parking in areas where parking is otherwise prohibited or restricted by ordinance.

(b) No person shall park or allow to remain parked a vehicle for longer than two (2) hours in any of the following locations, except that restrictions set forth in this subsection shall not be applied to a lawfully created handicapped parking stall:

Street	*From*	*To*
Court Street	2nd Street	9th Street
Ella Street	3rd Street	7th Street

Street	*From*	*To*
4th, 5th, & 7th Streets	Market Street	Ella Street
5th Street	Ella Street	Alley north of Ella Street
8th Street	Court Street	Ella Street

(Code 1987, § 16-366; Ord. No. 03-10, § 19, 4-21-2003)

Sec. 16-391. Marking of spaces.

The council shall designate by order the place and width of spaces required to be designated. Where parking is prohibited or limited to two (2) hours and such designated places or spaces shall be designated as such by an official parking sign, or painted upon the curb of the roadway and it shall be an offense for any person other than the traffic engineer to mark, paint or by signs, attempt to prohibit parking.
(Code 1987, § 16-367; Ord. No. 03-10, § 20, 4-21-2003)

Sec. 16-392. Penalty for violation of article; presumption of responsibility.

(a) Any person who violates provisions of this article shall be subject to having placed on his, her, their, or its vehicle a parking ticket by any police officer or person designated by the chief of police with such enforcement authority. The owner or operator of any such vehicle shall pay said parking ticket to the office of the city clerk as set forth in this chapter.

(b) Any person who fails to pay a duly issued parking ticket in violation of this article within thirty (30) calendar days of the date of issuance a boot or similar driving restriction device may be placed on his/her, their or its vehicle until the outstanding parking tickets are paid in full.
(Code 1987, § 16-368; Ord. No. 03-10, § 21, 4-21-2003; Ord. No. 08-29, § 6, 10-6-2008)

Secs. 16-393—16-412. Reserved.

DIVISION 7. OFF-STREET PARKING ON CITY RIGHT-OF-WAY

Sec. 16-413. Pedestrian passageway—Required.

When off-street parking pursuant to this division would result in parking on a sidewalk, a pedestrian passageway must be clearly designated. No parking shall be allowed at any time within a designated pedestrian passageway.
(Code 1971, § 32-342; Code 1987, § 16-393)

Sec. 16-414. Pedestrian passageway—Design, construction and costs.

The city traffic engineer shall determine the course and width of all pedestrian passageways and the appropriate means of designating the passageway from the parking area allowed by the permit.
(Code 1971, § 32-343; Code 1987, § 16-394)

Sec. 16-415. Permit restrictions.

(a) The city traffic engineer may place restrictions on the parking allowed by permit, including the number and type of vehicles, and the time of day in which parking is allowed.

(b) Off-street parking permits shall be issued to the titleholders, or their agents, of the property adjacent to the street right-of-way, and permits shall not pass with title to the property.

(c) Permits may be denied or revoked for noncompliance with restrictions or for the general welfare of the city.
(Code 1971, § 32-344; Code 1987, § 16-395)

Sec. 16-416. Action on permit applications; appeal.

The city traffic engineer shall act upon applications for off-street parking permits within thirty (30) calendar days of such application. If such application is denied or revoked, the applicant shall have ten (10) calendar days in which to appeal the denial or revocation to the city administrator as provided for below, by filing a notice of appeal in the office of the city clerk.
(Code 1971, § 32-345; Code 1987, § 16-396)

Sec. 16-417. Hearing on appeal or revocation.

The city administrator shall hear appeals from the denial or revocation of permits by the city traffic engineer, pursuant to this division, and the mayor and city council shall have the power to grant the issuance of a permit after the issuance of such permit has been denied by the city traffic engineer and shall have the power to overrule revocation of such permit after such permit has been revoked by the city traffic engineer. The city administrator may direct investigations, conduct hearings and do and perform all other acts which may be necessary and proper within the scope of their duties and functions.
(Code 1971, § 32-346; Code 1987, § 16-397)

Secs. 16-418—16-447. Reserved.

DIVISION 8. SNOW EMERGENCY ROUTES

Sec. 16-448. Definitions.

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

Snow emergency routes means those streets essential to the rapid movement of emergency vehicles, access to critical city infrastructure, and state highways.

Snow priority routes means those streets that traverse major parts of the city and provide access between snow emergency routes.
(Code 1987, § 16-411; Ord. No. 19-028, § 1, 7-15-2019)

Sec. 16-449. Declaration of snow emergency; notice.

(a) The general manager of the board of public works or his/her designated representative may in the interest of public safety, declare a snow emergency at any such time as he/she shall find, on the basis of falling snow, sleet or freezing rain, or on the basis of an official forecast by the National Weather Service, of snow, sleet or freezing rain, that weather conditions will make it necessary for the city to cause snow and/or ice to be cleared from the public streets, avenues, alleys, or other public places due to the accumulation thereon causing hindrance to traffic and constituting an emergency requiring the same to be cleared. In such declaration of emergency conditions, the general manager or his/her designated representative shall state the time that the emergency shall be in effect.

(b) The general manager or his/her designated representative shall cause each declaration of a snow emergency to be publicly announced through radio, newspaper, social media, or other available media. Each announcement shall include the time that the snow emergency became or will become effective.

(c) Whenever the general manager or his/her designated representative shall find that some or all of the conditions which gave rise to the snow emergency no longer exist, he/she may declare the snow emergency terminated effective immediately upon announcement or at a later specified time. The general manager or his/her designated representative shall cause the termination of a snow emergency to be publicly announced through radio, newspaper, social media, or other available media.

(Code 1987, § 16-412; Ord. No. 19-028, § 1, 7-15-2019)

Sec. 16-450. Declaration of emergency; prohibition of parking.

Upon the declaration of a snow emergency, it shall be unlawful for any person to park, abandon, or leave unattended any vehicle on any snow emergency route, between the hours of midnight and 7:00 a.m. Any vehicles in violation of any of the provisions of this division may be issued a parking citation and/or towed. Once in effect, the parking prohibition imposed under this section shall remain in effect until terminated in whole or in part by declaration of the general manager or his/her designated representative. However, nothing in this section shall be construed to permit parking at any time or place where it is forbidden by any other provision of law. Emergency vehicles operated for emergency purposes are exempt from the parking prohibition.

(Code 1987, § 16-413; Ord. No. 19-028, § 1, 7-15-2019)

Sec. 16-451. Operation of motor vehicles on.

Whenever a snow emergency has been declared, no person operating a motor vehicle on a snow emergency route shall allow such vehicle to become stalled or stuck. Whenever a motor vehicle becomes stalled for any reason, whether or not in violation of this division, on any snow emergency route during which there is a parking prohibition in effect, the person operating such vehicle shall take immediate action to have the vehicle towed or pushed off the snow emergency route. No person shall abandon or leave his/her vehicle on any snow emergency route except for securing assistance to immediately remove the vehicle.

(Code 1987, § 16-414; Ord. No. 19-028, § 1, 7-15-2019)

Sec. 16-452. Provisions temporarily effective to take precedence.

Any provision of this division which becomes effective by declaration of a snow emergency by the general manager of the board of public works or his/her designated representative, while temporarily in effect, shall take precedence over other conflicting provisions of law normally in effect, except that it shall not take precedence over provisions of this Code relating to traffic accidents, emergency travel of authorized emergency vehicles, or emergency traffic directions by a police officer.
(Code 1987, § 16-415; Ord. No. 19-028, § 1, 7-15-2019)

Sec. 16-453. Removal of stalled or parked vehicles.

(a) Members of the police department are hereby authorized to remove or have removed a vehicle from a street to another place or location on a street or to a lot, garage, storage yard, or other similar facility designated by the police department when:

(1) The vehicle is parked on a snow emergency route on which a parking prohibition is in effect;

(2) The vehicle is stalled on a snow emergency route on which there is a parking prohibition in effect and the person who is operating such vehicle does not appear to be removing it in accordance with the provisions of this division;

(3) The vehicle is parked on a street in violation of any parking prohibition or provision of law contained in this division and is interfering or about to interfere with snow removal operations.

(b) Such vehicle removal shall be made pursuant to, and be governed by, the provisions of this section and division 9 of this article, relating to impoundment of vehicles.
(Code 1987, § 16-416; Ord. No. 19-028, § 1, 7-15-2019)

Sec. 16-454. Snow emergency and snow priority routes designated.

(a) The mayor and city council may, by resolution, designate streets or portions of streets as snow emergency routes and snow priority routes. The board of public works shall place snow emergency route signs on the designated streets. A designation of any street, avenue, road or highway, or portion thereof, as a snow emergency route or snow priority route shall in no way affect any previous designation of that street, avenue, road or highway for any other purpose.

(b) During a snow emergency, snow emergency routes will be cleared and treated first then followed by snow priority routes.
(Code 1987, § 16-417; Ord. No. 19-028, § 1, 7-15-2019)

Sec. 16-455. Presumption of responsibility for violation.

If any vehicle is found upon any snow emergency route during a snow emergency in violation of this division and the identity of the driver cannot be determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for such violation.
(Code 1987, § 16-418; Ord. No. 19-028, § 1, 7-15-2019)

Secs. 16-456—16-478. Reserved.

DIVISION 9. IMPOUNDMENT OF VEHICLES

Sec. 16-479. Authorized.

Any vehicle which shall be or remain standing or parked upon any public street, avenue, way, alley or other public or private place, may be removed by or upon order of the chief of police, or designee, and placed in storage in a privately operated garage or other place designated by or maintained by the city, under the following circumstances:

(1) When any vehicle is found upon a street, avenue, alley, way or public place and a report has been previously made that such vehicle has been stolen or complaint has been filed and a warrant issued thereon, charging that such vehicle has been stolen or converted in violation of law;

(2) When any police officer of the city has reasonable grounds to believe that any such vehicle has been abandoned;

(3) When a police officer arrests any person driving or in control of a vehicle for an alleged offense, and when the person arrested is the sole occupant or the owner of such vehicle and is immediately placed in custody;

(4) When a vehicle is so disabled that its normal operation is impossible or impractical and the persons in charge of such vehicle are incapacitated by reason of physical injury or other causes to such an extent as to be unable to provide for its removal or custody, or cannot be found or are not in the immediate vicinity of such vehicle;

(5) When any vehicle is left standing or parked on any street in a manner that impedes or interferes with the orderly flow of traffic;

(6) When any vehicle is left standing or parked unattended in violation of any applicable provision of this Code, state law or city ordinance, rule or regulation.

(Code 1971, § 32-299; Code 1987, § 16-431)

Sec. 16-480. Leaving disabled vehicle; notice to city.

It shall be unlawful for any person to leave unattended upon any street of the city any disabled motor vehicle, which is not capable of being moved on its own power, without first giving notice thereof to the city within thirty (30) minutes after such vehicle is left. It shall then be the duty of the chief of police to cause such disabled vehicle to be removed and stored or parked in such place as may be provided therefor. In such case the owner of such vehicle shall pay the cost of such removal or storage before he or she is permitted to regain possession of the same.

(Code 1971, § 32-300; Code 1987, § 16-432)

Sec. 16-481. Notice to owner.

Upon the impoundment of any vehicle under the provisions of this division, the police department shall endeavor to ascertain the ownership of such vehicle and notify the owner of such impoundment.

Such notice may be sent to the last known address of such owner by certified or registered mail, and shall request such owner to pay all costs of such impoundment and redeem such vehicle within thirty (30) calendar days from the date of such notice.
(Code 1971, § 32-301; Code 1987, § 16-433)

Sec. 16-482. Fees.

Before any vehicle which has been impounded under the provisions of this division may be redeemed, the owner thereof shall first pay any reasonable towing charges and any fines and costs which may be assessed for the violation of any provision of this Code, state law or city ordinance, rule or regulation.
(Code 1971, § 32-302; Code 1987, § 16-434; Ord. No. 13-054, § 12, 10-21-2013)

Sec. 16-483. Sale of unredeemed vehicles.

If the owner of any vehicle impounded under the provisions of this division does not redeem such vehicle within thirty (30) calendar days after notice of impoundment has been mailed to him, or if the owner of such vehicle cannot be ascertained, the police department shall advertise the vehicle so impounded once in a newspaper published in the city at least ten (10) calendar days prior to the sale, stating that such vehicle shall be sold at public auction at a designated time and place.
(Code 1971, § 32-303; Code 1987, § 16-435)

Sec. 16-484. Disposition of proceeds of sale.

If any vehicle is sold under the provisions of this division, the proceeds of such sale shall be applied first to the cost of impoundment, storage and sale thereof, and the balance shall be deposited in the general fund of the city.
(Code 1971, § 32-304; Code 1987, § 16-436)

Secs. 16-485—16-506. Reserved.

ARTICLE X. PARADES AND PROCESSIONS*

DIVISION 1. GENERALLY

Sec. 16-507. Obstructing activities generally.

No person shall unreasonably hamper, obstruct or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.
(Code 1971, § 32-181; Code 1987, § 16-451)

***State law reference—**Power of local authorities to regulate or prohibit processions or assemblages on the highways, R.R.S. § 39-697(1)(c).

Sec. 16-508. Driving between participants.

No driver of any vehicle shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.
(Code 1971, § 32-182; Code 1987, § 16-452)

Sec. 16-509. Funeral processions—Driving through unlawful; identification of vehicles in.

No person shall drive a vehicle between the vehicles comprising a funeral or other procession while they are in motion and when such vehicles are conspicuously designated as such. A funeral procession composed of a number of vehicles shall be identified as such by the display of headlights and rear lights on every vehicle therein.
(Code 1971, § 32-183; Code 1987, § 16-453)

Sec. 16-510. Funeral processions—Manner of driving in.

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as practicable and safe.
(Code 1971, § 32-184; Code 1987, § 16-454)

Secs. 16-511—16-528. Reserved.

DIVISION 2. PERMIT

Sec. 16-529. Required.

No person shall engage in, participate in, aid, form or start any parade, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other public place in the city, unless a parade permit application has been approved by the mayor, chief of police, fire chief and street superintendent.
(Code 1971, § 32-190; Code 1987, § 16-466)

Sec. 16-530. Exceptions.

The following exceptions are made to the provisions of this division: This division shall not apply to funeral processions and governmental agencies acting within the scope of their functions.
(Code 1971, § 32-191; Code 1987, § 16-467)

Sec. 16-531. Participation in illegal activity.

It shall be unlawful for any person to participate in a parade for which a permit has not been issued under this division.
(Code 1971, § 32-192; Code 1987, § 16-468)

Sec. 16-532. Application.

Application for parade permits shall be made on forms provided by the city clerk and shall state the name, address, and telephone number of the person seeking to conduct such parade, the approxi-

mate length of the parade, the proposed route of the parade, the date of the parade, the starting and ending time of the parade, special conditions of the parade, and the organizations, individuals, or volunteers whom will assist in the administration of the parade. Such application shall be submitted to the city clerk not less than forty-five (45) calendar days prior to date of the requested parade.
(Code 1971, § 32-193; Code 1987, § 16-469; Ord. No. 16-004, § 1, 2-1-2016)

Sec. 16-533. Conditions of issuance.

Upon the finding by the chief of police that each parade or other activity coming under the provisions of this division will not substantially interrupt the safe and orderly movement of other traffic, will not substantially hinder ambulances, firefighting equipment or other emergency vehicles, and such parade will not injure the health and welfare of the citizens of the city, the permit shall be authorized by the mayor and chief of police and issued by the city clerk to an applicant. Should the parade route include usage of the state highway system, such issuance shall also be conditioned on the approval of the state department of transportation pursuant to R.R.S. § 39-1359. Applicants shall also provide sufficient proof of a general liability insurance policy in the amount of one million dollars ($1,000,000.00) naming the city as an additional insured.
(Code 1971, § 32-194; Code 1987, § 16-470; Ord. No. 16-004, § 2, 2-1-2016)

Sec. 16-534. Possession.

The parade permit shall be in the possession of the applicant of the parade, or the applicant for the permit, at the site of the parade during the course.
(Code 1971, § 32-195; Code 1987, § 16-471)

Secs. 16-535—16-561. Reserved.

ARTICLE XI. BICYCLES*

DIVISION 1. GENERALLY

Sec. 16-562. Definitions.

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

Bicycle means:

(1) Every device propelled solely by human power, upon which any person may ride, and having two (2), three (3), or four (4) wheels, any one (1) or more of which being more than fourteen (14) inches in diameter; and

(2) An electric bicycle.

(Code 1971, § 8-1; Code 1987, § 16-535)

***State law reference—**Bicycles, R.R.S. § 60-6,314 et seq.

Sec. 16-563. Rental agencies.

A rental agency shall not rent or offer any bicycle for rent unless the bicycle is registered and the registration plate attached as provided by this article and such bicycle is equipped with lamps and other equipment required by this article and is in safe operating condition.
(Code 1971, § 8-2; Code 1987, § 16-536)

Sec. 16-564. Reflective devices on pedals and wheel spokes or tires.

All bicycles sold by commercial dealers at retail shall be equipped with pedals which display a white or amber reflective device or material on both the front and rear surfaces of the pedal and such reflective surface shall be visible during the hours of darkness from four hundred (400) feet when viewed from the front or rear under low beam headlamps of a motor vehicle under normal atmospheric conditions. All bicycles shall also be equipped with tires bearing a white or silver retroreflective material on each side, or a wide-angle reflector mounted on the spokes of each wheel. Such retroreflective material shall be at least three-sixteenths ($^3/_{16}$) of an inch wide and shall be affixed as an integral part of the tire or wheel and shall remain effective for the life of the tire or wheel. The spoke-mounted wide-angle reflector devices shall have a reflective surface of at least two (2) square inches and shall be clear, amber or red in color. Both the retroreflective tires and wide-angle spoke reflectors shall be visible, during the hours of darkness, from a distance of four hundred (400) feet when viewed under the low beam headlamps of a motor vehicle under normal atmospheric conditions, when the bicycle is traveling at a ninety (90) degree right angle to the direction of travel of the motor vehicle and is directly in front of such motor vehicle. Such reflective devices shall remain visible when the bicycle is turned forty (40) degrees in either direction from such angle and crosses directly in front of such motor vehicle at a distance of four hundred (400) feet.
(Code 1971, § 8-5; Code 1987, § 16-539; Ord. No. 16-008, § 1, 2-15-2016)

Sec. 16-565. Penalty for violation of section 16-564.

No commercial dealer shall sell or offer to sell at retail any bicycle which does not comply with section 16-564. Any person who violates this section shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00).
(Code 1971, § 8-6; Code 1987, § 16-540; Ord. No. 16-008, § 2, 2-15-2016)

Secs. 16-566—16-593. Reserved.

DIVISION 2. REGISTRATION

Sec. 16-594. Application.

Application for registration of any bicycle shall be made by the owner thereof to the city clerk and shall state the name of the applicant, his or her address, a description of the bicycle and such other information as the city clerk may require.
(Code 1971, § 8-16; Code 1987, § 16-556; Ord. No. 16-008, § 3, 2-15-2016)

Sec. 16-595. Fee.

Before the issuance of the registration certificate and registration number sticker provided by this division, the applicant shall pay a fee established by resolution adopted by the city council.
(Code 1971, § 8-17; Code 1987, § 16-557; Ord. No. 86-41, § 38, 10-6-1986; Ord. No. 16-008, § 4, 2-15-2016)

Sec. 16-596. Issuance of certificate.

The city clerk is hereby authorized and directed to issue registration certificates for a bicycle sought to be registered under this division.
(Code 1971, § 8-18; Code 1987, § 16-558; Ord. No. 86-23, § 1, 6-2-1986; Ord. No. 01-56, § 1, 11-19-2001; Ord. No. 13-054, § 13, 10-21-2013; Ord. No. 16-008, § 5, 2-15-2016)

Sec. 16-597. Record.

The city clerk shall keep a record of all fees collected for the issuance of registration certificates, the date of issuance thereof, to whom issued, the number thereof, a description of the bicycle, and the manufacturer's serial number of the bicycle frame.
(Code 1971, § 8-20; Code 1987, § 16-559; Ord. No. 86-41, § 39, 10-6-1986; Ord. No. 16-008, § 6, 2-15-2016)

Sec. 16-598. Duration.

The registration and registration number sticker provided for by this division shall be valid for the period of time during which the owner of the bicycle as shown on the registration certificate remains as the owner of the bicycle.
(Code 1971, § 8-21; Code 1987, § 16-560; Ord. No. 86-41, § 40, 10-6-1986; Ord. No. 16-008, § 7, 2-15-2016)

Sec. 16-599. Issuance of number stickers.

The city shall provide a registration number sticker corresponding to the number appearing on the registration certificate, which registration sticker shall be attached to the bicycle and shall remain attached thereto during the registration period.
(Code 1971, § 8-22; Code 1987, § 16-561; Ord. No. 01-56, § 2, 11-19-2001; Ord. No. 16-008, § 8, 2-15-2016)

Sec. 16-600. Mutilation of serial numbers.

It shall be unlawful for any person willfully or maliciously to remove, destroy, mutilate or alter the manufacturer's serial frame number of any bicycle registered pursuant to the provisions of this division. It shall also be unlawful for any person to remove, destroy, mutilate or alter any registration number plate during the period when such registration is operative.
(Code 1971, § 8-23; Code 1987, § 16-562; Ord. No. 16-008, § 9, 2-15-2016)

Secs. 16-601—16-618. Reserved.

DIVISION 3. OPERATION REGULATIONS

Sec. 16-619. Riding on sidewalks.

Whenever a person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give audible signal before overtaking and passing such pedestrian.
(Code 1971, § 8-44; Code 1987, § 16-586; Ord. No. 19-026, § 1, 7-15-2019)

Secs. 16-620—16-641. Reserved.

ARTICLE XII. ACCIDENTS*

Sec. 16-642. Vehicles at scene of accident; authorized emergency vehicles restricted.

(a) It shall be unlawful for any wrecker to go to the scene of any motor vehicle accident within the city unless such wrecker has been called by the owner or operator of a motor vehicle involved in an accident or by the police department.

(b) It shall be the duty of every police officer of the city investigating a motor vehicle accident on the streets within the city to notify the police department if such officer needs the assistance of additional police officers or if an ambulance or a wrecker is needed at the scene of the accident.
(Code 1971, § 32-41; Code 1987, § 16-604)

Sec. 16-643. Removal of glass, debris by wrecker operator.

Any person who removes a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance deposited on the street from such vehicle.
(Code 1971, §§ 32-8, 32-42; Code 1987, § 16-605)

State law reference—Similar provisions, R.R.S. § 39-311(3).

Secs. 16-644—16-674. Reserved.

ARTICLE XIII. ABANDONED AND JUNKED MOTOR VEHICLES†

Sec. 16-675. Definitions.

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

Abandoned vehicle means a vehicle:

(1) If left unattended, with no license plates or valid "in transit" stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six (6) hours on any public property;

***State law references—**Accidents and accident reports, R.R.S. § 60-695 et seq.; motor vehicle safety responsibility, R.R.S. § 60-501 et seq.

†State law reference—Abandoned motor vehicles, R.R.S. § 60-1901 et seq.

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

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

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

(5) If left for more than thirty (30) calendar days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner and lienholder under R.R.S. § 60-1903.01; or

(6) If removed from private property by a municipality pursuant to a municipal ordinance.

Inoperable vehicle means a vehicle which:

(1) Is damaged, defective, dismantled, or otherwise deteriorated to an extent that it is mechanically inoperable and/or incapable of being drawn under its own power; or

(2) Cannot be legally operated on public streets, highways, or waterways by reason of lacking either equipment or licensure as required by the Nebraska Motor Vehicle Code or any other applicable provision, law, rule, or regulation; or

(3) A vehicle which does not have current license plates and/or "in transit" decals assigned and affixed thereto shall be presumed to be unlicensed as required by law, provided that such presumption may be rebutted. This presumption does not apply to vehicles for which registration is not required.

Junked vehicle means any vehicle that is inoperable as defined in this Code.

Legally operating business means a person, partnership, company, or corporation that offers goods or services in exchange for money that meets the following criteria:

(1) Maintains regular business hours of at least thirty (30) hours per week;

(2) Possesses all applicable permits and licenses required for a business of its kind; and

(3) Operates in a location that is legally zoned for the operation of a business of its kind.

Private property means any privately owned property which is not included within the definition of public property.

Public property means any public right-of-way, street, highway, alley, park, or other state, county or municipally owned property.

Responsible party means the last-registered owner of the vehicle, if ascertainable, and the owner of the property upon which the vehicle is located.

Vehicle means a thing used for transporting people or goods which is intended to travel by air, land, or water, including, but not limited to, cars, trucks, vans, sport utility vehicles, semi-trucks,

semi-cabs, semi-trailers, buses, motor homes, ATVs, snowmobiles, four-wheelers, golf carts, motorcycles, dirt bikes, mopeds, airplanes, tractors, riding lawnmowers, trailers, campers, boats, and jet skis.

(Code 1971, § 21-48; Code 1987, § 16-621; Ord. No. 88-14, § 1, 5-2-1988; Ord. No. 99-44, § 1, 6-21-1999; Ord. No. 18-008, § 1, 5-7-2018; Ord. No. 24-2, § 1, 2-5-2024)

Sec. 16-676. Abandonment of vehicles.

It shall be unlawful for any person to abandon any vehicle or cause a vehicle to become an abandoned vehicle. Abandoned vehicles shall be dealt with in accordance with article VIII, division 9 of this chapter.

(Code 1971, § 21-49; Code 1987, § 16-622; Ord. No. 88-14, § 2, 5-2-1988; Ord. No. 18-008, § 1, 5-7-2018; Ord. No. 24-2, § 2, 2-5-2024)

Sec. 16-677. Parked, junked, or unregistered vehicles.

(a) It shall be unlawful for any person to park, store, leave, or permit the parking, storing or leaving of any junked vehicle on private property in an area not fully enclosed within the city for a period of time in excess of thirty (30) calendar days. Any vehicle allowed to remain on private property in violation of this section shall constitute a nuisance and shall be abated. Each day that a violation of any of the provisions of this section continues shall constitute a distinct offense and shall be punishable as such.

(b) To comply with this section, the junked vehicle in violation must be:

(1) Brought into a condition such that it is no longer a junked vehicle as defined in this Code; or

(2) Placed in a proper enclosure pursuant to section 16-685; or

(3) Removed from the property and properly disposed of or removed from the city.

(c) The movement of a junked vehicle from one (1) location to another location where it is still in violation of this Code shall not constitute abatement.

(d) The tarping or placing of a junked vehicle on a trailer shall not constitute abatement.

(Code 1971, § 21-50; Code 1987, § 16-623; Ord. No. 96-43, § 1, 8-5-1996; Ord. No. 99-35, § 1, 5-17-1999; Ord. No. 02-03, § 1, 1-21-2002; Ord. No. 18-008, § 1, 5-7-2018)

Sec. 16-678. Warning.

When a vehicle is found in violation of section 16-677, a written notice to remove shall be sent to the responsible party via first class mail or personal service. If service by first class mail or personal service is unsuccessful, then the notice to remove shall be posted in a conspicuous place on the real property where such vehicle is located or published in a local newspaper for three (3) consecutive weeks. The notice to remove shall include:

(1) A description of the vehicle which constitutes a nuisance pursuant to section 16-677;

(2) That a thirty (30) calendar day period of compliance is afforded to abate the nuisance, as outlined in section 16-677(b); and

(3) Warning that, upon failure to comply, the responsible party may be issued a criminal citation for the violation of section 16-677 and/or served with a notice of city's intention to remove and abate as provided in section 16-679.

(4) A notice to remove issued pursuant to this section shall be deemed a continuing notice regarding the vehicle described for a period of one (1) year from the date of service and will apply to any location within the city wherein said vehicle is in violation of section 16-677. Within said one (1) year period, no further notice or opportunity to abate is necessary in order for the city or its designee to take action as described in this section.

(Code 1987, § 16-623.1; Ord. No. 18-008, § 2, 5-7-2018; Ord. No. 22-20, § 1, 8-1-2022; Ord. No. 24-2, § 3, 2-5-2024)

Sec. 16-679. Notice of city's intention to remove and abate; removal.

(a) If the responsible party fails to abate the nuisance within the thirty (30) calendar day period of compliance outlined in the notice to remove, a criminal citation may be issued for violation of section 16-677 and/or a notice of city's intention to remove and abate may be issued.

(b) When issued, a notice of city's intention to remove and abate shall provide the following information at a minimum:

(1) A description of the vehicle which constitutes a nuisance pursuant to section 16-677;

(2) That a seven (7) calendar day period of compliance is afforded to abate the nuisance as outlined in section 16-677(b);

(3) Failure to properly abate said nuisance shall be sufficient cause for the removal, impoundment, and subsequent disposal of the vehicle by the city or its designee, pursuant to article VIII, division 9 of this chapter; and

(4) The responsible party will be liable for all costs associated with removal and storage of such vehicle.

(c) The notice of city's intention to remove and abate shall be served by certified mail or by personal service to the responsible party. If unsuccessful, the city may post notice on and/or near the vehicle in question and, when applicable, by the front entrance to the main building on the property.

(d) If the violation is not abated within the seven (7) calendar day period of compliance outlined in the notice of city's intention to abate and remove, the city or its designee shall have the right to take possession of said vehicle, remove it from the premises, and place it in storage pursuant to article VIII, division 9 of this chapter.

(e) It shall be unlawful for any person, corporation, company, partnership, or association to interfere with, hinder, or refuse to allow the city or its designee to enter upon private property for the purpose of removing or abating a vehicle under the provisions of this article. For any violation of this subsection, the city may also cause a criminal and/or civil complaint to be filed against such person, corporation, partnership or association committing the unlawful act.

(f) A notice of city's intention to remove and abate issued pursuant to this section shall be deemed a continuing notice regarding the vehicle described for a period of one (1) year from the date of service and will apply to any location within the city wherein said vehicle is in violation of section 16-677. Within said one (1) year period, no further notice or opportunity to abate is necessary in order for the city or its designee to take action as described in this section.
(Code 1987, § 16-623.2; Ord. No. 18-008, § 2, 5-7-2018; Ord. No. 22-20, § 2, 8-1-2022; Ord. No. 24-2, § 4, 2-5-2024)

Sec. 16-680. Request for appeal hearing.

(a) Any person to whom a notice of city's intention to remove and abate is directed may file a written request with the city clerk for an appeal hearing before the city administrator within the seven (7) calendar day period of compliance outlined in the notice of city's intention to remove and abate. Requests for appeal hearings shall be accompanied by a filing fee in an amount established by resolution adopted by the city council.

(b) Requests for an appeal hearing that are not accompanied by the required filing fee or that are received after the expiration of the seven (7) calendar day period of compliance shall be considered invalid.

(c) Upon receipt of a valid request for an appeal hearing and the filing fee, the seven (7) calendar day period of compliance outlined in the notice of the city's intention to remove and abate shall be tolled. The appeal hearing shall be held within twenty (20) business days of the city's receipt of the request for the appeal hearing.
(Code 1987, § 16-623.3; Ord. No. 18-008, § 2, 5-7-2018; Ord. No. 24-2, § 5, 2-5-2024)

Sec. 16-681. Procedure for hearing.

(a) The scope of the appeal hearing shall be limited to the following issues:

(1) Whether the person requesting the hearing qualifies as a responsible party as defined above; and

(2) Whether the vehicle is a junked vehicle or inoperable vehicle as alleged; and

(3) Whether the responsible party is rightfully exempt.

(b) At any such hearing, the parties may introduce such witnesses and evidence as each party deems necessary. The city administrator shall then either affirm, reverse, or modify the notice of city's intention to remove and abate. All decisions of the city administrator shall be final, except as subject to court review.

(1) If the city administrator affirms the notice of city's intention to remove and abate, the filing fee for the hearing shall be forfeited and the responsible party will be afforded the remainder of the seven (7) calendar day period of compliance that was tolled pursuant to section 16-680(c) to abate the nuisance. Should the responsible party fail to abate the nuisance, the city shall proceed with removal of the junked vehicle.

(2) If the person requesting the hearing prevails on any of the issues listed in subsection (a) of this section, then the notice of city's intention to remove and abate shall be reversed and the filing fee paid for the hearing shall be refunded.

(Code 1987, § 16-623.4; Ord. No. 18-008, § 2, 5-7-2018; Ord. No. 24-2, § 6, 2-5-2024)

Sec. 16-682. Notice of removal.

Within five (5) business days of the city's removal of a junked vehicle, the responsible party shall be sent a notice of removal via first class mail. The notice of removal shall include:

(1) A description of the vehicle removed;

(2) The reason for removal;

(3) The location, date, and time that the vehicle was removed;

(4) The contact information to obtain release of the vehicle; and

(5) Instructions for paying the fees and costs associated with the vehicle's removal.

(Code 1987, § 16-623.5; Ord. No. 18-008, § 2, 5-7-2018)

Sec. 16-683. Release of towed or impounded vehicles.

(a) A junked vehicle removed by the city will be released to the owner listed on its title after all fees and costs are paid in accordance with the instructions given on the notice of removal.

(b) The vehicle of an owner who fails to pay the fees and costs will be considered abandoned after thirty (30) calendar days pursuant to section 16-675. Title will then vest in the city and the vehicle may be sold in accordance with article VIII, division 9 of this chapter.

(c) A responsible party who failed to request a hearing pursuant to section 16-680 contesting the notice of city's intention to remove and abate (or failed to prevail at such hearing) has no further right to appeal and may not contest the city's proper removal of the vehicle.

(Code 1987, § 16-623.6; Ord. No. 18-008, § 2, 5-7-2018; Ord. No. 24-2, § 7, 2-5-2024)

Sec. 16-684. Penalty.

Any person violating a provision of this article shall be guilty of a misdemeanor and, upon conviction thereof, such person shall be fined in a sum not to exceed five hundred dollars ($500.00), except that each person so convicted shall be fined in a sum not less than two hundred fifty dollars ($250.00) for the first offense, not less than three hundred seventy-five dollars ($375.00) for the second offense, and not less than five hundred dollars ($500.00) for the third offense and each offense thereafter. Each day that a violation of any of the provisions of this article continues shall constitute a distinct offense and shall be punishable as such.

(Code 1971, § 21-51; Code 1987, § 16-624; Ord. No. 96-43, § 2, 8-5-1996; Ord. No. 18-008, § 3, 5-7-2018; Ord. No. 24-2, § 8, 2-5-2024)

Sec. 16-685. Exception for enclosures and screening.

Section 16-677 shall not be construed to prohibit any person from:

(1) Storing junked vehicles upon private property when completely enclosed within a building; or

(2) Storing up to two (2) junked vehicles upon private property when screened from view by a solid fence, privacy fence, or wall.

(Code 1971, § 21-52; Code 1987, § 16-625; Ord. No. 18-008, § 3, 5-7-2018)

Sec. 16-686. Exemptions.

(a) Business exemption. A junked vehicle located on the premises of a legally operating business shall be exempt from section 16-677 so long as there is a clear relationship between that vehicle and operation of the business and there is a valid business exemption permit for said vehicle.

(1) Applications for a business exemption permit must be submitted to and approved by the community development department.

a. Each business exemption permit shall be valid for a period of one (1) year after it is issued and shall not be renewed.

b. A junked vehicle remaining on the premises of a legally operating business shall be subject to the provisions of section 16-677 after the expiration of its corresponding business exemption permit.

(2) A legally operating business shall be entitled to simultaneous business exemption permits for qualifying junked vehicles, not to exceed ten percent (10%) of the total number of registered vehicles owned by the business, or one (1) junked vehicle, whichever is greater.

(3) The fee for a business exemption permit shall be established by resolution adopted by the city council.

(4) Legally operating businesses whose primary purpose is to sell, scrap, service, repair, restore, offer for rental, tow, or store vehicles are exempt from prosecution under section 16-677 and are not required to obtain business exemption permits, so long as any such vehicles are stored on the premises of the business. Such businesses include car dealerships, auto junk and salvage yards, auto repair and auto body shops, vehicle storage facilities, and vehicle towing companies.

(b) Hobbyist permits.

(1) A hobbyist permit for the restoration or repair of up to two (2) junked vehicles may be granted, so long as the junked vehicle to be restored or repaired are owned by the applicant, and the applicant resides at the address where the junked vehicle is kept.

(2) Applications for each hobbyist permit must be submitted to and approved by the community development department.

a. The permit shall cover the junked vehicle only and does not authorize the storage of miscellaneous vehicle parts or junk on or near the vehicle.

b. The fee for such hobbyist permit shall be established by resolution adopted by the city council.

c. Each permit is valid for a period of one-hundred eighty (180) calendar days and may be renewed one (1) time upon payment of the fee established by resolution adopted by the city council.

(c) Racecar permits. A racecar permit to allow for exemption from section 16-677 while modifying, servicing, and repairing a vehicle that is built or modified to be raced on a sanctioned race track may be granted, so long as it is apparent that the vehicle is intended for such use.

(1) A vehicle which possesses obvious traits of a racecar, including, but not limited to, the presence of a roll cage, five (5) point safety belt, driver's window net, or the absence of all glass shall create a presumption that the vehicle is intended to be raced.

(2) Applications for a racecar permit must be submitted to and approved by the city community development department.

a. The permit shall cover the vehicle only and does not authorize the storage of miscellaneous vehicle parts or junk on or near the vehicle.

b. The fee for such racecar permit shall be established by resolution adopted by the city council.

c. Each racecar permit shall be valid for one (1) year and there is no limit on the number of times the permit may be renewed.

d. A maximum of two (2) concurrent racecar permits are permitted per property.

(d) Anyone denied an exemption or permit under this section may file a written request with the city clerk for an appeal hearing before the city administrator within five (5) business days of the denial.

(1) The appeal hearing shall be held within ten (10) business days of the city's receipt of the request for the appeal hearing.

(2) The fee to appeal shall be established by resolution adopted by the city council.

(Code 1971, § 21-53; Code 1987, § 16-626; Ord. No. 18-008, § 3, 5-7-2018; Ord. No. 24-2, § 9, 2-5-2024)

Sec. 16-687. Impoundment.

The chief of police is hereby authorized to remove or have removed any vehicle left on public property within the corporate limits which reasonably appears to be an abandoned vehicle. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with the provisions of this article.

(Code 1971, § 21-54; Code 1987, § 16-627; Ord. No. 88-14, § 3, 5-2-1988)

Sec. 16-688. Abandoned motor vehicle; value of $500.00 or less; title vests in city.

If an abandoned vehicle at the time of abandonment has no license plates of the current year affixed or valid "in transit" stickers issued pursuant to R.R.S. § 60-376 affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of five hundred dollars ($500.00) or less, title shall immediately vest in the city.
(Code 1987, § 16-627.1; Ord. No. 88-14, § 4, 5-2-1988; Ord. No. 99-44, § 2, 6-21-1999)

Sec. 16-689. Police department; duties.

(a) Except vehicles governed by section 16-688, the police department shall make an inquiry as follows, concerning the last registered owner of each abandoned vehicle in its custody:

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

(2) Abandoned vehicle with no license plates affixed, to the department of motor vehicles.

(b) The police department shall notify the last-registered owner, if any, and any lienholder, if any, within fifteen (15) business days that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either:

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

(2) Title will vest in the city thirty (30) calendar days after the date such notice was mailed.

(c) If the agency described in subsection (a) of this section also notifies the police department that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

(d) Title to an abandoned vehicle, if unclaimed, shall vest in the city:

(1) Five (5) business days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subsection (b)(1) of this section;

(2) Thirty (30) calendar days after the date the notice is mailed if the local authority or state agency will retain the vehicle; or

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

(e) After title to the abandoned vehicle vests pursuant to subsection (d) of this section, the city may retain for use, sell, or auction the abandoned vehicle. If the city has determined that the vehicle should be retained for use, the city shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the city an announcement that the city intends to retain the abandoned vehicle for its use and that title will vest in the city thirty (30) calendar days after the publication.
(Code 1987, § 16-627.2; Ord. No. 88-14, § 5, 5-2-1988; Ord. No. 99-44, § 3, 6-21-1999)

Sec. 16-690. Disposition.

The 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 or lienholders of such vehicle for a period of two (2) years. If not claimed within such two (2) year period, the proceeds shall be paid into the general fund of the city.
(Code 1971, § 21-58; Code 1987, § 16-629; Ord. No. 88-14, § 6, 5-2-1988; Ord. No. 99-44, § 4, 6-21-1999)

State law reference—Similar provisions, R.R.S. § 16-1905.

Sec. 16-691. Costs of removal and storage.

The last-registered owner of an abandoned vehicle shall be liable to the city for the costs of removal and storage of such vehicle.
(Code 1987, § 16-630; Ord. No. 88-14, § 7, 5-2-1988)

Sec. 16-692. Liability for removal.

Neither the owner, lessee, nor occupant of the premises for which any abandoned vehicle shall be removed, nor the state, nor the city shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the city or as a result of any subsequent disposition.
(Code 1987, § 16-631; Ord. No. 88-14, § 8, 5-2-1988)

Secs. 16-693—16-710. Reserved.

ARTICLE XIV. ATVs AND UTVs

Sec. 16-711. Definitions.

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

All-terrain vehicle (ATV) or *four-wheeler* means any motorized off-highway vehicle which:

(1) Is fifty (50) inches or less in width;

(2) Has a dry weight of twelve hundred (1,200) pounds or less;

(3) Travels on four (4) or more non-highway tires; and

(4) Is designed for operator use only with no passengers or is specially designed by the original manufacturer for the operator and one (1) passenger.

(5) Travels on three (3) or more non-highway tires; and

(6) Is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one (1) passenger.

All-terrain vehicles which have been modified or retrofitted with after-market parts to include additional equipment not required by R.R.S. §§ 60-6,357 and 60-6,358 shall not be registered under the Motor Vehicle Registration Act, nor shall such modified or retrofitted vehicles be eligible for registration in any other category of vehicle defined in the Act.

Utility-type vehicle (UTV) means any motorized off-highway device which:

(1) Is seventy-four (74) inches in width or less;

(2) Is not more than one hundred eighty (180) inches, including the bumper, in length;

(3) Has a dry weight of two thousand (2,000) pounds or less;

(4) Travels on four (4) or more non-highway tires; and

(5) UTV does not include ATVs, golf car vehicles, or low-speed vehicles as the same are defined by state law.

(Code 1987, § 16-660; Ord. No. 23-6, § 1, 4-3-2023; Ord. No. 23-35, § 1, 11-20-2023)

Sec. 16-712. Operation and equipment; restrictions.

A UTV may be operated upon city streets and highways within the corporate limits of the city only if the operator and vehicle are in compliance with the following provisions:

(1) Operation occurs only between the hours of sunrise and sunset.

(2) A UTV shall not be operated at a speed faster than thirty (30) miles per hour or the posted speed limit, whichever is less.

(3) All UTVs operating within the corporate limits of the city shall be equipped with working headlights and taillights.

(4) When in operation, the headlights and taillights of the UTV shall be on.

(5) All UTVs shall be equipped with a bicycle safety flag which extends no less than five (5) feet above the ground when attached to the rear of such vehicle. The flag shall be dayglow in color, triangular in shape, and of a size with an area of not less than thirty (30) square inches.

(6) Whenever a UTV is moving, all cargo must be securely attached to the UTV in such a manner that the cargo will remain secured without any assistance of the operator.

(7) Any person operating a UTV as authorized by this code shall:

a. Have a valid registration plate or sticker issued by the city pursuant to section 16-713 or 16-714;

b. Have a valid Class O operator's license or a farm permit as provided in R.R.S. § 60-4,126;

c. Have liability insurance coverage for the UTV while in operation within the corporate limits of the city and provide such insurance proof of coverage upon the demand of any peace officer within five (5) calendar days of requesting such proof;

d. Obey all applicable state and local traffic laws, ordinances, and regulations;

e. If operating or riding on a UTV, utilize manufacturer installed seat belts or wear a helmet approved for lawful operation of a motorcycle in the state. The total number of persons allowed in a UTV, including the operator and all passengers, shall not exceed the seating capacity as designed by the manufacturer of the UTV; and

f. Have at least one (1) rearview mirror equipped.

(8) No person shall:

a. Equip the exhaust system of a UTV with a cutout, bypass, or similar device;

b. Operate a UTV with an exhaust system so modified;

c. Operate a UTV with the spark arrester removed or modified, except for use in a closed-course competition event;

d. Except for the operator, no person shall be permitted to be pulled, pushed, or otherwise propelled by a UTV, or on any object attached to the UTV; or

e. Operate an ATV within the corporate limits of the city.

(Code 1987, § 16-661; Ord. No. 23-6, § 2, 4-3-2023; Ord. No. 23-35, § 2, 11-20-2023)

Sec. 16-713. Registration.

(a) It shall be unlawful for any person to operate a UTV on the streets or highways of the city without first registering said UTV in accordance with this article, unless exempted under this article.

(b) Registration stickers or plates issued pursuant to this article must be affixed to the UTV in a conspicuous place.

(c) Registrations issued under this section shall be unique to the specific owner and vehicle and shall not be transferrable. Any transfer of ownership shall cause the existing registration to expire. A separate application and registration is required for each individual vehicle.

(d) All registrations issued under this article shall be effective from January 1 to December 31, and all registrations shall expire on December 31 of the year in which they were issued.

(e) Any person issued a registration under this article may renew the registration for the following year by filing with the city clerk a renewal application updating or confirming the information provided in the immediately preceding application, and paying a renewal fee established by resolution adopted by the city council.

(f) In the event the original registration plate or sticker is lost or destroyed, a replacement may be issued by the city upon the payment of a replacement fee established by resolution adopted by the city council.

(Code 1987, § 16-662; Ord. No. 23-6, § 3, 4-3-2023; Ord. No. 23-35, § 3, 11-20-2023)

Sec. 16-714. Dealer registration.

(a) It shall be unlawful for any authorized dealers of UTVs to operate a UTV on the streets or highways of the city without first registering said UTV in accordance with this article. A dealer shall make only one (1) application to the city clerk for a dealer registration plate or sticker, in lieu of registering each UTV which the dealer owns, to be used solely for the purposes of testing or demonstrating a UTV.

(b) A dealer registration plate or sticker shall be issued upon the dealer submitting the following:

(1) The registration application form provided by the city and submitted the same to the city clerk;

(2) A nonrefundable dealer registration fee established by resolution adopted by the city council; and

(3) Such other information as the city clerk may require and as requested in the said application form.

(Code 1987, § 16-663; Ord. No. 23-6, § 4, 4-3-2023; Ord. No. 23-35, § 4, 11-20-2023)

Sec. 16-715. Applications.

An applicant for individual UTV registration shall file with the city clerk a signed application on a form to be furnished by the city clerk, which shall contain the following information:

(1) The applicant's name, address, phone number, and e-mail address;

(2) The UTV's vehicle identification number (VIN);

(3) The description of the make, model, and color of the UTV to be registered;

(4) A nonrefundable application fee established by resolution adopted by the city council; and

(5) Such other information as the city clerk may require and as requested in the said application form.

(Code 1987, § 16-664; Ord. No. 23-6, § 5, 4-3-2023; Ord. No. 23-35, § 5, 11-20-2023)

Sec. 16-716. Issuance or denial.

(a) Upon receipt of a complete application for a UTV registration and payment of all applicable fees pursuant to this article, the city clerk shall verify that the information provided is accurate and to determine whether the applicant is in compliance with the provisions of all applicable laws and this Code.

(b) After receipt of the completed application and application fee, the city clerk shall either approve or deny the UTV registration. Grounds for denial may include, but are not limited to, the following:

(1) A finding that the application is incomplete;

(2) The nonpayment of applicable fees;

(3) A finding that the application is not in conformance with all applicable laws or all provisions of this Code; and

(4) A finding that the statements within the application are materially untrue or incorrect.

(c) The city clerk shall keep a permanent record of all UTV registrations issued.

(Code 1987, § 16-665; Ord. No. 23-6, § 6, 4-3-2023; Ord. No. 23-35, § 6, 11-20-2023)

Sec. 16-717. Appeal hearing.

(a) Denials of registration. Applicants or registrants whose registrations under this article have been denied may request an appeal of such decision within twenty (20) calendar days of receipt of the notice. Such request for appeal shall be in writing to the city clerk or designee accompanied by the non-refundable appeal fee. The appeal fee shall be set by resolution adopted by the city council. Such appeal shall be heard by the city administrator. The city administrator shall set such hearing within twenty (20) business days from the date of receipt the written request.

(b) A written notice of the decision by the city administrator or designee following the hearing shall be sent to the property owner by regular U.S. mail or shall be provided at the conclusion of the meeting.

(Code 1987, § 16-666; Ord. No. 23-6, § 7, 4-3-2023; Ord. No. 23-35, § 7, 11-20-2023)

Sec. 16-718. Penalties.

(a) It shall be unlawful for any person to operate a UTV upon any street or highway in violation of this article or in such a manner as to constitute a menace to the health, safety, or general welfare of the public.

(b) Any person convicted of a violation described in subsection (a) of this section shall be guilty of a misdemeanor, and the person shall be fined in an amount not to exceed five hundred dollars ($500.00).

(Code 1987, § 16-667; Ord. No. 23-6, § 8, 4-3-2023; Ord. No. 23-35, § 8, 11-20-2023)

Sec. 16-719. Prohibited locations.

Unless engaged by the city for municipal government purposes, it shall be unlawful to operate a UTV in the following locations:

(1) Anywhere on Highway 77;

(2) On Highway 136, except such operation shall be allowed only on Highway 136 between Center Street and 2nd Street;

(3) Anywhere on city-owned trails;

(4) Anywhere on sidewalks, except as permitted in section 16-715; or

(5) In city-owned parks, except that such operation shall be allowed only in city-owned parks on the hard-surfaced roads specifically designed for vehicular travel.

(Code 1987, § 16-668; Ord. No. 23-6, § 9, 4-3-2023; Ord. No. 23-35, § 9, 11-20-2023)

Sec. 16-720. Crossing highways.

For the purpose of this article, the crossing of a highway shall be permitted only if:

(1) The crossing is made at an angle of approximately ninety (90) degrees perpendicular to the direction of travel being made on such highway and at a place where no obstruction prevents a timely and safe crossing;

(2) The vehicle is brought to a complete stop before crossing shoulder or roadway of said highway;

(3) The operator yields the right-of-way to all traffic which constitutes an immediate or potential hazard;

(4) In crossing a divided highway, the crossing shall only be made at an intersection of another highway or roadway; and

(5) Both headlights and taillights must be on when crossing is made.

(Code 1987, § 16-669; Ord. No. 23-6, § 10, 4-3-2023; Ord. No. 23-35, § 10, 11-20-2023)

Sec. 16-721. Exemptions.

ATVs and UTVs may be operated without complying with section 16-712(1), 16-712(8)e, 16-713, or 16-719(1), (2), and (4) only:

(1) During parades which have been authorized by the state or any department, board, commission, or political subdivision of the state;

(2) On sidewalks, if the operator is removing snow from the sidewalk within twenty-four (24) hours from and after the conclusion of the snowstorm which deposited snow upon the sidewalks to be cleaned;

(3) Employees of the city, the county, and the state, while operating UTVs as part of their employment with the city, the county, or the state, and vendors, contractors, and subcontractors of the city, while operating UTVs during the course of their work for the city, shall be exempt from registering said UTVs.

(Code 1987, § 16-670; Ord. No. 23-6, § 11, 4-3-2023; Ord. No. 23-35, § 11, 11-20-2023)

Sec. 16-722. Severability.

If any provision, clause, sentence, paragraph or other portion of this article or the application thereof to any person or circumstances shall be held to be invalid, that invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

(Code 1987, § 16-671; Ord. No. 23-6, § 12, 4-3-2023; Ord. No. 23-35, § 12, 11-20-2023)

Chapter 17

OFFENSES AND MISCELLANEOUS PROVISIONS*

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ARTICLE I. IN GENERAL

Sec. 17-1. False reporting.

(a) A person commits the offense of false reporting if he or she:

(1) Furnishes material information he or she knows to be false to any peace officer or other official with the intent to instigate an investigation of an alleged criminal matter or to impede the investigation of an actual criminal matter;

(2) Furnishes information he or she knows to be false alleging the existence of the need for the assistance of an emergency medical service or out-of-hospital emergency care provider or an emergency in which human life or property are in jeopardy to any hospital, emergency medical service, or other person or governmental agency;

(3) Furnishes any information, or causes such information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means, knowing the same to be false concerning the need for assistance of a fire department or any personnel or equipment of such department;

(4) Furnishes any information he or she knows to be false concerning the location of any explosive in any building or other property to any person; or

(5) Furnishes material information he or she knows to be false to any governmental department or agency with the intent to instigate an investigation or to impede an ongoing investigation and which actually results in causing or impeding such investigation.

(b) Violations of this section shall be subject to the following:

(1) A person violating any of subdivisions (a)(1) through (4) of this section shall be deemed guilty of a misdemeanor and, upon conviction or being found guilty, shall be subject to a maximum of six (6) months' imprisonment in the county jail or a fine of one thousand dollars ($1,000.00) or both; and

(2) A person violating subdivision (a)(5) of this section shall be deemed guilty of an infraction and, upon conviction or being found guilty, shall be subject to a maximum fine of five hundred dollars ($500.00).

(Code 1971, § 23-3; Code 1987, § 17-2; Ord. No. 94-35, § 1, 6-20-1994; Ord. No. 14-001, § 1, 1-20-2014)

State law reference—False reporting, R.R.S. § 28-907.

Sec. 17-2. Failing to appear upon citation.

Any person failing to appear or otherwise comply with the command of a citation, issued by any law enforcement official for a violation of this Code, shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the city jail or other place, for not more than three (3) months, or by both such fine and imprisonment.

(Code 1971, § 23-8; Code 1987, § 17-7)

State law reference—Failure to appear in certain cases, R.R.S. § 29-908.

Sec. 17-3. Urinating or defecating in public prohibited.

(a) It shall be unlawful for any person to urinate or defecate on a public street, alley, or any other property, public or private, open to or visible to the public.

(b) This section shall not apply to urinating or defecating in any restroom facility in a manner for which that facility was designed.
(Code 1987, § 17-11; Ord. No. 04-11, § 1, 6-21-2004)

Secs. 17-4—17-22. Reserved.

ARTICLE II. OFFENSES AGAINST PUBLIC PEACE*

Sec. 17-23. Disturbing the peace.

(a) Any person who shall intentionally disturb the peace and quiet of any person, family or neighborhood commits the offense of disturbing the peace.

(b) The offense of disturbing the peace may be committed via electronic communication. The term "electronic communication" means any writing, sound, visual image, video, or data of any nature that is received or transmitted by any device which transmits such to another device. Venue for the offense when committed via electronic communication shall be found either where the communication originated or where it was received.

(c) The person violating any of the provision of this section shall be deemed guilty of a misdemeanor and, upon conviction or being found guilty, shall be subject to a maximum of three (3) months' imprisonment in the county jail or a fine of five hundred dollars ($500.00), or both.
(Code 1971, § 23-21.1; Code 1987, § 17-30; Ord. No. 88-22, § 1, 7-5-1988; Ord. No. 14-001, § 4, 1-20-2014; Ord. No. 18-036, § 1, 11-5-2018)

State law reference—Disturbing the peace, R.R.S. § 28-1322.

Sec. 17-24. Disorderly conduct.

(a) A person is guilty of disorderly conduct if, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof, he or she:

(1) Engages in fighting, threatening, or violent conduct; or

(2) Uses abusive, threatening or other fighting language or gestures; or

(3) In a public place, uses obscene language or makes an obscene gesture or display; or

(4) Creates a hazardous, physically offensive, or seriously alarming condition by an act which serves no legitimate purpose.

***State law reference—**Offenses against public peace, order and decency, R.R.S. § 28-1001 et seq.

(b) The person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction or being found guilty, shall be subject to a maximum of thirty (30) days' imprisonment in the county jail or a fine of five hundred dollars ($500.00) or both.
(Code 1971, § 23-24; Code 1987, § 17-33; Ord. No. 88-22, § 2, 7-5-1988; Ord. No. 97-35, § 1, 5-5-1997)

Sec. 17-25. Compliance with order.

It shall be unlawful for any person to intentionally or knowingly refuse to comply with an order of a police officer made in the performance of official duties at the scene of an arrest, accident, or investigation.
(Code 1987, § 17-34; Ord. No. 04-11, § 2, 6-21-2004)

Sec. 17-26. Suppression of nuisances; disorderly houses.

(a) A room, house, building, structure, or premises shall be deemed a "disorderly house" when disorderly activities within or in the immediate vicinity of the room, house, building, structure, or premises by the owner, occupants, tenants, or invitees, unreasonably disturb the community, the neighborhood, or an ordinary individual occupying property near the disorderly activity.

(b) Such disorderly activities include, but are not limited to, loud music; boisterous parties; excessive, loud, or unnecessary noises emanating from within the building which are audible outside the building; illegal activity involving the owner, occupants, tenants, or invitees; or fights/arguments within the building or in its vicinity involving the owner, occupants, tenants, or invitees.

(c) Disorderly houses are hereby declared to be an unreasonable interference with the health, safety, welfare, and property of the citizens of the city and a public nuisance. Such nuisances may be restrained or suppressed by the city in any manner provided by law, and the city attorney is hereby authorized and empowered to take such legal action as may be necessary to restrain or suppress such nuisances.
(Code 1987, § 17-35; Ord. No. 18-009, § 1, 6-18-2018)

Sec. 17-27. Disorderly house; maintaining.

Any owner, lessee, resident, occupant, or person having actual use, possession or control of any room, house, building, structure, or premises who causes, makes, or permits conditions of a disorderly house shall be guilty of maintaining a disorderly house.
(Code 1987, § 17-36; Ord. No. 18-009, § 2, 6-18-2018)

Sec. 17-28. Presence at a disorderly house.

It shall be unlawful for any person to be present at a disorderly house during a period of disorderly activity.
(Code 1987, § 17-37; Ord. No. 18-009, § 3, 6-18-2018)

Sec. 17-29. Disorderly house; penalty for violations.

(a) Any person who violates section 17-27 or 17-28 shall be guilty of a misdemeanor and, upon conviction of a first offense, shall be punished by imprisonment in the county jail for a period not to exceed six (6) months, or by a fine of not less than two hundred fifty dollars ($250.00), nor more than five hundred dollars ($500.00), recoverable with costs, or both such fine and imprisonment.

(b) Any person who violates section 17-27 or 17-28 and has had one (1) conviction for violation of either section 17-27 or 17-28 in the ten (10) years prior to the date of the current conviction shall be punished by imprisonment in the county jail for a period of not to exceed six (6) months, or by a fine of not less than three hundred fifty dollars ($350.00) nor more than five hundred dollars ($500.00), recoverable with costs, or both such fine and imprisonment.

(c) Any person who violates section 17-27 or 17-28 and has had two (2) or more convictions for violation of either section 17-27 or 17-28 in the ten (10) years prior to the date of the current conviction shall be punished by imprisonment in the county jail for a period of three (3) days to six (6) months and a fine of not less than four hundred dollars ($400.00) nor more than five hundred dollars ($500.00), recoverable with costs.

(d) Upon the issuance of a disorderly house citation to any person other than the legal owner of the room, house, building, structure, or premises, notice of the citation shall be sent to the legal owner of the room, house, building, structure, or premises.
(Code 1987, § 17-38; Ord. No. 18-009, § 4, 6-18-2018)

Secs. 17-30—17-45. Reserved.

ARTICLE III. OFFENSES AGAINST PROPERTY*

Sec. 17-46. Criminal trespass.

(a) A person commits first degree criminal trespass if:

(1) He or she enters or secretly remains in any building or occupied structure, or any separately secured or occupied portion thereof, knowing that he or she is not licensed or privileged to do so; or

(2) He or she enters or remains in or on a public power infrastructure facility knowing that he or she does not have the consent of a person who has the right to give consent to be in or on the facility.

(b) A person violating subdivision (a) of this section shall be deemed guilty of a misdemeanor and, upon conviction or being found guilty, shall be subject to a maximum of six (6) months' imprisonment in the county jail or a fine of one thousand dollars ($1,000.00) or both.

***State law reference—**Offenses against property, R.R.S. § 28-501 et seq.

(c) For purposes of this section, the term "public power infrastructure facility" means a power plant, an electrical station or substation, or any other facility which is used by a public power supplier as defined in Neb. Rev. Stat. § 70-2103 to support the generation, transmission, or distribution of electricity and which is surrounded by a fence or is otherwise enclosed.

(d) A person commits second degree criminal trespass if:

(1) Knowing that he or she is not licensed or privileged to do so, he or she enters or remains in any place as to which notice against trespass is given by actual communication to the actor; and

(2) Such actor defies an order to leave personally communicated to him or her by the owner of the premises or other authorized person.

(e) A person violating subdivision (d) of this section shall be deemed guilty of a misdemeanor and, upon conviction or being found guilty, shall be subject to a maximum of three (3) months' imprisonment in the county jail or a fine of one thousand dollars ($1,000.00) or both.

(f) A person commits third degree criminal trespass if, knowing that he or she is not licensed or privileged to do so, he or she enters or remains in any place as to which notice against trespass is given by:

(1) Actual communication to the actor;

(2) Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or

(3) Fencing or other enclosure manifestly designed to exclude intruders except as otherwise provided in subsection (a) of this section.

(g) A person violating subsection (f) of this section shall be deemed guilty of a misdemeanor and, upon conviction or being found guilty, shall be subject to a maximum of thirty (30) days' imprisonment in the county jail or a fine of five hundred dollars ($500.00) or both.

(Code 1987, § 17-52; Ord. No. 91-41, § 2, 9-16-1991; Ord. No. 14-001, § 6, 1-20-2014)

State law references—Criminal trespass, R.R.S. § 28-520 et seq.; trespass generally, R.R.S. § 25-2130 et seq.

Sec. 17-47. Throwing snowballs, rocks, etc., at vehicles.

It shall be unlawful for any person to willfully throw any snowball, ice, rock or other solid substance at any vehicle.

(Code 1971, § 23-38; Code 1987, § 17-53)

Sec. 17-48. Trespassing upon city-owned parking lot; penalty for violation.

(a) It shall be unlawful for any person to intentionally or knowingly occupy, or be present in or upon that off-street parking area owned by the city that is lying adjacent to East Court Street and between 7th Street and 8th Street, hereby designated as the East Court Street city parking lot, during any hours during which said city parking lot is not open to the public. The police department shall post an

appropriate sign in or upon the East Court Street city parking lot prohibiting such parking, occupancy or presence. This section shall not apply to any person entering the East Court Street city parking lot for the sole purpose of removing a vehicle parked in such lot.

(b) The East Court Street city parking lot shall be opened daily to the public during the hours of 6:00 a.m. and 11:00 p.m.

(c) Any person violating any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not to exceed one hundred dollars ($100.00), recoverable with costs.
(Code 1987, § 17-54; Ord. No. 97-84, § 1, 10-20-1997)

Secs. 17-49—17-69. Reserved.

ARTICLE IV. OFFENSES AGAINST MORALS (RESERVED)*

Secs. 17-70—17-96. Reserved.

ARTICLE V. OFFENSES AGAINST PUBLIC SAFETY†

Sec. 17-97. Discharge of weapons.

It shall be unlawful to discharge any firearm or air gun, BB gun, slingshot, toy gun, bow and arrow, or any other air-, gas-, or spring-operated gun, weapon, apparatus or instrument for the purpose of throwing or projecting lead or any missiles within the corporate limits of the city, except in a regularly established shooting gallery, and veterinary clinics and livestock sale barns when discharging firearms in the lawful euthanasia of animals, provided that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his or her duty, to prohibit any citizen from discharging a firearm when lawfully defending a person or property, nor to prohibit the operation of any range supervised and maintained by the state or any political subdivision thereof, when it is connected with an educational or training program and upon property owned or leased by the state or a subdivision or agency thereof.
(Code 1971, § 23-60; Code 1987, § 17-112; Ord. No. 88-42, § 1, 11-7-1988; Ord. No. 25-15, § 2, 5-5-2025)

State law reference—Authority of city to prevent discharge of firearms, R.R.S. § 16-227.

Sec. 17-98. Setting traps, snares.

(a) It shall be unlawful for any person to set or cause to be set traps or snares for any animals or birds at any time or under any circumstances within the city, except for mouse traps and other common traps for household pests.

***State law reference—**Offenses relating to morals, R.R.S. § 28-801 et seq.

†State law reference—Offenses against public health and safety, R.R.S. § 28-1201 et seq.

(b) The provisions of subsection (a) of this section shall not apply to any law enforcement officers or animal control officer acting in the course of their duty.
(Code 1971, § 23-61; Code 1987, § 17-113; Ord. No. 09-020, § 1, 5-4-2009)

Sec. 17-99. Abandoned airtight containers.

(a) It shall be unlawful for any person to abandon or store any icebox, refrigerator or other airtight container within the city where the same is accessible to children unless and until the door or doors of such icebox, refrigerator or other airtight container shall have been removed.

(b) This section shall not apply to iceboxes, refrigerators or other airtight containers placed for storage in the storage warehouses or in the storage area of retail establishments in the business of selling refrigerators where such storage area is enclosed in a building or warehouse, locked and inaccessible to the public.
(Code 1971, § 23-63; Code 1987, § 17-115)

Sec. 17-100. Automatic dialing devices; exception for severely disabled; definitions.

(a) Except as otherwise provided in this section, no automatic dialing device shall be interconnected to any trunkline, terminating in the emergency communications center maintained by the city from which elements of the police department or fire department are dispatched. Except as otherwise provided in this section, it shall be unlawful for any person owning or leasing an automatic dialing device to have such an automatic dialing device interconnected to any trunkline, terminating in the emergency communications center maintained by the city from which elements of the police department or fire department are dispatched.

(b) A severely disabled individual may have an automatic dialing device interconnected to a trunkline other than 911, terminating at the emergency communications center maintained by the city from which elements of the police department or fire department are dispatched, provided that the individual must secure a permit therefor from the chief of police. Under no circumstances may the automatic dialing device be interconnected to the 911 trunkline.

(c) Any severely disabled individual wishing to utilize an automatic dialing device interconnected to a trunkline terminating in the emergency communications center maintained by the city shall make written application for a permit therefor upon forms provided for that purpose by the chief of police. Said application shall contain:

(1) The name and address of the applicant;

(2) A statement of disability by applicant; and

(3) A statement from a licensed physician certifying the disability.

Such permits shall be good for one (1) year from the date of issuance and may be renewed by filing a current physician's certification on or before (but not more than one (1) month) the expiration date of said permit.

(d) It shall be unlawful for a severely disabled individual to interconnect an automatic dialing device to a trunkline, terminating at the emergency communications center maintained by the city without such permit being in full force and effect.

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

Automatic dialing device means and refers to an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect.

Severely disabled individual means a disabled individual who has a severe physical or mental disability which seriously limits mobility or communication and who has one (1) or more physical or mental disabilities resulting from amputation, arthritis, blindness, cerebral palsy, cystic fibrosis, deafness, heart disease, hemiplegia, hemophilia, multiple sclerosis, muscular dystrophy, musculo-skeletal disorders, neurological disorders (including stroke), paraplegia, quadriplegia, other spinal cord conditions, or any other condition which causes substantial functional limitation.

Trunkline means a telephone line leading directly into the communications center maintained by the city that is for the purpose of handling emergency calls on a person-to-person basis.
(Code 1987, § 17-116; Ord. No. 98-52, § 1, 11-16-1998)

Sec. 17-101. Findings and intent.

(a) The state 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.

(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 section to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the city by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sexual predators cannot reside.
(Code 1987, § 17-118; Ord. No. 10-008, § 1, 7-6-2010)

Sec. 17-102. Definitions.

The following words, terms and phrases, when used in sections 17-101 through 17-103, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Reside means to sleep, live, or dwell at a place, which may include more than one (1) location, and may be mobile or transitory;

Residence means a place where an individual sleeps, lives, or dwells, which may include more than one (1) location, and may be mobile or transitory;

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

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

Sexual predator means an individual who is required to register under the Sex Offender Registration Act, who has committed an aggravated offense as defined in R.R.S. § 29-4001.01, and who has victimized a person eighteen (18) years of age or younger.
(Code 1987, § 17-119; Ord. No. 10-008, § 2, 7-6-2010)

Sec. 17-103. Sexual predator residency restrictions; penalties; exceptions.

(a) *Prohibited location of residence.* It is unlawful for any sexual predator to reside within five hundred (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 subject to a maximum fine of one thousand dollars ($1,000.00) or six (6) months' imprisonment, or both.

(d) *Exceptions.* Sections 17-101 through 17-103 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.

(Code 1987, § 17-120; Ord. No. 10-008, § 3, 7-6-2010)

Secs. 17-104—17-134. Reserved.

ARTICLE VI. NOISE*

Sec. 17-135. Prohibited generally.

It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of ordinary sensibilities within the city.
(Code 1971, § 22-1; Code 1987, § 17-156)

Sec. 17-136. Certain noise-producing work—Restricted.

The operation between the hours of 10:00 p.m. and 7:00 a.m. of any motor-driven or -operated lawn mower or any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, or engaging in any construction or demolition work during those hours, shall be deemed a violation of this article.
(Code 1971, §§ 22-2, 22-11; Code 1987, § 17-157)

Sec. 17-137. Certain noise-producing work—Emergency permit.

In the event of an emergency, a permit may be issued exempting any person from section 17-136 for any period of time specified on the face of the permit. The permit may be issued free of charge by the police department, community development director or board of public works, and the issuing agency shall notify the other two (2) agencies or official of such permit.
(Code 1971, § 22-3; Code 1987, § 17-158)

Sec. 17-138. Certain noise-producing work—Governmental agencies, utilities, snow removal equipment.

Section 17-136 shall not apply to emergencies of any governmental subdivision or any public utility and shall not apply to use of motor-powered snow removal equipment during the winter season.
(Code 1971, § 22-4; Code 1987, § 17-159; Ord. No. 91-4, § 1, 1-21-1991)

Sec. 17-139. Horns, warning devices.

The sounding of any horn or other warning device on any automobile, motorcycle or other vehicle on any street or public place of the city, except as a reasonable warning; the creating by means of any such horn or other warning device of any unnecessary or unreasonably loud or harsh sound; and the sounding of any such device for an unnecessary and unreasonable period of time; and the use of such warning device when traffic for any reason is held up, shall be deemed a violation of this article.
(Code 1971, § 22-5; Code 1987, § 17-160)

***State law reference—**Power of city to prevent, restrain and punish for the creation of noise, R.R.S. § 16-227 et seq.

Sec. 17-140. Radios, phonographs, etc.

The using, operating or permitting to be played, used or operated any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound, in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto shall be deemed a violation of this article. The operation of any such set, instrument, phonograph, machine or device between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to be plainly audible at a distance of fifty (50) feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.
(Code 1971, § 22-6; Code 1987, § 17-161)

Sec. 17-141. Yelling, shouting.

Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 10:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of a reasonable person of ordinary sensibilities shall be deemed a violation of this article.
(Code 1971, § 22-7; Code 1987, § 17-162)

Sec. 17-142. Defect in vehicle or load.

The use of any automobile, motorcycle or vehicle so out of repair, so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise shall be deemed a violation of this article.
(Code 1971, § 22-9; Code 1987, § 17-164)

State law reference—Muffler in good working order required, R.R.S. § 39-6,137.

Sec. 17-143. Loading, unloading, opening boxes.

The creating of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers shall be deemed a violation of this article.
(Code 1971, § 22-10; Code 1987, § 17-165)

Sec. 17-144. Blowers, fans.

The operation of any noise-creating blower or power fan or any internal combustion engine, the operation of which causes noise due to the explosion of operating gases or fluids, unless the noise from such blower or fan is muffled and such engine is equipped with a muffler device sufficient to deaden such noise shall be deemed a violation of this article.
(Code 1971, § 22-12; Code 1987, § 17-166)

Sec. 17-145. Exceptions.

The chief of police may make exceptions to any of the provisions set forth in this article, upon written request, when the public interest will be served by granting said exception.
(Code 1987, § 17-169; Ord. No. 12-022, § 1, 4-16-2012)

Secs. 17-146—17-173. Reserved.

ARTICLE VII. NUISANCES AND OFFENSIVE CONDITIONS*

DIVISION 1. GENERALLY

Sec. 17-174. Nuisances generally.

For the purposes of this article, a nuisance generally consists of any person doing an 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:

(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 or tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street or highway in the city;

(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.

(Code 1987, § 17-181; Ord. No. 23-24, § 1, 10-2-2023)

Sec. 17-175. Nuisances enumerated.

The maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or at in or upon any street, avenue, alley, park or parkway, or at any place within one hundred (100) feet from the water's edge of the Big Blue River at low water mark, or at any other public or private place, of any one (1) or more of the following conditions or things is hereby declared to be and constitute nuisances, provided that this enumeration shall not be deemed to be conclusive:

(1) Any putrid, unsound or unwholesome meat, hides, skins, feathers, 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, house yards, barnyards, stable yards, factory yards, vacant area in rear of stores, 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 provision of this Code or ordinance of the city;

***State law reference—**Prevention or abatement of nuisances, R.R.S. §§ 16-230 et seq., 18-1720.

(5) Liquid household waste, human excreta, garbage, butchers' trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity, provided nothing contained herein 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 is kept in the containers described in chapter 22;

(7) Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber, scrap iron, tin or other metal, old automobiles or parts thereof, or any other waste material, when any of such 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, or which are placed on or near the banks of the Big Blue River and tend to obstruct the flow or fill up the bed thereof;

a. Litter shall include, but not be limited to:

1. Trash, rubbish, refuse, garbage, paper, rags, and ashes;
2. Wood, plaster, cement, brick, or stone building rubble;
3. Grass, leaves, and worthless vegetation;
4. Offal and dead animals; and
5. Any machine, vehicle, 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;

(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 buildings, billboards or other structures are a fire hazard, a menace to the public health or safety, a menace to the free use of any street, sidewalk or other public way, 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 disassembling of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof;

(10) Stagnant water permitted or maintained on any lot or piece of ground;

(11) Stockyards, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowl of any kind are confined, or premises on which are stored tankage or any other animal or vegetable matter, when the places in which such animals are confined, or the premises on which such vegetable or animal matter is stored, 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;

(12) Pits or excavations within the city not being used for the purpose of building where such pits or excavations are made and the leaving of any such pits or excavations in an exposed condition for a period of twenty-four (24) hours or longer;

(13) Upholstered or other furniture which is designed or manufactured primarily for indoor use with no original outdoor weatherproofing qualities, including, but not limited to, upholstered chairs, upholstered couches, and mattresses when used or left on unenclosed exterior porches, balconies, or in an exposed open area, including, but not limited to, decks, patios, roofs, yards, driveways, or walkways. Exterior porches shall not include any porch completely covered by a roof, when located at and attached to a building and completely enclosed by fully intact glass and/or fully intact screens which are designed to keep out insects and allow air flow; or

(14) Weeds, grasses, or worthless vegetation that are twelve (12) inches or more in height. Weeds shall include, but not be limited to, bindweed *(Convolvulus arvensis)*, puncture vine *(Tribulus terrestris)*, leafy spurge *(Euphorbia esula)*, Canada thistle *(Cirsium arvense)*, perennial peppergrass *(Lepidium draba)*, nodding or must 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 *(Ambrosianceae).*

(Code 1987, § 17-182; Ord. No. 23-24, § 2, 10-2-2023)

Sec. 17-176. Generally prohibited.

It shall be unlawful for any person, corporation, company, partnership, or association owning or occupying any lot or land within the city, or within two (2) miles of the corporate limits thereof, to cause, permit, maintain, or allow the creation or maintenance of a nuisance.

(Code 1987, § 17-183; Ord. No. 23-24, § 3, 10-2-2023)

Sec. 17-177. Enforcement.

Unless otherwise provided, the code enforcement officer or designee shall enforce the provisions of this article against all nuisances.

(Code 1987, § 17-184; Ord. No. 23-24, § 4, 10-2-2023)

Sec. 17-178. Jurisdiction.

If any nuisance is found outside the limits of the city which shall constitute a menace to the health and safety of the inhabitants of the city or the inhabitants of the territory adjacent to the city limits and

within two (2) miles thereof, the jurisdiction of the code enforcement officer or designee shall extend to, and the territorial application of this article shall include, all territory adjacent to the city limits and within two (2) miles thereof.
(Code 1987, § 17-185; Ord. No. 23-24, § 5, 10-2-2023)

Sec. 17-179. Nuisance and weed control.

(a) *Duty against nuisances.* Every owner or occupant of any lot or land within the city or within two (2) miles of the corporate limits thereof shall keep said premises owned or leased by him or her and the streets, roads, or alleys abutting on such lot or land free from nuisances.

(b) *Notice to abate.*

(1) When a nuisance is found to exist on any lot or land within the city or within two (2) miles of the corporate limits thereof, the city shall issue written notice to abate the nuisance to the owner and/or occupant. Such notice shall be sent via first class mail or personal service. If service by first class mail or personal service is unsuccessful, then the city may post the notice to abate in a conspicuous place on the real property where such nuisance is located, or publish notice in a local newspaper for three (3) consecutive weeks. The notice to abate shall include:

a. A description of the condition or thing which constitutes a nuisance pursuant to this article;

b. A statement that a five (5) calendar day period of compliance is afforded to abate or remove the nuisance;

c. A warning that upon failure to comply, the city may cause a criminal and/or civil complaint to be filed against the owner and/or occupant for the violation of this article and/or that the city is authorized to remove and abate the nuisance at the owner and/or occupant's costs; and

d. The process by which the owner and/or occupant may request an appeal hearing.

(2) A notice to abate issued pursuant to this section shall be deemed a continuing notice regarding the nuisance described for a period of one (1) year from the date of service. Within said one (1) year period, no further notice or opportunity to abate is necessary in order for the city or its designee to take action as described in this article, except for the notice to abate weeds, grasses, or worthless vegetation.

(c) *Appeal procedure.* Within five (5) calendar days after receipt, posting or publication of such notice to abate, the owner or occupant of the lot or piece of ground may request a hearing with the city to appeal the decision to abate or remove a nuisance by filing a written appeal with the office of the city clerk. Requests for appeal hearings shall be accompanied by a filing fee in an amount established by resolution adopted by the city council. A hearing on the appeal shall be held within fourteen (14) business days after filing the appeal and shall be conducted by the city administrator or designee. Requests for an appeal hearing that are not accompanied by the required filing fee or that are received after the expiration of the five (5) calendar day period of compliance shall be considered invalid. The city administrator or designee shall render a decision on the appeal within five (5)

business days after the conclusion of the hearing. If the appeal fails, the city may remove and/or abate the nuisance, file a criminal complaint, and/or file a civil complaint and assess the costs of abatement to the owner or occupant, or both, or take any other actions authorized by this article.

(d) *Abatement; citation.* Within five (5) calendar days after receipt of such notice or publication or posting, whichever is applicable, if the owner or occupant of the lot or piece of ground has not requested an appeal hearing with the city as outlined above or fails to comply with the notice to abate and remove the nuisance, the city or its designee shall have the right to enter upon the property where such nuisance exists and remove and/or abate the nuisance. It shall be unlawful for any person, corporation, company, partnership, or association to interfere with, hinder, or refuse to allow the city or its designee to enter upon private property for the purpose of removing or abating a nuisance under the provisions of this article. For any violation of this subsection, the city may also cause a criminal and/or civil complaint to be filed against such person, corporation, partnership or association committing the unlawful acts. The costs and expenses of any such work shall be paid by said owner or occupant. If unpaid for two (2) months after such work is done, the city may either:

(1) 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

(2) 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.

(e) *Penalty.* Any owner or occupant of a lot or piece of ground who shall fail or refuse to perform such duty as set forth in this section shall be guilty of a Class V misdemeanor and upon conviction thereof shall be subject to a maximum fine of one hundred dollars ($100.00). Each day the violation of this section continues shall constitute a separate and distinct offense and shall be punishable as such.
(Code 1987, § 17-186; Ord. No. 23-24, § 6, 10-2-2023)

Sec. 17-180. Abatement by city authorized.

Whenever a nuisance exists, the city may proceed by a suit in equity in the county district court to enjoin and abate the same, in the manner provided by law; or it may elect to enforce the provisions of this article by complaint and warrant.
(Code 1987, § 17-187; Ord. No. 23-24, § 7, 10-2-2023)

Secs. 17-181—17-198. Reserved.

DIVISION 2. GARBAGE

Sec. 17-199. Definitions.

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

Garbage means all animal, fruit or vegetable waste residue which is produced by preparation, dressing, use, cooking, dealing in or storage of meats, fish, fowl, fruits, vegetables, cereals or grains for human consumption, and coffee or tea grounds.
(Code 1987, § 17-201; Ord. No. 23-24, § 9, 10-2-2023)

Sec. 17-200. Duty to remove garbage.

It shall be the duty of every owner or tenant of any lot or land within the city or within two (2) miles of the corporate limits thereof to keep said premises owned or leased by him or her and the streets, roads or alleys abutting on such lot or land free from garbage. It shall be unlawful for such owner or tenants of such lot or land to permit, keep or maintain thereon any such condition liable to become putrid or injurious to the public health, or any condition liable to produce any disease or which is conducive to the breeding and existence of rats, mice, flies, mosquitoes, bacteria or any other rodents or insects. The maintenance or permitting of any of the foregoing conditions upon any such lot or land or the streets, roads or alleys abutting thereon is hereby declared to be a public nuisance and shall constitute a misdemeanor.
(Code 1987, § 17-202; Ord. No. 23-24, § 10, 10-2-2023)

Sec. 17-201. Notice to abate; removal.

Whenever it shall come to the knowledge of the community development director that there exists a public nuisance as defined in section 17-200, the community development director shall cause notice to abate and remove such public nuisance within five (5) calendar days to be served upon the owner or his or her authorized agent and upon the tenant of said premises, if any. Such notice shall be served either in person or by mailing such notice by certified mail. If the owner or tenant shall have failed or refused to abate and remove such public nuisance at the expiration of the date fixed in such notice, the community development director shall cause such nuisance to be removed from such lot or land and from any roads, streets or alleys abutting thereon.
(Code 1987, § 17-203; Ord. No. 23-24, § 11, 10-2-2023)

Sec. 17-202. Removal of immediate hazards.

If the community development director determines that there exist upon any lot or land the conditions described in section 17-200 in such a manner as to constitute an immediate nuisance and hazard to public health and safety, he or she shall request the mayor to declare that such an immediate public nuisance exists, and after any such declaration, the community development director shall cause to be issued a written notice to abate and remove such public nuisance from such lot or land within twenty-four (24) hours. Such notice shall be served by personal service or by certified mail upon the owner or his or her authorized agent and to any tenant of the premises, if any.

If such owner or tenant shall have failed or refused to abate and remove such nuisance at the expiration of twenty-four (24) hours from delivery of the notice, the community development director shall cause such nuisance to be removed from such lot or land and from any roads, streets or alleys abutting thereon within twenty-four (24) hours thereafter.
(Code 1987, § 17-204; Ord. No. 23-24, § 12, 10-2-2023)

Sec. 17-203. Assessment of cost.

The community development director shall, not later than September 15 of each year, report to the city council on all real estate cleared of a public nuisance since September 1 of the previous year under the provisions of this division, together with the costs thereof. Whereupon, the city council, after public hearing at a regular council meeting, shall by ordinance assess the costs against such real estate. Notice of the time of such meeting of the city council for making such assessment and for the purpose of such public hearing shall be published once in a newspaper published of general circulation in the city at least five (5) calendar days before such meeting of the council is held, and notice shall be mailed to the owner of such real estate by certified mail five (5) calendar days before such hearing. Any such assessment, when assessed as provided in this section, shall be a lien upon such real estate from the date of assessment and shall be collected in the same manner as other taxes of the city.
(Code 1987, § 17-205; Ord. No. 23-24, § 13, 10-2-2023)

Secs. 17-204—17-229. Reserved.

ARTICLE VIII. STATE OF EMERGENCY CURFEW*

Sec. 17-230. Proclamation.

Whenever in the judgment of the mayor or, in the event of his or her inability to act, the president of the council determines that an emergency exists within the city as a result of mob action or other civil disobedience causing danger of injury to or damages to persons or property, he or she shall have power to impose by proclamation any regulations necessary to preserve the peace and order of the city.
(Code 1971, § 23-111; Code 1987, § 17-221)

Sec. 17-231. Restriction of activities.

If a state of emergency is proclaimed under the provisions of this article, the mayor, or in his or her disability the president of the council shall have the authority and power to:

(1) Impose a curfew upon all or any portion of the city thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, however, that physicians, nurses and ambulance

***State law references—**Emergency seat of local government, R.R.S. § 13-701 et seq.; powers of city as to riots, disturbances, etc., R.R.S. § 16-227.

operators performing medical services, utility personnel maintaining essential public services, firefighters and city-authorized or -requested law enforcement officers and personnel may be exempted from such curfew;

(2) Order the closing of any business establishments anywhere within the city for the period of the emergency, such business to include, but not be limited to, those selling intoxicating liquors, cereal malt beverages, gasoline or firearms;

(3) Designate any public street, thoroughfare or vehicle parking areas closed to motor vehicles and pedestrian traffic;

(4) Call upon regular and auxiliary law enforcement agencies and organizations within or without the city to assist in preserving and keeping the peace within the city.

(Code 1971, § 23-112; Code 1987, § 17-222)

Sec. 17-232. When proclamation effective.

The proclamation of emergency provided for by this article shall become effective upon its issuance and dissemination to the public by appropriate news media.

(Code 1971, § 23-113; Code 1987, § 17-223)

Sec. 17-233. Termination; extension.

Any emergency proclaimed in accordance with the provisions of this article shall terminate after forty-eight (48) hours from the issuance thereof, or upon the issuance of a proclamation determining that an emergency no longer exists, whichever occurs first; provided, however, that such emergency may be extended for such additional periods of time as determined necessary by resolution of the council.

(Code 1971, § 23-114; Code 1987, § 17-224)

Sec. 17-234. Violation of imposed restrictions.

Any person who shall willfully fail or refuse to comply with the orders of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency authorized herein shall be deemed guilty of a misdemeanor.

(Code 1971, § 23-115; Code 1987, § 17-225)

Chapter 18

PLANNING AND DEVELOPMENT*

Article I. In General

Secs. 18-1—18-20. Reserved.

Article II. Planning and Zoning Commission

Sec. 18-21. Created.
Sec. 18-22. Composition.
Sec. 18-23. Compensation.
Sec. 18-24. Alternate member.
Sec. 18-25. Recommendations to city council.
Sec. 18-26. Restrictions on zoning and subdivision application approval.

***State law references—**Municipal planning, R.R.S. § 19-901 et seq.; effect of regulations of municipalities outside corporate limits, R.R.S. § 18-1716; community redevelopment, R.R.S. § 18-2101 et seq.

ARTICLE I. IN GENERAL

Secs. 18-1—18-20. Reserved.

ARTICLE II. PLANNING AND ZONING COMMISSION*

Sec. 18-21. Created.

There is hereby created in and for the city a planning and zoning commission.
(Code 1971, § 26-17; Code 1987, § 18-16)

State law reference—Planning commission, R.R.S. § 19-925.

Sec. 18-22. Composition.

The city planning and zoning commission shall be composed of nine (9) regular members, who shall represent insofar as is possible the different professions and occupations in the city. When there are one thousand (1,000) residents in the area over which the city exercises extraterritorial zoning and subdivision regulation, one (1) regular member shall be a resident from such area. Up to two (2) of the regular members may be residents of such area. If it is determined by the city council that a sufficient number of residents reside in the area subject to extraterritorial zoning or subdivision regulation, and no such resident is a member of the commission, the first available vacancy shall be filled by the appointment of such an individual.
(Code 1971, § 26-18; Code 1987, § 18-17; Ord. No. 95-28, § 1, 6-5-1995; Ord. No. 99-57, § 1, 8-16-1999; Ord. No. 20-028, § 1, 8-3-2020)

Sec. 18-23. Compensation.

All regular members of the city planning and zoning commission shall serve as such without compensation and shall hold no other municipal office, except that one (1) regular member of such commission shall be a member of the board of adjustment.
(Code 1971, § 26-21; Code 1987, § 18-20; Ord. No. 99-57, § 4, 8-16-1999)

Sec. 18-24. Alternate member.

The mayor, with the approval of a majority vote of the elected members of the city council, shall appoint one (1) alternate member to the city planning and zoning commission.
(Code 1987, § 18-23.5; Ord. No. 99-57, § 8, 8-16-1999)

Sec. 18-25. Recommendations to city council.

The city planning and zoning commission shall present to the city council, within thirty (30) days, their recommendation on matters set forth in Neb. Rev. Stat. § 19-929, as amended.
(Code 1987, § 18-31; Ord. No. 09-040, § 1, 12-7-2009)

***State law reference—**Municipal planning commission, R.R.S. § 19-925 et seq.

Sec. 18-26. Restrictions on zoning and subdivision application approval.

The city council or city planning and zoning commission may delay action or disapprove any zoning application, special use permit application, subdivision application, or plat, should the legal property described therein contain zoning violations, nuisance violations, or other such violations identified in writing with prior notice thereby given, by the community development director, code enforcement officer, or designee, to the property owner of record.
(Code 1987, § 18-32; Ord. No. 17-002, § 1, 1-16-2017)

Chapter 19

PUBLIC PROPERTIES*

Article I. In General

Sec. 19-1. Vehicles in parks.
Sec. 19-2. Speed limit.
Sec. 19-3. Parking of motor vehicles; violations.
Sec. 19-4. Hours.
Sec. 19-5. Use of shelters, facilities.
Sec. 19-6. Reservable facilities.
Sec. 19-7. Closing of facilities.
Sec. 19-8. Camping.
Sec. 19-9. Fires.
Sec. 19-10. Riding animals.
Sec. 19-11. Advertising.
Sec. 19-12. Commercial activity.
Sec. 19-13. Rules and regulations.
Secs. 19-14—19-31. Reserved.

Article II. City Recreation Trails

Sec. 19-32. Purpose.
Sec. 19-33. Definitions.
Sec. 19-34. Animals.
Sec. 19-35. Traffic control.
Secs. 19-36—19-60. Reserved.

Article III. Skate Parks

Sec. 19-61. Skate park helmet requirement.

***State law reference—**Municipal parks, R.R.S. § 16-695 et seq.

ARTICLE I. IN GENERAL

Sec. 19-1. Vehicles in parks.

Except for personnel assigned to work in a park, it shall be unlawful for any person to operate any motor vehicle in or through any park except on a roadway or as provided by section 19-4. All traffic regulations of the city shall apply to the operation of any motor vehicle on the streets or roadways within the city parks.
(Code 1971, § 24-1; Code 1987, § 19-1)

Sec. 19-2. Speed limit.

It shall be unlawful for any motorized vehicle to operate within any public park at a rate of speed faster than fifteen (15) miles per hour.
(Code 1971, § 24-2; Code 1987, § 19-2)

State law reference—Power of local authorities to establish speed limits for vehicles in public parks, R.R.S. § 60-680(1)(e).

Sec. 19-3. Parking of motor vehicles; violations.

(a) It shall be unlawful for any person to park or permit to be parked any motor vehicle or other vehicle anywhere in any park except upon designated parking areas and upon roadways where parking is not prohibited, provided all parking is prohibited when the park is not open to the public as set out in section 19-4. When the identity of the driver cannot be readily determined, the owner or person in whose name such vehicle is registered shall be held prima facie responsible for violation of this subsection.

(b) Chapter 16, article II, division 2 shall apply to the issuing of tickets and payment of fines for violations of subsection (a) of this section.
(Code 1971, §§ 24-3, 24-4; Code 1987, § 19-3)

State law reference—Power of local authorities to regulate or prohibit stopping, standing or parking, R.R.S. § 60-680(1)(a).

Sec. 19-4. Hours.

All parks shall be closed as posted from 10:30 p.m. to 7:00 a.m. from November 1 through March 31, and from 12:00 midnight to 6:00 a.m. from April 1 through October 31, provided this section shall not apply to persons using the public parks for purposes of camping at sites designated for camping by the public properties director.
(Code 1971, § 24-7; Code 1987, § 19-5; Ord. No. 01-57, § 2, 11-19-2001)

Sec. 19-5. Use of shelters, facilities.

Whenever shelters or facilities are not reserved by the public properties department, such shelters and facilities are to be used on a first-come, first-served basis. A person or group wishing to reserve a shelter or facility for a certain time must be present at the shelter or facility and must remain at the facility at all times in order to secure the facility.
(Code 1971, § 24-8; Code 1987, § 19-6)

Sec. 19-6. Reservable facilities.

(a) Certain facilities which are in high demand, such as ballfields and tennis courts, may be regulated and reserved by the public properties department; and it shall be unlawful for any person to use any facility so regulated and reserved after being advised that the facility has been reserved for another person or group by the public properties department.

(b) Any person wishing to reserve park facilities must apply at the office of the public properties department of the city. Reservations will be accepted for reservable facilities only within the calendar year.

(Code 1971, § 24-9; Code 1987, § 19-7)

Sec. 19-7. Closing of facilities.

The public properties director or his or her designee may disallow use of any park or park facility when he or she believes the use thereof will be harmful to the participants or the park or park facility. It shall be unlawful for any person to use a park facility after it has been closed by the director, during hours normally open, provided such person has been notified of the closing by a posted sign, a city employee or a police officer. Upon closing by the director, the facility shall remain closed until the director opens the facility for use.

(Code 1971, § 24-10; Code 1987, § 19-8)

Sec. 19-8. Camping.

Camping is allowed only in the designated areas of Chautauqua and Riverside Parks, provided that:

(1) No person shall camp for more than thirty (30) continuous days in Riverside Park.

(2) No person shall camp for more than thirty (30) continuous days in Chautauqua Park.

(3) Fees for camping and electrical use in the amounts posted in each park shall be paid to the city.

(4) The public properties director or his or her designee may demand that a person or group discontinue camping and leave the park whenever such person or group is believed to be violating ordinances of the city or rules and regulations of the public properties department. Any fees paid shall be refunded in proportion to amount of time not allowed to continue camping.

(Code 1971, § 24-11; Code 1987, § 19-9)

Sec. 19-9. Fires.

Fires are allowed in the city parks only for cooking purposes, provided that:

(1) All fires must be confined to the fireplace and grills provided by the public properties department.

(2) No fires will be allowed when fires are prohibited by the city fire chief or the state fire marshal.

(3) All fires must be under continuous supervision of the persons starting the fire, and all fires must be thoroughly extinguished before the person starting the fire leaves the area of his or her fire.

(4) Nothing in this section shall be construed to disallow gas stoves.

(Code 1971, § 24-12; Code 1987, § 19-10)

Sec. 19-10. Riding animals.

It shall be unlawful for any person to ride, lead or tie up a horse or other animal, unless approved by the city council.

(Code 1971, § 24-13; Code 1987, § 19-11)

Sec. 19-11. Advertising.

It shall be unlawful for any person to place any structure, sign or advertising device of any kind whatever in any park, or to attach any notice, bill, poster, sign, wire, rope or cord to any tree, shrub, fence, railing, post or structure within any park, except by and with written permission to do so from the public properties department.

(Code 1971, § 24-14; Code 1987, § 19-12)

Sec. 19-12. Commercial activity.

It shall be unlawful for any person to have any commercial activity within any park or on any park roadway, except as authorized by the city council.

(Code 1971, § 24-15; Code 1987, § 19-13)

Sec. 19-13. Rules and regulations.

The public properties director shall promulgate and publish rules and regulations, which shall be approved by the council, for the management, care, supervision and use of all city parks and park facilities pursuant to his or her duties as set out in section 2-409. A copy of such rules and regulations and amendments thereto shall be kept on file at the office of the city clerk for public inspection. Any violation of any such rule thereafter by any person shall be deemed a violation of this Code.

(Code 1971, § 24-16; Code 1987, § 19-14)

Secs. 19-14—19-31. Reserved.

ARTICLE II. CITY RECREATION TRAILS

Sec. 19-32. Purpose.

The purpose of this article is to provide for the use of city recreation trails in such manner and such a means as will maximize their use and enjoyment by the public, while conserving the scenery, natural and historical objects and wildlife therein.

(Code 1987, § 19-20; Ord. No. 01-57, § 4, 11-19-2001)

Sec. 19-33. Definitions.

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

At large means not under the control of a person either by leash, cord, or chain.

City recreation trail or *trail* means any city trail constructed for travel and designated as a city recreation trail by separate resolution of the city council.

Motorized vehicle means any motorized conveyance, including, but not limited to, cars, trucks, motorcycles, tractors, farm machinery, four-by-fours, golf carts, snowmobiles, minibikes, dune buggies, or ATVs. The term "motorized vehicle" shall not include motorized wheelchairs, electric-assist bicycles, vehicles operated by city employees who are assigned to work on such trails, or police or fire vehicles operated by city employees.

Nonmotorized vehicle means any nonmotorized conveyance, including bicycles, unicycles, roller blades, roller skis, wheelchairs, wagons, and bicycle trailers. The term "nonmotorized vehicle" includes motorized wheelchairs and electric-assist bicycles.
(Code 1987, § 19-21; Ord. No. 01-57, § 5, 11-19-2001)

Sec. 19-34. Animals.

(a) Dogs and cats shall be permitted on city recreation trails. It shall be unlawful for any person to allow or permit any dog or cat to run at large upon any trail. Such dogs or cats shall not be permitted to deprive or disrupt the enjoyment or use of any trail by another person. The owners are responsible for cleaning up any droppings left by their dog or cat on any trail.

(b) It shall be unlawful for any person to drive, ride or lead any horse upon a trail.
(Code 1987, § 19-23; Ord. No. 01-57, § 7, 11-19-2001)

Sec. 19-35. Traffic control.

(a) Trail signs shall be obeyed by all trail users.

(b) When on a trail, all trail users must stay on the right half of the trail when meeting or being passed by another trail user.

(c) It shall be unlawful for any person to use or operate any motorized vehicle upon a trail. It shall be unlawful for any person to operate any nonmotorized vehicle upon a trail carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver.

(d) Any person who shall violate the provisions of subsection (c) of this section shall be deemed quality of a misdemeanor and, upon conviction thereof, shall be fined in a sum not to exceed five hundred dollars ($500.00) and in a sum not less than one hundred dollars ($100.00).
(Code 1987, § 19-24; Ord. No. 01-57, § 8, 11-19-2001)

Secs. 19-36—19-60. Reserved.

ARTICLE III. SKATE PARKS

Sec. 19-61. Skate park helmet requirement.

In any skate park operated by the city, any person riding a skateboard, in-line skates, bicycle or similar device shall wear a fastened protective helmet.
(Code 1987, § 19-30; Ord. No. 02-36, §§ 1, 2, 7-15-2002)

Chapter 20

PUBLIC WORKS*

Article I. In General

Secs. 20-1—20-18. Reserved.

Article II. Board of Public Works

Division 1. Generally

Sec. 20-19. Created.
Sec. 20-20. Composition.
Sec. 20-21. Filling of vacancies.
Sec. 20-22. Compensation.
Sec. 20-23. Rules of procedure.
Sec. 20-24. Officers, committees.
Sec. 20-25. Powers, duties generally.
Sec. 20-26. Enlargement and improvement of systems.
Sec. 20-27. Authorization for contracts.
Secs. 20-28—20-48. Reserved.

Division 2. Fiscal Procedures

Sec. 20-49. Systems managed separately.
Sec. 20-50. Utilities fund.
Sec. 20-51. Distinction of accounts.
Sec. 20-52. Disbursements generally.
Sec. 20-53. Expenditures restricted.

***State law references—**Public improvements, R.R.S. § 16-605 et seq.; municipal cooperative financing, R.R.S. § 18-2401 et seq.

ARTICLE I. IN GENERAL

Secs. 20-1—20-18. Reserved.

ARTICLE II. BOARD OF PUBLIC WORKS*

DIVISION 1. GENERALLY

Sec. 20-19. Created.

A board of public works for the city is hereby created and shall be known and designated as "The Beatrice Board of Public Works."
(Code 1971, § 28-17; Code 1987, § 20-16)

Sec. 20-20. Composition.

The board of public works shall consist of five (5) members.
(Code 1971, § 28-18; Code 1987, § 20-17)

Sec. 20-21. Filling of vacancies.

Vacancies occurring in the membership of the board of public works shall be filled for the unexpired term by the mayor, subject to the approval of the council.
(Code 1971, § 28-21; Code 1987, § 20-20)

Sec. 20-22. Compensation.

The salary of each member of the board of public works shall be fixed from time to time by the mayor and city council by resolution for each regular or special meeting attended by the respective members. The salaries of the members of the board, and the actual and necessary expenses incurred by the members of the board in the performance of their duties, shall be allowed and paid by the mayor and council as a part of the cost of operation and maintenance of the public utilities owned and operated by the city, from the same sources, and in like manner as other costs of operation and maintenance are paid.
(Code 1971, § 28-23; Code 1987, § 20-22)

Sec. 20-23. Rules of procedure.

The board of public works is hereby empowered to adopt such rules, regulations and policies as may be necessary for its government and the orderly and responsible transaction of business as accepted by the custom of practice within the private sector, and to provide for the amendment thereof.
(Code 1971, § 28-24; Code 1987, § 20-23)

***Editor's note—**The city prohibited an interest of a member of the board of public works in the purchase of material for municipal purposes. *Arthur V. Trindel,* 168 Neb. 429, 96 N.W. 2d 208 (1959).

State law reference—Board of public works generally, R.R.S. §§ 16-325, 16-691 et seq.

Sec. 20-24. Officers, committees.

(a) The mayor, by and with the consent of the city council, shall designate one (1) of the members of the board of public works to be the chair thereof.

(b) The board shall select from its membership a secretary and may select such other officers, deputies and committees as may be deemed by such board to be necessary or expedient.
(Code 1971, §§ 28-25, 28-26; Code 1987, § 20-24)

Sec. 20-25. Powers, duties generally.

The board of public works shall have, and is hereby charged with, the duties of operating, managing, constructing, extending and maintaining the electric, waterworks and sewage systems, the sidewalks, streets, avenues and alleys, including bridges, culverts and structures therein, and any and all property owned, leased or otherwise under the control of the city and used in connection with the same, except only such duties as are required by law to be exercised by the mayor and council. The board of public works shall exercise all duties as may be required of it by ordinance of the mayor and city council.
(Code 1971, § 28-29; Code 1987, § 20-27)

Sec. 20-26. Enlargement and improvement of systems.

The board of public works shall have the right to purchase material and employ labor for enlargement and improvement of the electric system, waterworks system, sewage system and street system.
(Code 1971, § 28-30; Code 1987, § 20-28)

Sec. 20-27. Authorization for contracts.

All contracts made by the board of public works for extensions to waterworks, electric lines, sewage system and street system, or improvements to such services, shall be authorized by the board of public works by appropriate action, and the record of all actions by the board shall be spread in full upon the minute record of board proceedings.
(Code 1971, § 28-31; Code 1987, § 20-29)

Secs. 20-28—20-48. Reserved.

DIVISION 2. FISCAL PROCEDURES

Sec. 20-49. Systems managed separately.

The electric system, waterworks system, sewage system and street system, which street system shall consist of the streets, sidewalks, avenues and alleys, including bridges, culverts and structures therein, shall be separately operated, managed and maintained by the board of public works, and a record of the receipts, disbursements and details of operation for each system shall be separately kept.
(Code 1971, § 28-35; Code 1987, § 20-41)

Sec. 20-50. Utilities fund.

All monies received by the board of public works or its employees, arising from the ownership and operation of the public utilities, shall be promptly paid over to the city treasurer, and the amounts so received from the ownership and operation of such utilities shall be kept in a separate fund designated as the "utilities fund."
(Code 1971, § 28-36; Code 1987, § 20-42; Ord. No. 86-41, § 49, 10-6-1986)

Sec. 20-51. Distinction of accounts.

The amount of money received from the waterworks system deposited in the utilities fund shall be credited to the waterworks system, and the amount received from the electric system in the utilities fund shall be credited to the electric system. The amount of money received from the wastewater system deposited in utilities fund shall be credited to the to the wastewater system, and the amount of money received from the street system shall be credited to the street system.
(Code 1971, § 28-37; Code 1987, § 20-43)

Sec. 20-52. Disbursements generally.

(a) Orders drawn on the utilities fund against the operation and maintenance account of the wastewater system shall be charged separately against the funds to the credit of the wastewater system in the utilities fund, and orders drawn against the operation and maintenance account of the street system shall be charged separately against the funds credited to the street system.

(b) Claims against the operation and maintenance account shall be filed with the city treasurer, and all disbursements from such funds, except disbursements from the operations and maintenance account, shall be by warrants drawn upon claims so filed and allowed by the council in the manner provided by law.
(Code 1971, § 28-38; Code 1987, § 20-44; Ord. No. 86-41, § 50, 10-6-1986)

State law references—City treasurer, warrants, issuance, delivery, R.R.S. § 16-718; claims against city generally, R.R.S. § 16-726 et seq.

Sec. 20-53. Expenditures restricted.

The board of public works is hereby given authority, in addition to authority given in other ordinances or sections hereof, to spend any amount, up to the statutory limit, in the operation and management of the public utilities and street departments for enlargement and general improvements without authorization from the city council. Any contract for enlargement or general improvements in excess of the statutory limit set forth in state statutes shall be approved by the city council.
(Code 1971, § 28-39; Code 1987, § 20-45; Ord. No. 01-12, § 2, 3-19-2001; Ord. No. 08-30, § 2, 10-6-2008)

Chapter 21

RAILROADS

(RESERVED)

Chapter 22

SOLID WASTE*

Article I. In General

Sec. 22-1. Definitions.
Sec. 22-2. Litter duty of business owners, occupants.
Secs. 22-3—22-22. Reserved.

Article II. Disposal Regulations

Division 1. Generally

Sec. 22-23. Garbage disposal generally.
Sec. 22-24. Accumulation of garbage.
Sec. 22-25. Frequency of collection.
Sec. 22-26. Appropriate garbage containers required.
Sec. 22-27. Maintenance of containers; liability for damaged containers.
Sec. 22-28. Replacement of containers upon notice.
Sec. 22-29. Location of containers.
Sec. 22-30. Retrieval of containers.
Sec. 22-31. Protection of contents of containers.
Sec. 22-32. Citywide collection and contract; required containers; rules.
Sec. 22-33. Exceptions from exclusive franchise.
Sec. 22-34. Certain materials prohibited.
Sec. 22-35. Accumulations placed in containers of others.
Secs. 22-36—22-58. Reserved.

Division 2. Service Charges

Sec. 22-59. Generally.
Sec. 22-60. Established.
Sec. 22-61. Billing and payment; delinquent bills.
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Article III. City Sanitary Landfill

Sec. 22-81. Designated.
Secs. 22-82—22-105. Reserved.

Article IV. Private Landfills

Sec. 22-106. Permit required for private landfills.
Sec. 22-107. Application.
Sec. 22-108. Bond required.
Sec. 22-109. Approval of city council.

***State law reference—**Garbage disposal, R.R.S. § 19-2101 et seq.

Sec. 22-110. Duration.
Sec. 22-111. Limitations on use.

ARTICLE I. IN GENERAL

Sec. 22-1. Definitions.

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

Garbage includes, but is not limited to, trash, rubbish, decayed vegetable or animal substances, rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetables, dead animals rejected by rendering plants, putrescible and nonputrescible solid wastes, except body wastes, and includes rubbish, ashes, incinerator ash, incinerator residue, street cleanings, solid market and industrial wastes, wastepaper, scrap lumber, packing boxes, crates, paper or pasteboard boxes, cartons, excelsior, hay, straw and other combustible packing materials and refuse, broken glass, tin cans and containers and all other waste materials.

Recyclable materials means newsprint (newspapers, but not including slick paper advertisements included in a newspaper); aluminum cans and metal (tin) cans and containers; glass bottles (but not including window glass); waste motor oil; automobile batteries; cardboard; rubber byproducts and tires; plastics; plastic milk jugs; and/or restaurant grease.

Special waste means a solid waste, except waste which is regulated as a hazardous waste, which possesses physical, chemical, or biological characteristics that make it different from general household, or construction and demolition waste, and which requires special handling, treatment, or disposal methodologies in order to protect public health, safety, and the environment as defined by the state department of environment and energy regulations.

Yard waste means plant material, leaves, grass or shrubbery cuttings or clippings, tree trimmings, hedge clippings, bushes, flowers, roots, branches, tree limbs not over one (1) inch in diameter and other organic materials collected as a result of the care of lawns, shrubbery, vines and gardens.
(Code 1971, § 16-1; Code 1987, § 22-1; Ord. No. 89-27, § 1, 11-20-1989; Ord. No. 93-9, § 1, 3-1-1993; Ord. No. 21-15, § 1, 3-15-2021)

Sec. 22-2. Litter duty of business owners, occupants.

(a) *Generally.* The owner or occupant of any place of business situated within the city shall exercise reasonable diligence at all times to keep his or her premises clean of garbage thrown or left on the premises by its customers, and to take reasonable measures to prevent same drifting or blowing to adjoining premises.

(b) *Receptacles.* Receptacles of sufficient size and number shall be placed on the premises accessible to the customers of such business where garbage may be disposed of.
(Code 1971, § 16-3; Code 1987, § 22-2; Ord. No. 21-15, § 1, 3-15-2021)

State law references—Power of city to prohibit and control littering, R.R.S. § 16-230; littering of public and private property, penalty, R.R.S. § 28-523.

Secs. 22-3—22-22. Reserved.

ARTICLE II. DISPOSAL REGULATIONS

DIVISION 1. GENERALLY

Sec. 22-23. Garbage disposal generally.

Garbage may be disposed of by composting, or by other standard satisfactory methods which will not cause a nuisance or become dangerous to the health or comfort of the people.
(Code 1971, § 16-18; Code 1987, § 22-16; Ord. No. 21-15, § 1, 3-15-2021)

Sec. 22-24. Accumulation of garbage.

It shall be unlawful for any person to keep in, on or about any dwelling house, building, premises, streets, alleys, or vacant lots in the city, and in the zoning limits thereof, any garbage, recyclable materials, or any substance that may be injurious to the public health or offensive to the residents of the vicinity, unless the same is kept in airtight receptacles as described in this article.
(Code 1971, § 16-19; Code 1987, § 22-17; Ord. No. 21-15, § 1, 3-15-2021)

Sec. 22-25. Frequency of collection.

Garbage accumulations by residences, including multiunit dwellings, shall be disposed of at least once each week. Garbage accumulations by business, commercial, institutional, and industrial establishments shall be disposed of at such times and in such a manner as to protect the public health of the community but not less than once each week.
(Code 1987, § 22-18; Ord. No. 21-15, § 1, 3-15-2021)

Sec. 22-26. Appropriate garbage containers required.

It shall be the duty of every person owning, managing, operating, leasing, renting or occupying any premises, not disposing of garbage as otherwise allowed by this article, to place all garbage from such premises in the containers provided by or approved by the city, so that they may be lifted or handled by the employees of the city's designated garbage hauler. Manure may only be placed in garbage containers provided by the city after it has been placed in a sealable and leakproof receptacle.
(Code 1971, § 16-21; Code 1987, § 22-19; Ord. No. 21-15, § 1, 3-15-2021)

Sec. 22-27. Maintenance of containers; liability for damaged containers.

(a) Every garbage container required by this article shall be maintained in as sanitary condition as possible in view of the use to which it is put and shall be thoroughly cleansed as needed by washing, scalding or otherwise.

(b) Customers using dumpsters shall be responsible for damage by vandalism or as a result of fire due to the deposit of any garbage, and for washing or keeping the dumpsters clean. Damage caused by ordinary wear and tear shall be repaired by the city, including replacement of the container at the end of its normal life.

(c) Residential garbage containers shall be provided by the city to owners of newly constructed dwellings, which shall remain at the dwelling and shall be maintained by the city, except for normal washing to maintain its sanitary condition. Whenever damage is caused as a result of vandalism, or as a result of fire due to the deposit of any garbage by the owner or occupant, the cost of replacing the container shall be the expense of the owner of the property to which the container has been assigned. Damage caused by ordinary wear and tear shall be repaired by the city, including replacement of the container at the end of its normal life.

(d) Damage to any container shall immediately be reported to the sanitation superintendent or designee by the party to whom the container is assigned or by the party who has damaged the container.

(Code 1971, § 16-22; Code 1987, § 22-20; Ord. No. 21-15, § 1, 3-15-2021)

Sec. 22-28. Replacement of containers upon notice.

It shall be the duty of every person owning, managing, operating, renting or occupying any premises where yard waste accumulates to replace within ten (10) calendar days after receipt of a condemnation notice issued by the sanitation superintendent any containers that have deteriorated or that have been damaged to the extent that they are capable of causing injuries to those whose duty it is to handle the containers.

(Code 1971, § 16-23; Code 1987, § 22-21; Ord. No. 21-15, § 1, 3-15-2021)

Sec. 22-29. Location of containers.

The garbage containers required by this article shall be kept either in the rear of the premises, in the garage, or in such other place on the premises where the containers will not be readily visible from the street in front of the premises. Garbage containers shall only be placed at the curb of the premises between the hours of 5:00 p.m. on the day before the regularly scheduled collection day for that premises and 10:00 p.m. on the regularly scheduled collection day for that premises.

(Code 1971, § 16-24; Code 1987, § 22-22; Ord. No. 21-15, § 1, 3-15-2021)

Sec. 22-30. Retrieval of containers.

Garbage containers at residences left at the curb on days other than the regularly scheduled collection day for the premises may be collected by the city. The owner or occupant may retrieve their container by paying a fee established by resolution adopted by the city council.

(Code 1971, § 16-25; Code 1987, § 22-23; Ord. No. 21-15, § 1, 3-15-2021)

Sec. 22-31. Protection of contents of containers.

Garbage containers shall be kept closed tightly except during the collection or deposit of garbage. The contents of all receptacles shall be so protected that the wind cannot blow out and scatter same over the streets, alleys, and premises of the city.

(Code 1971, § 16-26; Code 1987, § 22-24; Ord. No. 21-15, § 1, 3-15-2021)

Sec. 22-32. Citywide collection and contract; required containers; rules.

(a) The city, in order to more effectively promote and protect the public health and public welfare, hereby reserves unto itself the exclusive right to collect garbage from all premises including business, commercial, industrial, institutional, and residential, including multiunit dwellings in the city, and the city council may at such times and for such period as in its judgment is to the best interests of the city, contract with any entity for the collection of garbage, thereby contracting with it, as an independent contractor, for such collection, fixing the sums of money to be paid to the garbage collector for such collection, the term of such contract and other terms and conditions for such collection.

(b) The city shall provide for the collection and removal of garbage at least once each week from residences, including multiunit dwellings, except when a regularly scheduled collection day is a city-recognized holiday. The city council shall establish, by resolution, rules and regulations for the collection, removal and disposal of garbage in the city. Every person owning, managing, operating, leasing, renting or occupying any premises within the city shall not place in the containers to be collected by the city's designated garbage hauler, any materials prohibited from being deposited for land disposal at the Beatrice Area Solid Waste Agency disposal facility under rules and regulations promulgated by such agency.

(c) The mayor and city council may, in their discretion, provide for the collection of garbage from business, commercial, industrial, institutional, and residential, including multiunit dwellings in the city or may enter into a contract to provide for such collection with any entity on a citywide basis.

(d) If the mayor and city council shall provide for the collection by the city of garbage or shall enter into a contract as provided in subsections (a) and (c) of this section, it shall be unlawful for any person other than the city or the holder of a contract as provided in subsections (a) and (c) of this section to collect garbage from any premises, including business, commercial, industrial, institutional, and residential, including multiunit dwellings within the city; provided, however, this section shall not apply to any person who hauls, transports or disposes of garbage that cannot be placed at the Beatrice Area Solid Waste Agency disposal facility in accordance with rules and regulations promulgated by such agency.

(e) Every business, commercial, industrial, institutional, and residential, including multiunit dwelling establishment or other place where garbage accumulates in the city, shall be required to pay the associated collection fee established by resolution and adopted by the city council; and shall use only those containers provided by or approved by the city for the keeping and storage for collection of garbage.

(f) The city shall provide garbage carts to each residence. When determined to be necessary or more efficient by the city administrator or designee, dumpsters may be provided.

(g) The city shall provide dumpsters to all commercial or industrial properties, and other properties to be served by dumpsters. Rental rates for such dumpsters and garbage containers shall be established by resolution adopted by the city council. These containers shall remain the property of the city and reside with the address that they are assigned.

(h) Yard waste and recyclable materials collection removal shall be provided at a fee established by resolution adopted by the city council.
(Code 1971, § 16-27; Code 1987, § 22-25; Ord. No. 21-15, § 1, 3-15-2021)

Sec. 22-33. Exceptions from exclusive franchise.

Nothing contained in section 22-32 shall prevent any person or entity from removing other persons' accumulations of recyclable materials for the purpose of recycling the same, or from removing other persons' accumulations of building or construction material, when the removal of such accumulations is incidental to a business operation, not primarily limited to the removal of such items. Roll-off boxes for the removal of garbage or building or construction material may be rented from any person or entity. Roll-off boxes may not be used for routine garbage services. Fees for roll-off boxes serviced by the city shall be established by resolution adopted by the city council.
(Code 1971, § 16-28; Code 1987, § 22-26; Ord. No. 93-8, § 3, 2-22-1993; Ord. No. 98-8, § 1, 3-2-1998; Ord. No. 21-15, § 1, 3-15-2021)

Sec. 22-34. Certain materials prohibited.

The following materials shall not be placed in garbage containers serviced by the city:

(1) Materials impregnated with urine, poisons, explosives, dangerous or corrosive chemicals, clothing taken from persons with infectious diseases, heavy metals or metal parts, lumber, rocks, bricks, concrete blocks, tires, crates, yard waste, lead acid batteries, oil, appliances, liquid wastes, and other refuse from construction or remodeling; and

(2) Highly inflammable or explosive materials, smoldering or burning materials of any type or nature whatsoever, including hot or live ashes. Such material shall be disposed of as directed by the fire chief at the expense of the owner or possessor thereof.

(Code 1971, § 16-30; Code 1987, § 22-28; Ord. No. 89-22, § 1, 8-7-1989; Ord. No. 21-15, § 1, 3-15-2021)

Sec. 22-35. Accumulations placed in containers of others.

It shall be unlawful for any person to place accumulations of garbage in the garbage containers of another, or to allow the same, when the contents of such containers are to be collected by the city's designated garbage hauler. The minimum fine for a violation of this section shall be twenty-five dollars ($25.00).
(Code 1971, § 16-31; Code 1987, § 22-29; Ord. No. 21-15, § 1, 3-15-2021)

Secs. 22-36—22-58. Reserved.

DIVISION 2. SERVICE CHARGES

Sec. 22-59. Generally.

Each and every tenant, occupant, or property owner of a business, commercial, industrial, institutional, or residential, including multiunit dwellings, from which garbage accumulates, shall be

charged for the services of collection, removal, and disposal of such garbage, at the rates provided for in this chapter. Grass clippings and leaves shall not be collected and removed from multiunit dwellings.
(Code 1971, § 16-32; Code 1987, § 22-30; Ord. No. 21-15, § 1, 3-15-2021)

Sec. 22-60. Established.

The rates for the collection, removal, and disposal of garbage, recyclable materials, special waste and yard waste in the city shall be established by resolution adopted by the city council.
(Code 1987, § 22-31; Ord. No. 21-15, § 1, 3-15-2021)

Sec. 22-61. Billing and payment; delinquent bills.

All fees, rates, and charges for the collection, removal, and disposal of garbage, recyclable materials, or yard waste in the city shall be payable and billed either to the board of public works or the city. Any bill for which payment is not received prior to the delinquency date shall be delinquent, at which time and in which event the city may discontinue utility services, garbage collection services, or sue in the civil courts for the collection of such fees, rates, and charges. Once a bill has become delinquent, such bill shall become subject to a delinquency fee of five percent (5%) of the total bill.
(Code 1987, § 22-32; Ord. No. 93-8, § 6, 2-22-1993; Ord. No. 98-8, § 2, 3-2-1998; Ord. No. 98-60, § 1, 11-16-1998; Ord. No. 21-15, § 1, 3-15-2021)

Secs. 22-62—22-80. Reserved.

ARTICLE III. CITY SANITARY LANDFILL*

Sec. 22-81. Designated.

The city hereby designates the Beatrice Area Solid Waste Agency disposal facility located south of the city as the designated place or depository for garbage generated by the citizens of the city or collected by the city's designated garbage hauler. Persons using the disposal facility shall be subject to such regulations, including payment of fees, as may be established for its use by the Beatrice Area Solid Waste Agency.
(Code 1971, § 16-2, 16-46; Code 1987, § 22-46; Ord. No. 21-15, § 2, 3-15-2021)

Secs. 22-82—22-105. Reserved.

***State law reference—**Solid waste disposal areas, R.R.S. § 19-2101 et seq.

ARTICLE IV. PRIVATE LANDFILLS

Sec. 22-106. Permit required for private landfills.

It shall be unlawful for any person, firm or corporation to use property within the city as a private sanitary landfill without having procured a permit to do so from the community development department. A separate permit shall be required for each site.
(Code 1987, § 22-81; Ord. No. 87-11, § 2, 4-20-1987; Ord. No. 21-15, § 3, 3-15-2021)

Sec. 22-107. Application.

Application for a permit for a private sanitary landfill shall be made to the community development department upon forms furnished by said department. When required by the community development department, each application shall be accompanied by two (2) sets of plans and specifications prepared and signed by a civil engineer. The plans shall include the legal description of the proposed landfill; the property limits and accurate contours of existing ground and details of terrain and area drainage; the limiting dimensions, elevations or finish contours to be achieved; and detailed plans of all surface and subsurface drainage devices.
(Code 1987, § 22-82; Ord. No. 87-11, § 3, 4-20-1987; Ord. No. 21-15, § 3, 3-15-2021)

Sec. 22-108. Bond required.

The applicant for a permit pursuant to this article shall file with his or her application a performance bond in the amount of one thousand dollars ($1,000.00), which bond shall terminate one (1) year following the last day of the permit period.
(Code 1987, § 22-83; Ord. No. 87-11, § 4, 4-20-1987)

Sec. 22-109. Approval of city council.

The community development department shall not issue any permit pursuant to this article until the city council has approved the issuance of such permit.
(Code 1987, § 22-84; Ord. No. 87-11, § 5, 4-20-1987)

Sec. 22-110. Duration.

All private landfill permits issued by the community development department pursuant to this article shall expire one (1) year after the date of issuance. The permit year shall begin on January 1 of each year.
(Code 1987, § 22-85; Ord. No. 87-11, § 6, 4-20-1987)

Sec. 22-111. Limitations on use.

The use of such private sanitary landfills shall be limited to the dumping and disposal of brick, concrete, rock and dirt, including all types of sand. Such landfill shall be operated and maintained in such a manner as to present no danger to the health and safety or welfare of human beings. Earth cover shall be applied on a frequent basis so that no nuisance or insult to the environment results.
(Code 1987, § 22-86; Ord. No. 87-11, § 7, 4-20-1987)

Chapter 23

STREETS AND SIDEWALKS*

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ARTICLE I. IN GENERAL

Sec. 23-1. Establishment of grade.

Every grade shall be fixed upon any street, alley, sidewalk, gutter or for any other purpose, within the city by the city engineer.
(Code 1971, § 30-1; Code 1987, § 23-1)

Sec. 23-2. Damaging or removing markers, monuments.

It shall be unlawful for any person to break, remove or destroy any stone or stake marking any street, block, lot or public ground, except by proper authority.
(Code 1971, § 30-2; Code 1987, § 23-2)

State law reference—Damaging or removing road markers, monuments, etc., R.R.S. § 60-6,130.

Sec. 23-3. Driving metal stakes, pins into pavement.

It shall be unlawful for any person to drive iron or other metal stakes, pins or other substance into pavement of the city or otherwise injure such pavement.
(Code 1971, § 30-3; Code 1987, § 23-3)

State law reference—Damaging roads, R.R.S. §§ 39-301, 39-304.

Sec. 23-4. Right-of-way landscaping.

(a) The entire public right-of-way shall be devoted entirely to grass, flowers, shrubs, trees, and other living vegetation, except for necessary surfacing of streets, sidewalks, and driveways. Decorative planters and garden pots holding such vegetation are permitted.

(b) Any nonliving ground cover, including, but not limited to, mulch, rock, stone, pebbles, brick, concrete, asphalt or other like materials shall not be used in the right-of-way unless approved by the city engineer. If approval is granted to place any nonliving ground cover in the right-of-way, a suitable barrier placed to prevent the ground cover material from entering the adjacent street or sidewalk must also be approved by the city engineer. Suitable barriers vary by circumstance, but may include landscape timbers, landscaping blocks, or concrete curbing. Tires are not considered a suitable barrier.
(Code 1987, § 23-4; Ord. No. 18-010, § 1, 6-4-2018)

Secs. 23-5—23-26. Reserved.

ARTICLE II. SIDEWALKS AND CURBING*

DIVISION 1. GENERALLY

Sec. 23-27. Definitions.

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

Sidewalk means that portion of the sidewalk space improved for use by pedestrians.

Sidewalk space means that portion of a street between the curbline and the adjacent property line.

(Code 1971, § 30-14; Code 1987, § 23-21)

Sec. 23-28. Council's responsibility; role of community development director.

(a) The mayor and city council shall be responsible for causing and compelling the construction of sidewalks within the city.

(b) The community development director shall give notice to owners of property where sidewalks should be constructed according to this Code and shall forward reports of noncompliance with the sidewalk ordinances to the city attorney for prosecutions. The community development director shall enforce through the issuance of permits the construction of sidewalks in accordance with the sidewalk specifications except when, in the community development director's judgment, compliance with the specifications would be unreasonable or a hardship, after considering the following factors:

(1) Existing development in the block;

(2) Possible future uses of the property;

(3) Pedestrian traffic in the area;

(4) The grade and topographic features of the property;

(5) Public facilities in the area; and

(6) Any unique conditions which might have a bearing on the question of whether a sidewalk should be constructed in the block.

(Code 1971, § 30-13; Code 1987, § 23-22; Ord. No. 85-42, § 20, 1-6-1986)

Sec. 23-29. When owner required to construct.

(a) Every owner of any lots or pieces of land within the limits of the city shall construct sidewalks along and contiguous to such lots or pieces of land on the sides adjacent to any street if there is no existing sidewalk. Such sidewalk shall be constructed in conformity with regulations hereinafter set forth.

***State law references—**Construction and repair of sidewalks, R.R.S. § 16-250; sidewalk improvements, R.R.S. § 16-661 et seq.

(b) Subsection (a) of this section shall not be applicable to any portion of property adjacent to any street which is not improved with curb and gutter; nor shall this section be applicable to lots or pieces of land which have not been improved by the construction of a structure thereon, unless such unimproved lots or pieces of land serve an accessory use to a lot or piece of land which is so improved.

(c) Notwithstanding the exceptions of subsection (b) of this section, the city council may order a sidewalk constructed along any street where the council deems that pedestrian traffic warrants a sidewalk.
(Code 1971, § 30-14.1; Code 1987, § 23-23)

Sec. 23-30. Maintenance by adjoining property owner.

Every owner of any real property within the limits of the city shall at all times keep and maintain the sidewalk along and contiguous to such real property in good and proper repair, without hazard as defined in section 23-36, and in a condition reasonably safe for travel by pedestrians thereon.
(Code 1971, § 30-15; Code 1987, § 23-24)

Sec. 23-31. Liability for failure to maintain.

If the owner of real property shall fail to construct, repair or improve a sidewalk as directed and required by this article, after receiving notice to do so, such property owner shall be liable for all damages or injury resulting from the failure to construct, repair or improve the sidewalk.
(Code 1971, § 30-16; Code 1987, § 23-25)

State law reference—Property owner liable for failure to maintain sidewalks, R.R.S. § 16-662.

Sec. 23-32. Issuance of notice to repair.

Whenever the community development director shall deem a sidewalk a hazard, as defined in section 23-36, and needing to be repaired or improved, the community development director shall so order the same to be done. Upon such order, the community development director shall notify in writing the owner of the lot or property abutting the hazardous sidewalk of the repair or improvement to be done. Such notice shall state that the owner has ninety (90) calendar days from the date of receipt in which to complete the repair or improvement. Any additional time needed to repair or improve such sidewalk because of adverse weather conditions may be granted by the community development director.
(Code 1971, § 30-17; Code 1987, § 23-26; Ord. No. 85-42, § 21, 1-6-1986; Ord. No. 92-3, § 1, 2-3-1992)

Sec. 23-33. Service of notice.

The notice to repair or improve a sidewalk shall be served upon the owner of the abutting property by delivering the same to such owner in person or by leaving it at his or her usual place of residence in the city. If such owner is a nonresident of the city, service of such notice shall be by registered mail, return receipt requested, addressed to the last address to which real estate taxes were billed.
(Code 1971, § 30-18; Code 1987, § 23-27)

Sec. 23-34. Construction, repair by city.

If the owner of abutting property shall fail or refuse to comply with the requirements of this article to construct or maintain a sidewalk, or with a notice to repair or improve a sidewalk issued under this article, the city may cause the same to be constructed or repaired.
(Code 1971, § 30-19; Code 1987, § 23-28)

Sec. 23-35. Assessment of city's costs.

If the city shall construct, repair or improve a sidewalk under the provisions of this article, the costs incurred by the city in so doing shall be assessed and levied by the mayor and council as a special tax against the abutting property.
(Code 1971, § 30-20; Code 1987, § 23-29)

Sec. 23-36. Determination, correction of hazard.

(a) Any sidewalk in the city which has one (1) or more of the following enumerated defects is hereby declared to be a hazard:

(1) When a slab is cracked and vertical displacement between portions of the slab is one (1) inch or greater;

(2) When cracks have occurred in the slab which are one (1) inch in width or greater;

(3) When holes exist in the slab which exceed three (3) inches in any dimension and are one (1) inch or greater in depth;

(4) When settlement exceeding one (1) inch occurs in the slab where it joins the curb;

(5) When any substance such as expansion joint material, tree roots, valve boxes, etc., protrude through the slab to a height of one (1) inch or more;

(6) Any brick sidewalk or concrete steps in the sidewalk system which, in the judgment of the community development director, is hazardous to pedestrian traffic;

(7) When a sidewalk is not constructed in compliance with the sidewalk specifications and the departure from the specifications creates a condition hazardous to the safety of pedestrians in the judgment of the community development director.

(b) Notwithstanding the declaration of subsection (a) of this section, any defect enumerated in subsection (a) of this section which has been inspected by the community development director and found and noted in writing not to be a hazard, in the judgment of the community development director, under the particular circumstances surrounding the defect, shall not be treated as a hazard until such time as the community development director shall give notice to the abutting property owner that the defect constitutes a hazard.

(c) Any sidewalk in the city, regardless of whether it contains a defect enumerated in subsection (a) of this section, may be declared to be a hazard by the community development director when, in the judgement of the community development director, the condition of the sidewalk is hazardous to pedestrian traffic.
(Code 1971, § 30-21; Code 1987, § 23-30; Ord. No. 85-42, § 22, 1-6-1986)

Sec. 23-37. Permits; specifications; conformity to.

A permit must be obtained from the community development department for any construction, repair or improvement of a sidewalk prior to any construction, repair or improvement of such sidewalk; and all construction, replacement or improvement of sidewalks must comply with the sidewalk specifications approved by the city council and on file in the office of the community development department, except as provided in section 23-28.
(Code 1971, § 30-22; Code 1987, § 23-31; Ord. No. 85-42, § 23, 1-6-1986; Ord. No. 13-054, § 16, 10-21-2013)

Sec. 23-38. Appeals to board of adjustment.

Any decision of the community development director or requirement of this article or the sidewalk specifications may be appealed to the board of adjustment. An appeal of a decision based on this article shall be treated in like manner as an appeal from a building or zoning regulation; and the procedures, powers and restrictions set out for such appeals from such regulations by state statute and city ordinance shall apply to all appeals arising out of this article.
(Code 1971, § 30-23; Code 1987, § 23-32; Ord. No. 85-42, § 24, 1-6-1986)

State law reference—Appeals to board of adjustment, R.R.S. § 19-909.

Sec. 23-39. Suspension or revocation of permits.

The community development director, city administrator, mayor or the city council may, in writing, suspend or revoke a permit issued under the provisions of this division, whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any provisions of this division.
(Code 1987, § 23-33; Ord. No. 87-43, § 6, 12-21-1987)

Secs. 23-40—23-66. Reserved.

DIVISION 2. SNOW AND ICE REMOVAL*

Sec. 23-67. Clear sidewalks, duty of property owners/occupants.

(a) Every owner, occupant, lessee, person entitled to possession, or person having charge of any house, building, or vacant lot shall keep all sidewalks bordering such property clear and free from all obstructions or encroachments, so as to allow pedestrians to use the sidewalks with safety. This includes clearing and keeping clear such sidewalks, as well as any sidewalk ramps connecting such sidewalk to the street, from snow and ice no less than twenty-four (24) hours after any occurrence of snowfall, sleet, or freezing rain has ended. If snow and ice cannot be sufficiently removed to allow safe pedestrian travel by means of scooping, sweeping, or snow-blowing, the snow and ice remaining shall be covered with gravel, salt, or sand.

***State law reference—**Authority of city to require removal of snow and ice, R.R.S. § 16-663.

(b) Failure on the part of any person upon whom a duty is placed by the provisions of this section to perform such duty may result in the sidewalks being cleared at such person's expense and/or a criminal citation being issued to such person. Before the sidewalks may be cleared at such person's expense, a written notice shall be posted on the front door or other conspicuous place on the property ordering the immediate clearing of the sidewalks in compliance with this section and establishing a deadline for such work to be completed. The deadline shall be no less than twelve (12) hours after the notice is posted. If issued a criminal citation for noncompliance with this section, the violation shall be deemed a misdemeanor, the minimum fine for which shall be twenty-five dollars ($25.00). Each day that a violation of any of the provisions of this section continues shall constitute a distinct offense and shall be punishable as such.
(Code 1971, § 30-40; Code 1987, § 23-46; Ord. No. 18-038, § 1, 11-5-2018)

Sec. 23-68. Work done by city.

In case of noncompliance with the provisions of this division, the board of public works or its designated representative may have the sidewalks cleaned and report the cost thereof to the city council.
(Code 1971, § 30-41; Code 1987, § 23-47)

Sec. 23-69. Assessment of cost against property.

If the city shall clean sidewalks under the provisions of this division, the board of public works shall, within ten (10) calendar days of the cleaning of the sidewalks, send a bill to the abutting property owner, itemizing the city's expense and requesting payment therefor. If payment is not made within thirty (30) calendar days, the city council shall assess the cost thereof against the abutting real estate in the following manner: The board of public works shall, not later than May 1 of each year, report to the council the location of the sidewalks from which snow and ice has been removed, together with the description of the real estate abutting upon such sidewalk, and the cost of the removal of such snow and ice. Whereupon the council shall, at a regular meeting, by resolution, assess such cost against such real estate. Notice of the time of such meeting of the council for making such assessment and the purpose of such meeting shall be published once in a newspaper published and of general circulation in the city, at least ten (10) calendar days before the meeting of the council is held and a copy of the published notice shall be mailed to the property owner at his or her last known address within five (5) calendar days after the date of publication, or in lieu thereof, notice may be given such owner by personal service thereof five (5) calendar days before such meeting. Such assessment, when assessed as provided herein, shall be certified by the city clerk and delivered to the county treasurer on or before August 1 and shall be collected in the manner provided by law for the collection of general real estate taxes.
(Code 1971, § 30-42; Code 1987, § 23-48)

Sec. 23-70. Assessment declared lien.

The assessment of costs provided for by this division shall be a lien upon the real estate as of January 1 following the date of assessment and shall become delinquent as of May 1 following such date of assessment. Such delinquent lien shall draw interest at the rate of fourteen percent (14%) per annum from May 1 until paid in full.
(Code 1971, § 30-43; Code 1987, § 23-49)

Sec. 23-71. Collection of lien.

It shall be the duty of the county treasurer to collect the lien declared by this article in the same manner and at the same time as general taxes, and the items of said lien shall be receipted for on the same receipt blank as general real estate taxes.
(Code 1971, § 30-44; Code 1987, § 23-50)

Secs. 23-72—23-100. Reserved.

ARTICLE III. EXCAVATIONS AND PAVEMENT CUTS*

Sec. 23-101. Method of work to be performed.

(a) Any excavation work to be performed in any street, alley, or city right-of-way shall be performed in the following method:

(1) *Paved surfaces.*

a. All saw cuts in paved surfaces shall be a minimum of five (5) inches deep.

b. All backfill shall be low density. The city engineer or designee shall be on site when low density backfill is placed and prior to the concrete placement.

c. The excavated driving surface and subgrade shall be removed from the site the same day it is excavated, unless special permission is obtained from the city engineer.

d. Replacement surface patches in asphalt streets shall consist of concrete and shall be the greater of six (6) inches thick or match the existing pavement thickness.

e. Replacement surface patches in concrete streets or alleys that are eight (8) inches thick or less shall consist of concrete, shall be eight (8) inches thick and shall have No. 4 rebar 24-inch-long dowels on 24-inch centers drilled into the center of the thickness of the existing concrete pavement to tie the patch to the existing pavement.

f. Replacement surface patches in concrete streets or alleys that are greater than eight (8) inches thick shall consist of concrete, shall match the existing pavement thickness, and shall have No. 5 rebar 24-inch-long dowels on 24-inch centers drilled into the center of the thickness of the existing concrete pavement to tie the patch to the existing pavement.

***State law reference—**Municipal regulation of excavations, R.R.S. § 16-232.

g. Replacement surface patches on Court Street and 6th Street shall consist of concrete, shall be the greater of twelve (12) inches thick or match the existing pavement thickness, and shall have rebar dowels drilled into the center as required by the city engineer.

h. Replacement surface patches in concrete streets where a longitudinal saw joint is removed shall have No. 4 rebar thirty (30) inches long on forty-eight (48) inch centers along the new longitudinal joint.

i. All transverse and longitudinal saw cuts shall be completed to a depth one-fourth (¼) of the depth of the concrete thickness.

j. The street department, at the city's cost, will complete any necessary joint crack filling.

k. There shall be a minimum of one (1) foot of undisturbed soil completely around the excavation to the existing pavement.

l. All concrete shall be 47B with seven (7) calendar days of barricaded cure time or eight (8) sack 47B with at least one (1) calendar day of barricaded cure time.

m. All concrete shall be vibrated, finished with a broom or burlap drag, and cured with white curing compound.

n. If the temperature is predicted to be below twenty-eight (28) degrees Fahrenheit during the barricaded cure time required in this section, then the contractor shall cover the replacement surface patches with insulated blankets until the concrete is seventy-two (72) hours old.

o. Existing sidewalks, driveways, and sod shall be removed and replaced new to match the existing area.

p. Contractor shall warranty the replacement surface patches and trench settlement for five (5) years.

(2) *Non-paved surfaces.*

a. Replacement surface patches in rocked alleys or gravel roads shall be constructed the same way as non-paved surfaces, except the replacement surface patches shall consist of four (4) inches of rock or gravel to match the existing road surface. Limestone one and one-half (1½) inch rock from Weeping Water shall be used.

b. Replacement surface patches in grass, dirt, or other non-paved surfaces shall consist of sod or other materials to match the existing area.

c. The existing soil from the trench shall be set aside, work completed and inspected by either the community development office or the city engineer's office. State department of roads road gravel or one-inch (1") limestone rock shall be used to bed around the work and one (1) foot above. Then the existing soil shall be rolled back in place in eight-inch (8") lifts while in the presence of the city engineer's office. Once the excavation is completed, the replacement surface patch shall be placed.

d. Existing sidewalks, driveways, and sod shall be removed and replaced new to match the existing area.

e. Contractor shall warranty the replacement surface patches and trench settlement for five (5) years.

(b) The city engineer shall make the final decision of any questions regarding the interpretation of this article.
(Code 1971, § 30-56; Code 1987, § 23-62; Ord. No. 85-42, § 26, 1-6-1986; Ord. No. 13-027, § 3, 6-17-2013)

Sec. 23-102. Revocation or suspension of permits.

The community development director or the city engineer may suspend or revoke a permit issued under the provisions of this article, whenever the permit is issued in error, incorrect information was supplied on the permit application, or the work being performed is in violation of any ordinance, regulation, or any provisions of this article.
(Code 1971, § 30-57; Code 1987, § 23-63; Ord. No. 85-42, § 27, 1-6-1986; Ord. No. 13-027, § 4, 6-17-2013)

Sec. 23-103. Closing streets for private uses.

(a) Any person may request the closing of any street, alley, public place or highway by requesting permission as outlined in section 23-124.

(b) A barrier, sign, or placard shall be placed at each entrance of the portion of the street, alley, public place or highway to be closed, and shall sufficiently indicate to the public that such street, alley, public place, or highway is closed. The city traffic engineer shall regulate the appropriate use of barriers, signs, and placards outlined herein.

(c) No person shall drive or attempt to drive any vehicle on such street, alley, public place or highway properly withdrawn from public use as outlined above. Fire and police vehicles operated by the city and school buses operated by a public school or under contract with a public school are specifically excluded from the provisions of this subsection.
(Code 1971, § 32-5.1; Code 1987, § 16-8; Ord. No. 95-14, § 1, 3-6-1995; Ord. No. 13-056, § 1, 10-21-2013; Ord. No. 18-037, § 1, 11-5-2018)

Sec. 23-104. Injuring pavement, curb, curb and gutter or sidewalk.

No person shall drive, draw or back any vehicle upon or against any pavement, curb, curb and gutter or sidewalk, within any street or alley in such manner as to crack, break or otherwise injure or deface such pavement, curb, curb and gutter or sidewalk, and no person shall within such city throw or drop upon any pavement, curb, curb and gutter or sidewalk anything of substance in such a manner as to crack, break, injure or deface such pavement, curb, curb and gutter or sidewalk.
(Code 1971, § 32-6; Code 1987, § 16-9)

State law reference—Injuries to roads, etc., R.R.S. § 39-304.

Sec. 23-105. Spilling contents of load onto streets.

(a) Except as provided in subsection (c) of this section for a vehicle that contained livestock, but still contains the manure or urine of such livestock, no vehicle shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping from the vehicle.

(b) Except as provided in subsection (c) of this section for a vehicle that contained livestock, but still contains the manure or urine of such livestock, no person shall transport any sand, gravel, rock less than two inches in diameter, or refuse in any vehicle on any hard-surfaced state highway if such material protrudes above the sides of that part of the vehicle in which it is being transported unless such material is enclosed or completely covered with canvas or similar covering.

(c) Except as provided in subsection (e) of this section for commercial motor vehicles and commercial trailers, no person shall drive or move a motor vehicle, trailer, or semitrailer upon any highway unless the cargo or contents carried by the motor vehicle, trailer, or semitrailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment used in the operation of the motor vehicle, trailer, or semitrailer or in the distributing or securing of the cargo or contents carried by the motor vehicle, trailer, or semitrailer shall be secured to prevent cargo or contents falling from the vehicle. The means of securement to the motor vehicle, trailer, or semitrailer must be either tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to ensure that cargo or contents will not fall from the vehicle.

(d) Any person who violates any provision of subsection (a), (b) or (c) of this section is guilty of a Class IV misdemeanor.

(e) No person shall drive or move a commercial motor vehicle or commercial trailer upon any highway unless the cargo or contents carried by the commercial motor vehicle or commercial trailer are properly distributed and adequately secured to prevent the falling of cargo or contents from the vehicle. The tailgate, doors, tarpaulins, and any other equipment used in the operation of the commercial motor vehicle or commercial trailer or in the distributing or securing of the cargo or contents carried by the commercial motor vehicle or commercial trailer shall be secured to prevent cargo or contents falling from the vehicle. The structures, systems, parts, and components used to secure the cargo or contents shall be in proper working order with no damaged or weakened components that affect performance so as to cause the cargo or contents to fall from the commercial motor vehicle or commercial trailer. The means of securement to the commercial motor vehicle or commercial trailer shall be either tiedowns and tiedown assemblies of adequate strength or sides, sideboards, or stakes and a rear endgate, endboard, or stakes strong enough and high enough to ensure that cargo or contents will not fall from the commercial motor vehicle or commercial trailer. Violation of this subsection is an infraction, and the person driving or moving a commercial motor vehicle or commercial trailer in violation of this subsection shall be fined two hundred dollars ($200.00) for the first offense and five hundred dollars ($500.00) for a second or subsequent offense. For purposes of this subsection:

(1) Commercial motor vehicle has the same meaning as in R.R.S. § 60-316; and

(2) Commercial trailer has the same meaning as in R.R.S. § 60-317.

(Code 1971, § 32-7; Code 1987, § 16-10)

State law reference—Similar provisions, R.R.S. § 60-6-304.

Secs. 23-106—23-123. Reserved.

ARTICLE IV. SIGHT OBSTRUCTIONS AT INTERSECTIONS*

DIVISION 1. GENERALLY

Sec. 23-124. Obstructions prohibited generally; exception by permission.

It shall be unlawful for any person to place in or upon any street, alley, sidewalk or public right-of-way in the city any substance or thing obstructing or encroaching upon such street, alley, sidewalk, or public right-of-way or to obstruct the same in any manner whatsoever, without the proper prior approval.

(1) In the case of a temporary obstruction or encroachment:

a. If the substance or thing encroaching upon a street, alley, sidewalk, or public right-of-way will be placed in such a way so as not to impede or obstruct normal vehicle and pedestrian traffic (e.g., landscaping material placed on the street and confined to a location where a car could otherwise lawfully park), approval must be obtained from the city engineer and community development director.

b. If the substance or thing encroaching upon a street, alley, sidewalk, or public right-of-way could impede or obstruct pedestrian and/or vehicle traffic, or when requesting to block off a street for other private uses, approval must be obtained from the city administrator, the fire chief, the chief of police, and the street superintendent.

(2) In the case of an obstruction or encroachment that will remain indefinitely, including, but not limited to, the installation or placement of retaining walls, yard landscaping items, trees, shrubs, bushes, and other vegetation, or if performing excavation in any street, alley, sidewalk, or public right-of-way, an encroachment permit shall be required. Encroachment permits shall be obtained from the community development department and shall require the payment of a fee established by resolution adopted by the city council.

(Code 1971, § 30-73; Code 1987, § 23-81; Ord. No. 85-42, § 28, 1-6-1986; Ord. No. 92-34, § 3, 8-3-1992; Ord. No. 92-56, § 1, 10-5-1992; Ord. No. 18-037, § 2, 11-5-2018)

Sec. 23-125. Notice to remove.

Every person creating or maintaining an obstruction or encroachment of any street, alley or sidewalk within the city in violation of this article shall be notified, in writing, by the community development director to remove the same within a period of time specified in such notice.

(Code 1971, § 30-74; Code 1987, § 23-82; Ord. No. 85-42, § 29, 1-6-1986)

***State law reference—**Municipal regulation of certain obstructions of streets and sidewalks, R.R.S. § 16-207.

Sec. 23-126. Failure to obey notice.

Failure of any person to comply with any notice to remove an obstruction or encroachment issued in compliance with this article within the time specified in such notice shall be deemed a misdemeanor.
(Code 1971, § 30-75; Code 1987, § 23-83)

Sec. 23-127. Removal by city.

If any person shall fail or refuse to comply with a notice to remove an obstruction or encroachment under the provisions of this article, the board of public works shall have the same done; and for such purpose, the board of public works is authorized to enter upon any premises within the city.
(Code 1971, § 30-76; Code 1987, § 23-84; Ord. No. 85-42, § 30, 1-6-1986)

Sec. 23-128. Liability for costs.

If the person responsible for any obstruction or encroachment in violation of this article shall fail to remove the same and such removal is done or performed by the board of public works under the authority of this article, all expenses incurred in such removal shall be borne by the responsible person. If such person shall fail or refuse to pay such expense to the city upon demand, the same shall be recovered in an action in the name of the city.
(Code 1971, § 30-77; Code 1987, § 23-85; Ord. No. 85-42, § 31, 1-6-1986)

Sec. 23-129. Unlawful deposits of snow or ice.

(a) It is hereby declared unlawful for any person to place in or upon any street any snow or ice, provided this prohibition shall not extend to snow from sidewalks in business districts prior to snow being cleared from the street adjacent to the sidewalk by the city.

(b) Any person, firm or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not to exceed one hundred dollars ($100.00). Each day shall constitute a separate offense.
(Code 1971, § 30-79; Code 1987, § 23-87)

Secs. 23-130—23-156. Reserved.

DIVISION 2. SIGHT OBSTRUCTIONS AT INTERSECTIONS

Sec. 23-157. Maximum height, restricted area.

(a) It shall be unlawful for any person to install, plant, place, set out or maintain, or to allow to be installed, planted, placed, set out or maintained, or to permit to exist any tree, hedge, shrubbery, plant, natural growth, sign or other obstruction to the view within the sight triangle, that being the

triangular area bounded by a diagonal line joining points measured thirty (30) feet from the intersection point of the tangent lines of the curb or traveled way, on property at any corner formed by intersecting streets, which is higher than two (2) feet six (6) inches above either:

(1) The top of the curb return at the applicable corner of the intersection; or

(2) The nearest roadway surface, where there is no curb.

(b) Any obstruction maintained or existing in violation of this section shall be deemed a public nuisance.

(c) The city engineer may enlarge the sight triangle beyond thirty (30) foot diagonal lines for a particular intersection if he/she determines that the topography of the land near that intersection is such that a thirty (30) foot sight triangle would not provide sufficient visibility.
(Code 1971, § 30-84; Code 1987, § 23-101; Ord. No. 19-031, § 1, 8-5-2019)

Sec. 23-158. Application of restrictions.

The provisions of this division shall not apply to permanent buildings, public utility poles, young saplings or trees trimmed to the trunk so as to permit unobstructed cross visibility to a line at least six (6) feet above the level of the reference point as defined in section 23-157, official traffic signs as defined by the provisions of this Code and ordinances and resolutions of the city and amendments thereto, or to places where the contour of the ground is such that there can be no cross visibility at the intersection.
(Code 1971, § 30-85; Code 1987, § 23-102)

Sec. 23-159. Notice to remove—Issuance.

If any tree, hedge, shrubbery, planting, natural growth, sign or other obstruction is installed, planted, placed, set out or maintained or permitted to exist in violation of this division, the city shall give the owner of the premises upon which the obstruction exists written notice that the tree, hedge, shrubbery, planting, natural growth, sign or other obstruction violates the requirements of this division, creating a hazard to the safety of those persons using the streets. The notice shall inform such owner that if the obstruction is not destroyed or removed or trimmed to comply with the provisions of this division within ten (10) calendar days from the date of notice, the city shall perform the required act and shall assess the cost thereof against the property.
(Code 1971, § 30-87; Code 1987, § 23-104)

Sec. 23-160. Notice to remove—Service; sign posted.

The notice to remove an obstruction issued under the provisions of this division shall be given to the owner of the premises on which such obstruction exists by personal service and, if written notice cannot be personally served upon the owner in the city, the notice shall be sent by registered mail to the owner at his or her last known address, and published once in a daily newspaper of general

circulation in the city. In addition thereto a sign shall be posted in the sidewalk space adjacent to the premises in question, stating that the obstruction is deemed a public nuisance and should be removed.
(Code 1971, § 30-88; Code 1987, § 23-105; Ord. No. 13-054, § 17, 10-21-2013)

Sec. 23-161. Removal by city.

If any obstruction existing in violation of this division is not destroyed, removed or trimmed to comply with the requirements of this article within five (5) calendar days from the date of notice, the board of public works or the chief of police shall destroy, remove or trim the obstruction and the cost shall be assessed against the property on which such obstruction exists.
(Code 1971, § 30-89; Code 1987, § 23-106)

Sec. 23-162. Assessment of abatement cost.

The cost and expense of removal or abatement of any obstruction under the provisions of this division shall be determined and equalized at a regular meeting of the city council by resolution and assessed as a special assessment against the real estate upon which such obstruction existed. Notice of the time and purpose of such meeting of the council for the making of such assessment shall be given not less than five (5) calendar days prior to such meeting. The notice shall be given such owner by personal service, and if personal service of such notice cannot be made in the city, the notice shall be sent by registered mail to the owner at his or her last known address and published once in a daily newspaper of general circulation in the city.
(Code 1971, § 30-90; Code 1987, § 23-107)

Sec. 23-163. Collection of assessment.

Any assessment made under the provisions of this division shall be certified by the city clerk and delivered to the county treasurer and shall be collected in the manner provided by law for the collection of general real estate taxes. Such assessment shall be a lien upon such real estate from the date of assessment, shall be due immediately upon being certified to the county treasurer for the city and shall become delinquent December 1 after the date of assessment, and shall draw interest at the rate of fourteen percent (14%) per annum from date of delinquency until paid. It shall be the duty of the county treasurer to collect the amount of such assessment in the same manner and at the same time as general taxes and the items of such assessment shall be receipted for on the same receipt blanks as general real estate taxes.
(Code 1971, § 30-91; Code 1987, § 23-108)

Secs. 23-164—23-194. Reserved.

ARTICLE V. HOUSE NUMBERING*

Sec. 23-195. Required.

Every building or other structure within the city shall be numbered by the owner or occupant thereof in accordance with the provisions of this article.
(Code 1971, § 30-102; Code 1987, § 23-126)

Sec. 23-196. Base lines.

For the purposes of this article, Court Street and the stream known as the Big Blue River shall constitute base lines, from which the numbers of the buildings fronting or situated on streets extending from such lines on either side shall commence.
(Code 1971, § 30-103; Code 1987, § 23-127)

Sec. 23-197. North, south streets; number designation.

All those portions of any and all streets intersecting Court Street, which lie north of Court Street, shall be known and designated by the prefix "north" and those which lie south of Court Street by the prefix "south" to the names of such streets, respectively, the odd numbers being placed on the buildings situated on the west side and the even numbers on buildings situated on the east side of such streets.
(Code 1971, § 30-104; Code 1987, § 23-128)

Sec. 23-198. East, west streets; number designation.

All those portions of any and all streets extending from the Big Blue River west shall be known and designated by the prefix "west" and those which lie east of such river by the prefix "east" to the names of such streets, respectively, the odd numbers being placed on buildings situated on the south side, and the even numbers on buildings situated on the north side.
(Code 1971, § 30-105; Code 1987, § 23-129)

Sec. 23-199. Numbering of blocks.

The numbering shall commence on each street with the number 100 at the base lines provided by this article, and progress successively through the first block, then commencing on the second block with the number 200, the third block with the number 300, so on through the entire length of each street, commencing each block with even hundreds.
(Code 1971, § 30-106; Code 1987, § 23-130)

Sec. 23-200. Apportionment of numbers.

Each block shall be divided in the numbering so that there shall be one (1) number allowed, so far as practicable, for every twenty-five (25) feet of ground fronting on the several streets.
(Code 1971, § 30-107; Code 1987, § 23-131)

***State law reference—**Numbering of houses along streets, R.R.S. § 16-614.

Sec. 23-201. Size of posted numbers.

The figure of every number required by this article shall not be of less dimensions than two and one-half (2½) inches in length.
(Code 1971, § 30-109; Code 1987, § 23-134)

Secs. 23-202—23-225. Reserved.

ARTICLE VI. POLES AND WIRES*

Sec. 23-226. Definitions.

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

Poles and wires means and includes poles, wires, gas mains, pipelines and other appurtenances of public service companies.
(Code 1971, § 30-150; Code 1987, § 23-151)

Sec. 23-227. Location generally.

Poles and wires of public service companies shall be erected or located over, upon or under the streets, alleys and common grounds or elsewhere, within the city.
(Code 1971, § 30-151; Code 1987, § 23-152)

Sec. 23-228. Permit—Required.

Before any poles and wired shall be erected or located within the city, the public service utility company desiring the same shall first obtain a written permit.
(Code 1971, § 30-152; Code 1987, § 23-153)

Sec. 23-229. Permit—Application.

Any person desiring a permit required by this article shall file his or her application therefor with the city, stating the proposed location of the poles and wires, the reason therefor, and such other information relative thereto as the city shall require.
(Code 1971, § 30-153; Code 1987, § 23-154)

Sec. 23-230. Application for underground installation.

Any gas, water or other company having a franchise for underground construction before doing any work in any street or alley shall file with the city a map of its proposed work, stating the caliber and

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***State law references—**Transmission lines, R.R.S. § 75-701 et seq.; pipeline carriers, R.R.S. § 75-501 et seq.; natural gas pipeline safety, R.R.S. § 81-542 et seq.

weight of pipe and other material to be used, location of valves, and manner of doing the proposed work, which map, together with the company's application for permit, shall be made matters of public record in the files of the city which are kept and preserved at all times in the office of the city.
(Code 1971, § 30-154; Code 1987, § 23-155)

Sec. 23-231. Relocation at request of council.

Public service companies granted right-of-way for the erection and maintenance of poles, conduits, gas mains, pipelines and wires, and all appurtenances thereto, for the purpose of transacting their business upon, under and over the streets, alleys and public grounds of the city shall at all times, when requested by the city council, erect, locate or relocate their poles, wires, gas mains, pipelines and other appurtenances to such places and in such manner as designated by the council. Such poles and wires shall be removed or relocated by such companies at their own expense when requested by the council so to do.
(Code 1971, § 30-156; Code 1987, § 23-157)

Sec. 23-232. Resolution directing relocation.

Whenever it becomes necessary for the city to use the ground where the poles and wires are located, or whenever reasonable means of ingress or egress to private or public property or the public safety or convenience requires the relocation of the poles and wires which now occupy any portion of the public street or alley from lot line to lot line, the council shall so order by resolution.
(Code 1971, § 30-157; Code 1987, § 23-158)

Sec. 23-233. Notice of resolution.

Whenever the city council shall enact a resolution requiring the relocation of poles and wires, the board of public works shall notify the public utility company owning such poles and wires of such resolution.
(Code 1971, § 30-158; Code 1987, § 23-159)

Sec. 23-234. Compliance with resolution.

The public utility service company shall, within twenty-four (24) hours after receiving notice of a resolution ordering relocation of its poles and wires, at their own expense, cause such poles and wires to be removed. The city council shall designate some place, as close as possible, where poles and wires may be reset or placed.
(Code 1971, § 30-159; Code 1987, § 23-160)

Sec. 23-235. Interference with other utility systems.

All poles and wires shall be erected in such a manner that they will not interfere with the equipment or apparatus of the sewer system or of any other public utility of the city located on the same street or alley, or with the travel through the streets and alleys of the city, or with the buildings now erected or which may be erected.
(Code 1971, § 30-160; Code 1987, § 23-161)

Sec. 23-236. Placement in alleys.

When permitted, poles and wires shall be confined to the alleys in the city where possible.
(Code 1971, § 30-161; Code 1987, § 23-162)

Sec. 23-237. Depth of underground mains, pipes.

All gas mains and gas pipes laid or relaid in the city shall be laid at a depth in the ground at least three (3) feet below the established grade of the street or alley, in, over or across which such gas mains or pipes may be laid.
(Code 1971, § 30-162; Code 1987, § 23-163)

Secs. 23-238—23-267. Reserved.

ARTICLE VII. PERMITS FOR USE OF STREET SPACE

Sec. 23-268. Permit required.

It shall be unlawful for any person to use any space above or underneath the surface of any street, alley, sidewalk, or other public ground within the city for the installation, operation, and maintenance of any fiber optic cable, coaxial cable, or other communication cable unless such person has received a permit from the city. This article shall not apply to any cable installed or operated by the holder of any franchise granted by the city for telephone or cable communication purposes.
(Code 1987, § 23-180; Ord. No. 99-70, § 2, 10-4-1999)

Sec. 23-269. Application for permit.

Application for such permit shall be made in writing to the city, and such application shall include a site plan which shall specifically show the space desired, its length, breadth, and height or depth, and the use intended to be made thereof. Any additions or changes to the uses permitted shall require a new permit. If the cable is proposed to be located above ground on new poles to be installed by the applicant, the applicant must show to the satisfaction of the city that no existing poles are reasonably available to otherwise support the cable and that the applicant has acquired the right to use all such existing poles as are reasonably available.
(Code 1987, § 23-181; Ord. No. 99-70, § 3, 10-4-1999)

Sec. 23-270. Construction specifications.

The work shall be constructed in accordance with plans and specifications approved by the board of public works. The cable shall be attached to poles in accordance with the National Electrical Code adopted as the official electrical code for the city or laid to a minimum depth of three and one-half (3½) feet from the top of the cable to the surface of the ground. All land surfaces and all pavement shall be restored to their original condition after the work is completed on each segment of the project. As-built drawings shall be furnished to the city by the permittee to show the precise locations, depths, and the nature of all materials installed in accordance with the permit. The city shall have the right at any time when in its judgment it becomes necessary or advisable to require a change of

location of said cable as a matter of safety, or on account of a change of grade, resurfacing, repair, reconstruction of any street, alley, sidewalk, or other public ground or the construction of any structure thereon, or for any other reason, all of which shall be done at the cost and expense of the permittee in a good and workmanlike manner.
(Code 1987, § 23-182; Ord. No. 99-70, § 4, 10-4-1999)

Sec. 23-271. Public liability insurance.

In addition to the bond, the applicant for the permit required by this article shall be required to:

(1) At all times maintain public liability insurance in the form of a commercial or comprehensive general liability policy, or an acceptable substitute policy form as permitted by the city attorney, with a minimum combined single limit of five hundred thousand dollars ($500,000.00) aggregate for any one (1) occurrence. The coverages required herein shall be subject to review and approval by the city attorney for conformance with the provisions of this section;

(2) At all times keep on file with the city clerk a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the state and approved by the city attorney for conformance with the provisions of this section evidencing the existence of valid and effective policies of insurance naming the city as an additional insured for the coverage required by subsection (1) of this section, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring thirty (30) calendar days' notice by mail to the city clerk before the insurer may cancel the policy for any reason, and upon request of the city clerk or the city attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Any termination or lapse of such insurance shall automatically revoke any permit issue pursuant to this article.

(Code 1987, § 23-183; Ord. No. 99-70, § 5, 10-4-1999)

Sec. 23-272. Interference with wastewater, gas, or water pipes.

No person shall ever use the space above or under any such street, alley, or public ground in such manner as to interfere with any traffic control cable, wastewater collector, gas, water, any cable installed or operated by the holder of any franchise or other authorization granted by the city, or any other public works utilities lawfully in such street, alley, or other public ground unless by consent of the city council especially granted by resolution; and no such permit shall be granted until the applicant therefor has deposited with the board of public works a sum of money equal to the estimated cost prepared by the board of public works to defray the cost and expense of removing, replacing, and relaying such traffic control cable, wastewater collector, gas, water pipes, any cable installed or operated by the holder of any franchise, or other authorization granted by the city, or other public works or utilities, and making the necessary connections therewith. Each and every applicant disturbing any such traffic control cable, wastewater collector, gas, water pipes, any cable installed or operated by the holder of any franchise, or other authorization granted by the city, or other public works or utilities, shall, within ten (10) calendar days after disturbing it, restore the same to such condition as will meet with the approval of the board of public works. When such traffic control cable,

wastewater collector, gas, water pipes, any cable installed or operated by the holder of any franchise, or other authorization granted by the city, or other public works or utilities are so restored by said applicant, the sum so deposited with the board of public works shall be refunded to such applicant less any sums which may be necessary to defray any damages which might arise from such disruption. If such applicant shall fail to restore such traffic control cable, wastewater collector, gas, or water pipes, any cable installed or operated by the holder of any franchise, or other authorization granted by the city, or other public works or utilities within ten (10) calendar days after the same is disturbed, then the board of public works shall cause the same to be restored in a manner meeting with the board's approval, and the cost thereof shall be paid out of the sum thus deposited plus any deficiency and amounts referred to in section 23-274.
(Code 1987, § 23-184; Ord. No. 99-70, § 6, 10-4-1999)

Sec. 23-273. Revocation of permit; removal of structure.

(a) A permit issued under this article may be revoked by resolution of the city council upon a finding by them of such fact and the giving of five (5) calendar days' written notice to such person by the city clerk, for the following reasons:

(1) Failure of the permit holder to pay the occupation tax and other compensation required within thirty (30) calendar days after the date for payment is due;

(2) Failure or neglect of the permit holder to comply with the provisions of this article or any of the provisions of this Code or provisions of the permit;

(3) Failure to use the space for which the permit was granted for a continuous period of at least six (6) months; or

(4) Upon a determination by the city that the space for which the permit was granted is needed for public use.

(b) Upon revocation of a permit, the permit holder shall forthwith remove or abandon the optic fiber cable from the space for which the permit was granted at his/her own cost and expense and return that space to the City of Beatrice free and clear of all encroachments of any type, at no expense to the city. Such space shall be filled to the satisfaction of the board of public works at the expense of the permit holder. If a removal, abandonment, or fill has been requested and the said removal, abandonment, or fill is not completed within six (6) months after revocation of such permit, the city council may cause such removal, abandonment, or fill to be so done, and the costs of such work shall become a lien against the property of the permit holder.
(Code 1987, § 23-185; Ord. No. 99-70, § 7, 10-4-1999)

Sec. 23-274. Franchise requirements; fees.

(a) Persons whose lines and facilities, which are placed in the public street, alley, sidewalk, or other public ground, are used to derive revenue from third party retail customers and who wish to serve more than five (5) retail customers in the city shall be required to secure a telephone franchise, a cable franchise, or a telecommunication franchise from the city.

(b) All applicants shall, within thirty (30) calendar days after written demand therefor, reimburse the city for all direct and indirect costs and expenses, including those incurred by city personnel and attorneys as well as outside consultants, engineers, and attorneys, in connection with any issuance, review, grant, modification, amendment, renewal or transfer of a permit. All payments made under the provisions of this article shall be made to the city treasurer and he/she is the collector thereof.
(Code 1987, § 23-186; Ord. No. 99-70, § 8, 10-4-1999)

Secs. 23-275—23-296. Reserved.

ARTICLE VIII. DRIVEWAY STANDARDS AND PERMITS

Sec. 23-297. Definitions.

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

Alteration of a curb means the cutting, breaking, lowering, or removing of any portion of curb in the public right-of-way.

City engineer means the city engineer or designee.

Driveway approach means an area of the public right-of-way located between the roadway and property adjacent to the public right-of-way which is intended to provide access for vehicles from the roadway to the adjacent property.

Ordinary repairs means any alteration, construction, reconstruction, relocation, removal or other improvement of a driveway approach consisting of less than fifty percent (50%) of the square footage of the driveway approach located within the public right-of-way.

Person means and includes a person, a corporation, or any type of business or nonbusiness organization.

Regulations means the city guidelines and regulations under the city access management policy as approved and adopted by the city council through resolution.

Roadway means the portion of the public right-of-way which is improved or designed to accommodate through vehicular traffic or on which through vehicles ordinarily travel.
(Code 1987, § 23-201; Ord. No. 23-23, § 1, 8-21-2023)

Sec. 23-298. Policy.

(a) It is the policy of the city to promote the safe and efficient travel of persons on the public right-of-way and to preserve the capacity of the roadway to accommodate such travel.

(b) The issuance, denial, modification, and revocation of encroachment permits and the ordering of the removal, reconstruction, relocation, or alteration of any driveway approach may be used to implement this policy.
(Code 1987, § 23-202; Ord. No. 23-23, § 2, 8-21-2023)

Sec. 23-299. Unlawful to alter curb.

(a) It shall be unlawful for any person, except an encroachment permitholder, to alter a curb in the public right-of way within the corporate limits of the city or within two (2) miles of the corporate limits thereof.

(b) This section is not intended to apply to any alteration of curbs accomplished by employees of the city acting within the scope of their employment or persons authorized by the city through special contractual arrangements to alter curbs.
(Code 1987, § 23-203; Ord. No. 23-23, § 3, 8-21-2023)

Sec. 23-300. Encroachment permit required; exceptions.

(a) Except as otherwise provided in this section, it shall be unlawful for any person to use, construct, reconstruct, relocate, or alter a driveway approach within the city or within two (2) miles of the corporate limits thereof without first having obtained an encroachment permit issued by the city.

(b) An encroachment permit is required for all driveway approaches on all public rights-of-way, even if the roadway is uncurbed, unpaved, or unimproved.

(c) Except as otherwise provided in this section, curb alterations shall not be made unless and until an encroachment permit is properly obtained.

(d) An encroachment permit is not required:

(1) For ordinary repairs to the driveway approach;

(2) For the continued use of a driveway approach which exists at the time of passage of the ordinance from which this article is derived until such time as the driveway approach is proposed to be reconstructed, relocated, altered, or removed, either voluntarily or by order of the city engineer;

(3) For driveway approaches serving property used exclusively for farm or single-family residential purposes located outside the corporate limits of the city and consent from the official of the county responsible for public right-of-way in the county has been obtained for the driveway approach; or

(4) For all driveway approaches on state highways outside of the corporate limits of the city and consent from the state has been obtained for the driveway approach.
(Code 1987, § 23-204; Ord. No. 23-23, § 4, 8-21-2023)

Sec. 23-301. Permit application procedure.

The owner of the property to be served by the driveway approach or the owner's representative authorized to bind the owner as to decisions on the driveway approach shall make application for an encroachment permit in the office of the community development department and at the time of application shall supply:

(1) The legal description and street address of the property;

(2) The name of the owner of the property;

(3) The name of the person authorized by the owner to make decisions concerning the driveway approach binding on the owner;

(4) The telephone number of the owner or owner's representative;

(5) A site plan of the area of the property in such detail and quantity as the regulations require;

(6) Other information required by the regulations or other information which the city engineer shall deem reasonably necessary to determine compliance with the laws and standards governing driveway approaches; and

(7) A non-refundable application fee established by resolution and adopted by the city council.
(Code 1987, § 23-205; Ord. No. 23-23, § 5, 8-21-2023)

Sec. 23-302. City engineer's powers as to permit applications.

(a) The city engineer, or designee, shall review and may approve or deny all permit applications.

(b) Before the denying a permit application, the city engineer, or designee, will indicate the standards or requirements that prevent approval of the permit application. If the applicant wants to continue with the current design, the permit applicant shall make a request for deviation and the city engineer shall process deviation requests in accordance with this chapter and the access management policy.
(Code 1987, § 23-206; Ord. No. 23-23, § 6, 8-21-2023)

Sec. 23-303. Requests for deviation.

A request for a deviation shall be submitted by the applicant in writing to the city engineer as provided in the access management policy.
(Code 1987, § 23-207; Ord. No. 23-23, § 7, 8-21-2023)

Sec. 23-304. Appeal of city engineer's decision for deviation request.

The decision of the city engineer on a request for a deviation may be appealed by the permit applicant to the board of adjustment by filing a notice of appeal with the city clerk within fourteen (14) calendar days following the date of the decision of the city engineer. Requests for appeal hearings shall be accompanied by a filing fee in an amount established by resolution and adopted by the city council. Such requests that are not accompanied by the required filing fee or that are received after the expiration of the fourteen (14) calendar day period to make such a request shall be considered invalid. Upon receipt of a valid request for an appeal hearing and the filing fee, the board of adjustment shall hold an appeal hearing within thirty (30) calendar days from the date of receipt of the request to appeal. The board of adjustment may make such decision on the deviation request as ought to be made and either approve, approve with modification, or deny the deviation request. The decision regarding the deviation request will affect the permit application and the board of adjustment will, at the same hearing, make a determination on the encroachment permit and either deny the permit or approve the permit with the deviation request approved, with the deviation request

approved as modified or with the deviation request denied. The decision by the board of adjustment on the encroachment permit is the final decision and may be appealed in accordance with state law.
(Code 1987, § 23-208; Ord. No. 23-23, § 8, 8-21-2023)

Sec. 23-305. Appeal of encroachment permit on state or federal controlled route.

Access on a state or federal controlled route requires the permit applicant to seek approval of the state or federal government pursuant to their permit application processes and seek approval of the city pursuant to this chapter and the policy. If the state or federal government denies the state or federal access permit, the city engineer will deny the city encroachment permit and such denial shall be a final decision and may be appealed to district court pursuant to state law. If the state or federal government approves the state or federal access permit, the city engineer will either approve or deny the encroachment permit. If denied, the denial may be appealed by the permit applicant to the board of adjustment in the same manner as provided in section 23-304. The decision by the board of adjustment on the encroachment permit is the final decision and may be appealed in accordance with state law.
(Code 1987, § 23-209; Ord. No. 23-23, § 9, 8-21-2023)

Sec. 23-306. Criteria for permit approval.

The permit application shall be approved and a driveway approach permitted only when the driveway, storage, circulation patterns, and parking areas for vehicles on the property served, the application, and the driveway approach meet the requirements of this Code and the regulations.
(Code 1987, § 23-210; Ord. No. 23-23, § 10, 8-21-2023)

Sec. 23-307. Expiration of permit.

(a) The permit shall expire and become null and void if the construction, reconstruction, relocation, or alteration of the driveway approach is not commenced within one hundred eighty (180) calendar days from the date of issuance of such permit or, if, after commencement, such work is suspended or abandoned at any time for a period of one hundred eighty (180) calendar days. Before such work can be recommenced, a new permit shall be first obtained to do so. No refunds or credits shall be given on permits which have expired.

(b) Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit. The city engineer, or designee, may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) calendar days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.
(Code 1987, § 23-211; Ord. No. 23-23, § 11, 8-21-2023)

Sec. 23-308. Limitations on use of driveway approach.

It shall be unlawful for a person to use or the owner of the property served to permit the use of a driveway approach for which a encroachment permit is required before any of the following:

(1) The encroachment permit has been granted;

(2) The driveway approach has received final inspection approval from the city engineer or designee;

(3) The work on the driveway approach is completed in accordance with the permit terms.
(Code 1987, § 23-212; Ord. No. 23-23, § 12, 8-21-2023)

Sec. 23-309. Terms of permit; unlawful to violate.

(a) The terms of the encroachment permit are this Code, the regulations, the site plan and design approved by the city engineer, or designee, and such other terms which are placed in writing on the site plan or permit by the city engineer or designee.

(b) It shall be unlawful to use, construct, reconstruct, relocate, or alter a driveway approach in any manner not authorized by the permit terms.
(Code 1987, § 23-213; Ord. No. 23-23, § 13, 8-21-2023)

Sec. 23-310. Driveway approach standards.

(a) The permit terms and all driveway approaches in subsection (b) of this section which are required to have encroachment permits shall comply with these standards.

(b) The driveway approaches shall be designed so that under the circumstances for the property:

(1) Reasonable access from the roadway to the property is afforded;

(2) The separation between the driveway approach and other driveway approaches and intersections is the maximum attainable;

(3) The area and number of points where conflicts can occur between vehicles using the driveway approach and through vehicles on the roadway and pedestrians on the public right-of-way is kept to a minimum;

(4) The differential in speeds between the vehicles using the driveway approach and through vehicles on the roadway is kept as low as practical;

(5) The driver of a vehicle entering or leaving the roadway from a driveway has the maximum unobstructed view of other vehicles using the roadway;

(6) The maximum safety and efficiency of right- and left-turning vehicles using the driveway is afforded;

(7) The frequency of vehicles which must stop or substantially reduce their speed on the roadway because of the actions of vehicles entering or leaving the driveway approach is kept to a minimum;

(8) The maximum safety, efficiency, and capacity of the roadway is promoted;

(9) The term "designed," as used in this section, includes, but is not limited to, the number, size, and location of the driveway approach.

(c) In addition to the standards of this section, driveway approaches shall also comply with the driveway approach standards as set forth in the access management policy and all other applicable rules, regulations, and requirements.
(Code 1987, § 23-214; Ord. No. 23-23, § 14, 8-21-2023)

Sec. 23-311. Temporary nature, revocation, modification of permit.

(a) An encroachment permit is temporary in nature, revocable, and modifiable by the city, without the further approval of the city engineer or designee, who is authorized to revoke or modify the encroachment permit in the event that:

(1) Continued use of the driveway approach constitutes an unreasonable danger to the safety and welfare of persons and property on the public right-of-way; or

(2) Continued use of the driveway imposes an unreasonable burden on the free flow and movement of traffic; or

(3) The roadway is proposed to be reconstructed, repaved, relocated, or redesigned; or

(4) The driveway approach is either defective in construction, in a deteriorated condition, or deviates from the permit terms; or

(5) There occurs or is proposed to occur on the property served by the driveway approach any of the following:

a. A change of use of the property from single-family or two-family residential to any other use;

b. The construction or addition of drive-in facilities which allows a driver of a vehicle to transact business while remaining in the vehicle;

c. Work on the property or a change in use of the property which will either substantially increase or decrease the parking area for vehicles, or substantially increase or decrease the number of vehicles entering or leaving the property, or substantially alter prior traffic circulation patterns on the property;

d. An addition, removal, or alteration of traffic circulation guide devices which substantially alters prior traffic circulation patterns;

e. Addition, removal, or relocation of fuel pumps or fuel pump islands;

f. A substantially more frequent use of a driveway approach by trucks (excluding passenger pickup trucks) or other vehicles of large size or other vehicles with slow acceleration or deceleration rates;

g. Elimination of a legal off-street parking area on the property so that access for vehicles is no longer needed;

h. Any act which causes the unobstructed sight distance for a driver of a vehicle exiting the property to be reduced below the minimum distance of the regulations;

i. Any act which causes the speed of vehicles entering or exiting the property to be reduced unreasonably;

j. Any act which causes through vehicles on the roadway to stop or reduce speed substantially because of the actions of vehicles using the driveway approach or the congestion of vehicles already on the property.

(6) Vehicles using the driveway approach park either wholly or partially on public right-of-way due to the lack of a legal off-street parking area.

The permit may be revoked or modified by the city engineer for any other reason at the discretion of the city engineer or designee.

(b) As a condition of the permit, the property owner or the property owner's representative served by the driveway approach at the time the permit is revoked or modified is obligated to remove, relocate, reconstruct, or alter the driveway approach as directed by the city engineer, or designee, at no cost to the city. The public right-of-way shall be restored or altered to a condition acceptable to the city engineer at no cost to the city.
(Code 1987, § 23-215; Ord. No. 23-23, § 15, 8-21-2023)

Sec. 23-312. Relocation, reconstruction, alteration, or removal of driveways existing without a permit.

(a) A driveway approach in existence for which no permit has been issued may be ordered removed, relocated, reconstructed, or altered at the property owner's expense, upon the order of the city engineer. The order may issue in the event that:

(1) The driveway approach is required to have an encroachment permit and no such permit has been issued for such driveway approach; or

(2) Continued use of the driveway approach constitutes an unreasonable danger to the safety and welfare of persons and property on the public right-of-way; or

(3) Continued use of the driveway imposes an unreasonable burden on the free flow and movement of traffic; or

(4) The roadway is proposed to be reconstructed, repaved, relocated, or redesigned; or

(5) The driveway approach is either defective in construction, in a deteriorated condition, or deviates from the permit terms; or

(6) There occurs or is proposed to occur on the property served by the driveway approach any of the following:

a. A change of use of the property from single-family or duplex or townhouse residential to any other use;

b. The construction or addition of drive-in facilities which allows a driver of a vehicle to transact business while remaining in the vehicle;

c. Work on the property or a change in use of the property which will either substantially increase or decrease the parking area for vehicles, substantially increase or decrease the number of vehicles entering or leaving the property, or substantially alter prior traffic circulation patterns on the property;

d. An addition, removal, or alteration of traffic circulation guide devices which substantially alters prior traffic circulation patterns;

e. Addition, removal, or relocation of fuel pumps or fuel pump islands;

f. A substantially more frequent use of a driveway approach by trucks (excluding pickup trucks) or other vehicles of large size or other vehicles with slow acceleration or deceleration rate;

g. Elimination of a legal off-street parking area on the property so that access for vehicles is no longer needed;

h. Any act which causes the unobstructed sight distance for a driver of a vehicle exiting the property to be reduced below the minimum distance of the regulations;

i. Any act which causes the speed of vehicles entering or exiting the property to be reduced unreasonably;

j. Any act which causes through vehicles on the roadway to stop or reduce speed substantially because of the actions of vehicles using the driveway approach or the congestion of vehicles already on the property; or

(7) Vehicles using the driveway approach park either wholly or partially on public right-of-way due to the lack of a legal off-street parking area.

(b) Failure of the owner to remove any driveway approach for which no permit has been issued within thirty (30) calendar days after an order from the city to remove the driveway approach has been issued shall constitute a criminal act subject to criminal penalties as set forth in this article.

(c) The city attorney is authorized to take civil action as may be necessary and appropriate to compel removal of a driveway approach for which no permit has been issued.
(Code 1987, § 23-216; Ord. No. 23-23, § 16, 8-21-2023)

Sec. 23-313. Costs and authority over work.

(a) The owner of the property served by a driveway approach shall bear the entire cost of:

(1) All labor, materials, and administration required to accomplish any work performed by the city or any of the city's contractors to facilitate the driveway approach;

(2) Constructing, reconstructing, relocating, removing, or altering a driveway approach when such work is performed either voluntarily or upon order of the city engineer, or designee;

(3) Bringing a driveway approach into compliance with the permit terms;

(4) Altering, relocating, or removing any private or public improvements in the public right-of-way when such action is taken to facilitate a driveway approach;

(5) Restoring the public right-of-way.

(b) City engineer shall have authority to determine the manner and materials used for and the qualifications required of persons performing any work within the public right-of-way. The owners or persons in charge of utilities and private improvements shall have primary authority over any work performed on utilities or private improvements to facilitate the driveway approach.
(Code 1987, § 23-217; Ord. No. 23-23, § 17, 8-21-2023)

Sec. 23-314. Alteration of public improvements and trees.

Before an encroachment permit may be granted and before any construction activity related to a driveway approach is commenced, the owner of the property served shall consent to any alteration of public improvements and trees deemed necessary by the city engineer, or the city administrator. Such officials shall determine the manner of alteration. Public improvements include, but are not limited to, utility holes, inlets, sidewalks, curbs, curb returns, gutters, poles, roadway signs, hydrants, utilities, traffic control devices, and bike paths.
(Code 1987, § 23-218; Ord. No. 23-23, § 18, 8-21-2023)

Sec. 23-315. Construction not complying with permit terms.

Work not in compliance with the permit terms shall be corrected within the timeframe established by the city engineer, or designee, upon notice by the city, and at no cost to the city. Failure to correct the work within such timeframe shall allow the city to revoke the encroachment permit and prohibit the use of the driveway approach.
(Code 1987, § 23-219; Ord. No. 23-23, § 19, 8-21-2023)

Sec. 23-316. Inspections.

(a) All work which is performed pursuant to the permit or is performed to facilitate a driveway approach shall be subject to inspection by the city.

(b) A required inspection shall be performed by the city engineer, or designee, at a time after the forms are set but before the concrete or other material is placed for the roadway, curb, gutter, and driveway approach.

(c) All work shall be subject to special inspection pursuant to any inspection instructions deemed appropriate by the city engineer, or designee, and communicated to the property owner or the property owner's representative. Communication may be either oral or written. A final inspection shall be made by the city engineer or designee.

(d) It shall be the duty of the property owner or the property owner's representative to notify the city engineer and request an inspection of the work at such a time as to give the official a reasonable amount of time to make the inspection. Any work not inspected by the official for which an inspection is required may be required to be removed at no cost to the city to enable the official to make the inspection.

(e) The inspection shall be for the purpose of determining whether the work is in compliance with the permit terms, the actions of vehicles using the driveway approach, or the congestion of vehicles already on the property.
(Code 1987, § 23-220; Ord. No. 23-23, § 20, 8-21-2023)

Sec. 23-317. Unlawful to bridge gutter or curb.

Except in the manner as approved by the city engineer, or designee, it shall be unlawful for any person to place any material over any curb or in any roadway gutter for the purpose of bridging the same, such material to include, but is not limited to, earth, wood, planks, pipe, asphalt, concrete, or rock.
(Code 1987, § 23-221; Ord. No. 23-23, § 21, 8-21-2023)

Sec. 23-318. Unlawful to injure or obstruct gutter or curb.

Unless otherwise approved by the city engineer, it shall be unlawful for any person to damage or destroy any portion of curbing or gutter on a paved roadway or to obstruct the drainage within the gutter on a paved roadway. Obstruction of drainage shall include that caused by the construction of a driveway approach.
(Code 1987, § 23-222; Ord. No. 23-23, § 22, 8-21-2023)

Sec. 23-319. Penalty.

Any person whose act or omission is in violation of this article shall be guilty of a misdemeanor. Each day that a violation of any of the provision of this article continues shall constitute a distinct offense and shall be punishable as such.
(Code 1987, § 23-223; Ord. No. 23-23, § 23, 8-21-2023)

Chapter 24

TAXATION*

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***State law references—**Municipal taxes, R.R.S. § 16-203 et seq.; municipal fiscal management, revenue and finances, R.R.S. § 16-701 et seq.; revenue and taxation, R.R.S. ch. 77.

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ARTICLE I. IN GENERAL

Secs. 24-1—24-18. Reserved.

ARTICLE II. OCCUPATION TAX*

DIVISION 1. GENERALLY

Sec. 24-19. Imposed.

There is hereby levied an occupation tax upon every occupation or business carried on within the city as hereinafter specified and enumerated.
(Code 1971, § 31-32; Code 1987, § 24-16)

Sec. 24-20. Disposition, use of proceeds.

All money paid into the city treasury under the provisions of this article shall be a part of the general fund of the city.
(Code 1971, § 31-33; Code 1987, § 24-17)

Sec. 24-21. Exceptions.

(a) It is hereby declared that the provisions of this article shall not extend to or affect individuals selling livestock, meat, butter, eggs, vegetables, fruit, hay, grain, honey and fuel raised or produced by such vendors or their employees, provided that the sale or offering for sale of such products and commodities in the city shall be prima facie evidence in any action brought for the collection of an occupation tax hereunder, or for the prosecution of any person for violation of this article, that the same were not raised nor produced by such vendors.

(b) All scientific and literary lectures, entertainments and concerts, as well as other entertainments given exclusively by the citizens of the city, shall be exempt from such tax.
(Code 1971, § 31-34; Code 1987, § 24-18)

Sec. 24-22. Interstate or government business.

The license tax imposed by this article shall not be levied upon any business or occupation which is interstate or which is conducted or carried on by any department of the government of the United States or of the state or performed by officers of the same in the course of their official duties, or by any county or subdivision of the state, or its officers as such.
(Code 1971, § 31-35; Code 1987, § 24-19)

Sec. 24-23. When due.

Except as otherwise specifically provided, on all occupations and businesses on which a tax is levied by this article at a yearly rate, the year for such tax shall be deemed to begin May 1 of each year

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***State law reference—**Municipal occupation tax, R.R.S. § 16-205.

and shall end on April 30 following; and such tax for that year shall be due and payable in advance on May 1 of every year and thereafter shall be delinquent. On all occupations or businesses on which such tax is levied at a daily or weekly rate, the tax shall be due and payable in advance before the business begins, for the number of days or weeks, as the case may be, for which the occupation or business is to be carried on within the taxing year.
(Code 1971, § 31-36; Code 1987, § 24-20)

Sec. 24-24. Manner of payment.

Every occupation tax levied at a daily rate or yearly rate, or other rate, shall be paid in one (1) payment in advance before the business is commenced, whether the license is issued at the beginning of the day, year or other term, or at any time thereafter, but no such license shall be issued at the beginning of the day, year or other term for any certain time less than the day, year or other term.
(Code 1971, § 31-37; Code 1987, § 24-21)

Sec. 24-25. Effect of receipt.

The receipt for the payment of a tax levied by this article shall be the warrant and proper authority of any person to carry on and conduct the business specified in such receipt and for which the tax was paid.
(Code 1971, § 31-39; Code 1987, § 24-23)

Sec. 24-26. Refund policy.

No person paying an occupation tax under the provisions of this article shall be entitled to a refund of any part of such tax for any reason.
(Code 1971, § 31-40; Code 1987, § 24-24)

Sec. 24-27. Treasurer's records.

The city treasurer shall keep as proper account of every tax paid him or her under the provisions of this article.
(Code 1971, § 31-41; Code 1987, § 24-25; Ord. No. 86-41, § 55, 10-6-1986)

Sec. 24-28. Failure to pay; collection by distress or sale of property.

Upon failure of any person to pay any tax levied by this article and which, when the demand is made by the city treasurer, appears not to have been paid, the city clerk shall immediately attempt to collect the same by distress or sale of the personal property of any such person in the manner provided for levy and sale or execution. This section shall be sufficient authority to the city clerk for making the distress and sale and the city clerk shall be entitled to such fees out of the property distrained and sold, for making the distress and sale, as constables receive for making levy and sale under execution. The costs created by reason of the distress and sale shall be paid out of the property levied upon in addition to the amount due on the occupation.
(Code 1971, § 31-42; Code 1987, § 24-26; Ord. No. 86-41, § 56, 10-6-1986)

Sec. 24-29. Recovery by suit.

Whenever the city clerk shall deem himself or herself unable to collect any tax levied by this article, if the same is due and payable, he or she shall so report the same to the city attorney with authority and instruction to proceed by suit in the name of the city to collect the amount due to the city. The remedies hereby prescribed shall not be exclusive of any other right of action available to the city, but merely cumulative.
(Code 1971, § 31-43; Code 1987, § 24-27; Ord. No. 86-41, § 57, 10-6-1986)

Sec. 24-30. Suspension, revocation of privilege.

The privilege of doing or carrying on any occupation or business in the city granted to any person for the payment of the tax imposed by this article may be suspended or revoked by the city council for the violation of or noncompliance with any applicable provision of this Code, state law or city ordinance, rule or regulation by such person.
(Code 1971, § 31-44; Code 1987, § 24-28)

Sec. 24-31. Display of receipt.

Every person paying the tax imposed by this article and receiving a receipt therefor shall display such receipt in a conspicuous place in his or her place of business.
(Code 1971, § 31-45; Code 1987, § 24-29)

Secs. 24-32—24-52. Reserved.

DIVISION 2. TAX SCHEDULE

Sec. 24-53. Generally.

An occupation tax is hereby levied in the amounts specified on the various businesses and occupations listed in this division and conducted or pursued within the city. For the purposes of this division, the catchlines of the sections set out herein shall be deemed substantive parts of the sections.
(Code 1971, § 31-51; Code 1987, § 24-46)

Sec. 24-54. Tobacco sellers.

The sale, keeping for sale, or giving away in the course of trade of cigars, tobacco, cigarettes or cigarette material, per year: fifteen dollars ($15.00).
(Code 1987, § 24-71; Ord. No. 86-37, § 1, 7-21-1986)

Secs. 24-55—24-81. Reserved.

DIVISION 3. PUBLIC SERVICE, UTILITY COMPANIES

Sec. 24-82. Tax on gross receipts.

An occupation tax is hereby imposed on each public service company or public utility company doing business within the city on the gross receipts resulting from such business earned within the city.
(Code 1987, § 24-86; Ord. No. 05-20, § 1, 9-6-2005)

Sec. 24-83. Occupation tax; amount imposed.

An occupation tax is hereby imposed on each public service company or public utility company described in this section and doing business within the city on the gross receipts resulting from such business earned within the city. The occupation tax levied by this section shall be based upon a percentage of the gross receipts earned by such companies, except, in subsection (5) of this section, the tax levied shall be the percentage of gross receipts received from commercial and industrial customers, as follows:

(1) Electrical light and power companies: three percent (3%).

(2) Gas, natural and manufactured: five percent (5%).

(3) Telecommunications companies: four percent (4%).

a. Basic local exchange services shall include the access and transmission of two (2) way switched communications within the city, including local telephone and telecommunication services;

b. Inter-exchange services shall mean the access and transmission of communications between two (2) or more local exchange areas, provided that such inter-exchange service either:

1. Originates from an end user within the city; or

2. Terminates with an end user within the city, and is charged to a service address within the city regardless of where the charges are actually paid;

c. Mobile services shall include any radio or similar communication services provided pursuant to license or authority granted by the Federal Communications Commission, charged to a service address within the city regardless of where the charges are actually paid, including cellular, radio paging, and mobile radio services; and

d. Any other similar telecommunication services involving any electronic or electromagnetic transmission of messages originating and terminating in the state and charged to a service address in the city, regardless of where the charges are actually paid.

(4) Cable TV companies: five percent (5%).

(5) Garbage, refuse and rubbish collection companies' gross receipts from commercial and industrial customers: three percent (3%).

(Code 1987, § 24-87; Ord. No. 05-20, § 1, 9-6-2005; Ord. No. 25-1, § 1, 1-20-2025)

Sec. 24-84. Telecommunication occupation tax, Internet Tax Freedom Act.

Taxation for internet usage shall be excepted as contained in the Internet Tax Freedom Act, 47 USC 151.
(Code 1987, § 24-88; Ord. No. 05-20, § 1, 9-6-2005)

Sec. 24-85. When due and payable; manner of payment; penalty for late payment.

On or before the last day of each and every month, said companies shall pay to the city a percentage of the gross receipts as provided in section 24-83 from the preceding month as an occupation tax, provided that, if the total amount due and payable is less than ten dollars ($10.00), then the occupation tax shall be due and payable on May 1 of each year. Such businesses shall be entitled to a credit for any occupation tax, or other similar tax based on gross receipts, satisfactorily documented or verified as paid to any other jurisdiction upon any gross receipts taxed herein. All deferred payments shall draw interest at the rate of one percent (1%) per month. After default for six (6) months, a penalty of five percent (5%) shall be added in addition to the interest charges.
(Code 1987, § 24-89; Ord. No. 05-20, § 1, 9-6-2005)

Sec. 24-86. Report of gross receipts; city's right of inspection.

Every company taxed by this division shall make a quarterly report to the city of all income and gross receipts of such company during the period for which such tax is due. Said report shall be submitted to the city treasurer on the last day of each month and shall be a full, complete and detailed statement of the income and gross receipts, omitting any exemptions provided for in section 24-83, and said statement shall be duly verified and sworn to by the officer in charge of the business. All such businesses shall at any reasonable times during business hours permit the city, through its officers, agents or representatives, to inspect the books and records of any such business for the purpose of verifying such report.
(Code 1987, § 24-90; Ord. No. 05-20, § 1, 9-6-2005)

Sec. 24-87. Payment to treasurer; receipt; record.

The occupation taxes levied and provided for by this chapter shall be paid to the city treasurer who shall, upon payment thereof, give a receipt, properly dated, and specifying the person paying the same, and amount thereof, and the time for which the same takes effect. The treasurer shall keep a record of the receipts so issued.
(Code 1987, § 24-91; Ord. No. 05-20, § 1, 9-6-2005)

Sec. 24-88. Tax, when due; city treasurer to collect.

It is hereby made the duty of any person desiring to exercise, carry on or engage in any occupation within the provisions of this chapter to pay to the city treasurer the amount specified for the occupation tax, as provided for in this chapter. The amount of the occupation tax shall be due and payable to the city treasurer immediately after such person shall begin business in any occupation within the provisions of this chapter.
(Code 1987, § 24-92; Ord. No. 05-20, § 1, 9-6-2005)

Sec. 24-89. City attorney; enforce collection.

The city attorney may bring suit in the name of the city against any person, corporation, firm, or association in any court of competent jurisdiction for the amount of such tax levied by this chapter upon the failure of such person, corporation, firm, or association to pay the same as herein provided, whenever the city attorney is so directed by the city treasurer.
(Code 1987, § 24-93; Ord. No. 05-20, § 1, 9-6-2005)

Sec. 24-90. Tax credited to fund designated by council.

The money realized from the collection of the occupation taxes provided for in this chapter shall be placed to the credit of the general fund or such other fund or funds as designated by the city council.
(Code 1987, § 24-94; Ord. No. 05-20, § 1, 9-6-2005)

Secs. 24-91—24-108. Reserved.

DIVISION 4. LODGING OCCUPATION TAX

Sec. 24-109. Levy of tax.

Each person, firm, or corporation engaged in the business of operating a hotel providing lodging in the City shall pay an occupation tax in the amount of three percent (3%) of the basic rental rates charged per occupied room per night.
(Code 1987, § 24-97; Ord. No. 08-20, § 2, 10-20-2008)

Sec. 24-110. Definitions.

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

Hotel means any commercial, nonprofit, or state-owned facility in which the public may, for a consideration, obtain sleeping accommodations in any space ordinarily used for accommodations. The term "hotel" includes any hotel, motel, tourist home, bed and breakfast, campground, court, lodginghouse, inn, state-operated hotel, and nonprofit hotel. The term "hotel" does not include any hospital, sanitarium, nursing home, chronic care center, rooming or boardinghouse, or dormitory or facility operated by an educational institution and regularly used to house students pursuant to under R.R.S. §§ 79-1601 to 79-1607 or 85-1101 to 85-1111.
(Code 1987, § 24-98; Ord. No. 08-20, § 2, 10-20-2008)

Sec. 24-111. Occupied room, defined; exceptions.

(a) The term "occupied room" means any space ordinarily used for accommodations and for which any occupant has, for a consideration, obtained the use or possession, or the right to use or possess, for a period not to exceed thirty (30) continuous days. The term "occupied room" includes camping space, trailer space, or recreational vehicle space. The term "occupied room" does not include a function room such as a ballroom, banquet room, reception room, or meeting room, provided it is not used as temporary sleeping accommodations.

(b) The term "occupied room" does not mean, and no occupation tax imposed by this article shall be measured or collected for:

(1) Complimentary or other sleeping accommodations for which no consideration is charged; or

(2) Sleeping accommodations for which the consideration is paid by a person not subject to the sales and use tax imposed by the Nebraska Revenue Act, as it is amended from time to time.

(Code 1987, § 24-99; Ord. No. 08-20, § 2, 10-20-2008)

Sec. 24-112. Collection.

The tax imposed by this article shall be collected by the hotel operator from the occupant of each room to which the tax applies. The tax may be shown as an add-on to the charge for occupancy of the rooms and shall be collectible at the time the lodging is furnished, regardless of when the charge for the occupancy is paid. The operator shall remain responsible for payment of all taxes imposed, whether or not the taxes are actually collected from the guests.

(Code 1987, § 24-100; Ord. No. 08-20, § 2, 10-20-2008)

Sec. 24-113. Records.

(a) Every hotel operator shall be required to keep records in order to determine the amount of tax due, including, but not limited to, maintaining accurate written records and completely evidencing the number of rooms occupied each month, the dates such rooms were occupied, and the basic rental rates collected per occupied room. These records must include the normal books of account ordinarily maintained by the average prudent businessperson engaged in a similar activity, together with all documents supporting entries in the books of account. Schedules and working papers used in the preparation of determining the tax due must be retained.

(b) The hotel operator may collect the lodging tax concurrently with and in the same manner as the sales tax is collected. Separate records to reflect the lodging tax and sales tax collected must be maintained so that the amount of each tax due can be determined.

(c) The records created at the time a charge for hotel occupancy is made may take the form of sales invoices, guest checks, tally sheets, itemized lists or other memoranda. A cash register tape may be acceptable if it preserves sufficient information.

(d) The city treasurer or his/her authorized representative may examine the books, papers, records, and equipment of any person to ascertain or verify the accuracy of any amount due or paid upon seventy-two (72) hours' written notice.

(e) Records must be retained for a period of not less than three (3) years after the return is filed, unless the city treasurer or his/her authorized representative, in writing, authorizes their destruction at an earlier date. However, the city treasurer may issue a deficiency determination within five (5) years after any amount of tax is determined due and payable when a return has not been filed.

(Code 1987, § 24-101; Ord. No. 08-20, § 2, 10-20-2008)

Sec. 24-114. Due date.

The tax imposed by this article shall be due and payable on the first day of each calendar month next succeeding the month during which the room was occupied and payable to the City Treasurer, 400 Ella Street, Beatrice, Nebraska 68310. All taxes not paid by the 25th day of the month in which they are due and payable shall be deemed to be delinquent. All taxes not paid by the delinquent date shall bear interest rate of fourteen percent (14%) per annum from the date due until paid.
(Code 1987, § 24-102; Ord. No. 08-20, § 2, 10-20-2008)

Sec. 24-115. Use of proceeds.

The revenues generated by the occupation tax imposed by this article shall be deposited into the city general fund. Said revenues may also be used for any of the purposes set forth in R.R.S. § 13-315 or for any lawful purpose as approved by the mayor and city council from time to time.
(Code 1987, § 24-103; Ord. No. 08-20, § 2, 10-20-2008)

Sec. 24-116. Commencement of tax levy.

The occupation tax imposed by this division shall commence on December 1, 2008.
(Code 1987, § 24-104; Ord. No. 08-20, § 2, 10-20-2008)

Secs. 24-117—24-145. Reserved.

DIVISION 5. FRANCHISE FEE

Sec. 24-146. Franchise fee on energy providers.

The city hereby establishes a franchise fee on every natural gas company and every other person, firm or corporation, their successors and assigns, owning, operating, controlling, leasing, or managing a natural gas plant or system and/or generating, manufacturing, selling, distributing, or transporting natural gas referred to, collectively, as "energy providers," each, individually, an "energy provider" in this division.
(Code 1987, § 24-120; Ord. No. 20-043, § 1, 12-7-2020)

Sec. 24-147. Collection.

Energy providers shall collect from all of their customers located within the corporate limits of the city and pay to the city five percent (5%) of gross receipts energy providers derive from the sale, distribution or transportation of natural gas delivered within the present or future limits of the city. The term "gross receipts," as used in this division, means revenues received from the sale, distribution, or transportation of natural gas, after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered. Energy providers shall list the franchise fee collected from customers as a separate item on bills for utility service issued to their customers.
(Code 1987, § 24-121; Ord. No. 20-043, § 2, 12-7-2020)

Sec. 24-148. Payment in lieu of certain other fees; exemptions.

The amount paid by energy providers pursuant to this division shall be in lieu of, and energy providers shall be exempt from, all other fees, charges, taxes or assessments which the city may impose for the privilege of doing business within the city, including, without limitation, excise taxes, occupation taxes, licensing fees, or right-of way permit fees. In the event that the city imposes any such fee, charge, tax or assessment, the payment to be made by energy providers pursuant to this division shall be reduced in an amount equal to any such fee, charge, tax or assessment imposed upon the energy providers. Ad valorem property taxes imposed generally upon all real and personal property within the city shall not be deemed to affect energy providers' obligation under this division.
(Code 1987, § 24-122; Ord. No. 20-043, § 3, 12-7-2020)

Sec. 24-149. Volumetric charge.

In exchange for the franchise granted by the city, such energy providers shall collect from its transportation customers, but not from the city, located within the corporate limits of the city, and pay to the city an amount equal to five cents ($0.05) per MCF (one thousand (1,000) cubic feet) per month of natural gas delivered through its facilities to its transportation customers. This volumetric charge on transportation customers is in addition to the five percent (5%) gross receipts franchise fee established in this division.
(Code 1987, § 24-123; Ord. No. 20-043, § 4, 12-7-2020)

Sec. 24-150. Report payments; proration.

Energy providers shall report and pay any amount payable under this division on a monthly basis. Such payment shall be made no more than thirty (30) calendar days following the close of the period for which payment is due. Initial and final payments shall be prorated for the portions of the periods at the beginning and end of any franchise granted by the city to an energy provider.
(Code 1987, § 24-124; Ord. No. 20-043, § 5, 12-7-2020)

Sec. 24-151. Prohibition by state public service commission; effect on obligations.

If at any time the state public service commission or other authority having proper jurisdiction prohibits any such recovery as provided under this division, energy providers shall no longer be obligated to collect and pay the franchise fee.
(Code 1987, § 24-125; Ord. No. 20-043, § 6, 12-7-2020)

Sec. 24-152. Right to examine.

The city shall have access to and the right to examine, during normal business hours, an energy provider's books, receipts, files, records and documents as is reasonably necessary to verify the accuracy of payment due pursuant to this division, provided that the city shall not exercise such right more than twice per calendar year.
(Code 1987, § 24-126; Ord. No. 20-043, § 7, 12-7-2020)

Sec. 24-153. Errors in payment; procedure.

If it is determined that a mistake was made in the payment of any franchise fee required in this division, such mistake shall be corrected promptly upon discovery such that any underpayment by an energy provider shall be paid within thirty (30) calendar days of recalculation of the amount due, and any overpayment by an energy provider shall be deducted from the next payment of such franchise fee due by such energy provider to the city, provided that neither party shall have the obligation to correct a mistake that is discovered more than one (1) year after the occurrence thereof.
(Code 1987, § 24-127; Ord. No. 20-043, § 8, 12-7-2020)

Chapter 25

TREES AND SHRUBS*

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Sec. 25-4. Tree species to be planted.
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Article III. Diseased and Dead Trees

Sec. 25-69. Nuisance declared; abatement and collection; appeal; penalty.

***State law references—**Power of city to require and regulate the planting, protection, trimming and removal of trees, R.R.S. § 16-207; power of city to plant and protect trees, R.R.S. § 16-248.

ARTICLE I. IN GENERAL

Sec. 25-1. Permit; conditions for issuance.

The community development director shall conduct an inspection of the proposed location of a street tree or agricultural crop and shall issue a permit only if such planting will comply with the requirements set forth in this article.
(Code 1971, § 33-2; Code 1987, § 25-2; Ord. No. 85-42, § 34, 1-6-1986; Ord. No. 86-41, § 66, 10-6-1986; Ord. No. 87-42, § 2, 12-21-1987)

Sec. 25-2. Removal of illegal plantings.

Street trees planted in violation of this chapter shall be removed by the person planting such street tree, if the city council determines it should be removed and the community development director gives notice to the person who planted it or caused it to be planted. If the person so notified fails to remove the street tree within five (5) calendar days, he or she shall be deemed guilty of a misdemeanor.
(Code 1971, § 33-3; Code 1987, § 25-3; Ord. No. 85-42, § 35, 1-6-1986; Ord. No. 87-42, § 3, 12-21-1987)

Sec. 25-3. Definitions.

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

Park trees means 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.

Street trees means trees, shrubs, bushes, and all other woody vegetation on land lying between the property lines on either side of all streets, avenues, alleys or ways within the city.
(Code 1987, § 25-4; Ord. No. 87-42, § 4, 12-21-1987)

Sec. 25-4. Tree species to be planted.

The city council shall adopt by resolution a list of tree species to be planted for the city, showing thereon the genus, species and variety of street trees which are recommended to be in or upon any street, sidewalk space, or other public way within the city. A current copy of such list shall be made available for inspection by the public in the office of the city clerk.
(Code 1987, § 25-5; Ord. No. 87-42, § 5, 12-21-1987)

Sec. 25-5. Distances for planting.

Except as permitted by section 23-124, it shall be unlawful for any person to plant any street tree or agricultural crop closer than fifteen (15) feet to the back of any curb or closer than fifteen (15) feet to the road surface along streets having no curbs. Except as permitted by section 23-124, street trees and agricultural crops shall not be planted closer than three (3) feet to the edge of any sidewalk. No

street tree and agricultural crop shall be planted closer than thirty (30) feet from any street corner, measured from the point of the nearest intersection of curbs or curblines. Street trees and agricultural crops shall not be planted upon any alley.
(Code 1987, § 25-6; Ord. No. 87-42, § 6, 12-21-1987; Ord. No. 92-56, § 3, 10-5-1992)

Sec. 25-6. Proximity to poles and utilities and hydrants.

It shall be unlawful for any person to plant any street trees closer than ten (10) feet to any point on a line on the ground immediately below any overhead utility wire, closer than five (5) lateral feet to any underground water line, sewer line, transmission line or other utility, or closer than fifteen (15) feet to any fire hydrant.
(Code 1987, § 25-7; Ord. No. 87-42, § 7, 12-21-1987)

Sec. 25-7. Comprehensive city tree plan.

The city council shall adopt by resolution a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of street trees and park trees within the city. Such plan, upon approval by the city council, shall constitute the official comprehensive city tree plan for the city.
(Code 1987, § 25-8; Ord. No. 87-42, § 8, 12-21-1987)

Sec. 25-8. Public tree care.

The city shall have the right to plant, prune, maintain and remove street trees within the right-of-way or bounds of all streets, alleys, sidewalk space, other public way and other public grounds, as may be necessary to ensure the public safety or to preserve or enhance the beauty of other public grounds.
(Code 1987, § 25-9; Ord. No. 87-42, § 9, 12-21-1987)

Secs. 25-9—25-34. Reserved.

ARTICLE II. REMOVAL OR DESTRUCTION

Sec. 25-35. Restricted, permit required.

It shall be unlawful for any person, either for himself or herself, or another, to remove, destroy, or cause to be removed or destroyed, any tree, shrub or hedge on any street, alley, sidewalk space or other public way, without first having obtained a permit therefor, except where the removal is ordered by the board of public works or the city council when either shall determine that the tree, shrubs or hedges or any of them are traffic hazards or a public nuisance or necessary for the protection of city utilities.
(Code 1971, § 33-14; Code 1987, § 25-16; Ord. No. 87-42, § 10, 12-21-1987)

Sec. 25-36. Application for permit.

Any person desiring to remove or destroy any tree, shrub or hedge on any street, alley, sidewalk space or other public way shall first make written application to the community development department for a permit to do so. The application shall provide such information as the community development director may require.
(Code 1971, § 33-15; Code 1987, § 25-17; Ord. No. 85-42, § 36, 1-6-1986; Ord. No. 87-42, § 11, 12-21-1987)

Sec. 25-37. Protection of city.

The applicant for a permit required by this article shall, at the time of making his or her application, agree in writing to in all respects save the city harmless and to protect the city and the public at all times in connection with the removing or destruction of any tree, shrub or hedge to be removed or destroyed under such permit.
(Code 1971, § 33-16; Code 1987, § 25-18)

Sec. 25-38. Conditions of issuance of permit.

The board of public works shall establish regulations to be the basis of issuance or rejection of any application for a permit authorized by this article and shall take into consideration in establishing the regulations the development of a program for improvement and encouragement of tree planting consistent with public safety or traffic using the streets, the future development of use of streets and protection of city utilities and sidewalks and the policy on removal of trees shall have the same objectives. The health or condition of a tree shall also be taken into consideration where removal is requested.
(Code 1971, § 33-17; Code 1987, § 25-19)

Sec. 25-39. Replacement in event of unauthorized removal.

In addition to other penalties provided for the violation of this article, any person who shall violate this article by removal or destruction of trees shall be required to replant or cause to be replanted such trees as the board of public works may order.
(Code 1971, § 33-18; Code 1987, § 25-20)

Sec. 25-40. Requirements for removal.

All shrubs and hedges being removed or destroyed shall be cut flush with the ground surface, so that a lawnmower can pass over the ground at any time. When a tree is being removed or destroyed, the stump shall also be removed. When a tree is being felled, it shall be felled away from the roadway or parallel with the roadway, when possible, and the sidewalk and street shall be guarded so as to protect pedestrians and vehicles. All trees, shrubs and hedges, including limbs and debris therefrom, shall be removed from the street, alley, sidewalk space or other public way within forty-eight (48)

hours after being cut, and the ground shall be raked clean of all chips, branches and debris. All damages to curbs, sidewalks and other public property occurring in the performance of any such work shall be promptly and properly repaired at the permittee's expense.
(Code 1987, § 25-21; Ord. No. 87-42, § 12, 12-21-1987)

Secs. 25-41—25-68. Reserved.

ARTICLE III. DISEASED AND DEAD TREES*

Sec. 25-69. Nuisance declared; abatement and collection; appeal; penalty.

(a) The owner or occupant of any lot or piece of ground in the city or within two (2) miles of the corporate limits of the city is hereby required to keep the lots and pieces of ground and the adjoining streets and alleys free of any infected, dead, dying, or structurally weak tree.

(b) It shall be a nuisance to permit or maintain any infected, dead, dying or structurally weak trees to grow or remain thereon. For purposes of this section, the term "nuisance" includes, but is not limited to:

(1) Trees of all species and varieties of elm, zelkova and planera infected with the fungus of *Ceratostomella ulmi*;

(2) Trees, or parts thereof, of elm, zelkova or planera in a dead or dying condition that may serve as breeding places for the European Elm Bark Beetle, *Scolytus multistriatus*; or

(3) Any dead tree, any dead part of a tree, or any totally diseased or structurally weak part of a tree which is a menace to public safety or which endangers any building or other property.

(c) The city and its agents may enter upon private property at all reasonable hours for purposes of inspecting trees thereon, and may remove such specimens as are required for purposes of analysis to determine whether or not the same are infected.

(d) It shall be unlawful for any person to prevent the city from entering on private property for purposes of carrying out its duties under this section, or to interfere with the city in the lawful performance of its duties under the provisions of this section.

(e) The owner and occupant of a lot or piece of ground within the city or within two (2) miles of the corporate limits of the city shall be given notice by personal service or certified mail to abate and remove such nuisance. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the city on by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed.

(f) Within five (5) calendar days after receipt, posting, or publication of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the city to appeal the decision to abate or remove a nuisance by filing a written appeal with the office of the city clerk. Requests for appeal hearings shall be accompanied by a filing fee in an amount established by resolution adopted by the city council. A hearing on the appeal shall be held within fourteen (14) calendar days after filing

***State law reference—**Plant diseases, R.R.S. § 2-1071 et seq.

the appeal and shall be conducted by the city administrator or designee. Requests for an appeal hearing that are not accompanied by the required filing fee or that are received after the expiration of the five (5) calendar day period of compliance shall be considered invalid. The hearing officer shall render a decision on the appeal within five (5) business days after the conclusion of the hearing. If the appeal fails, the city or its agent may enter upon such private property to have such work done. Within thirty (30) calendar days after receipt of such notice or publication or posting, whichever is applicable, if the owner or occupant of the lot or piece of ground has not requested an appeal hearing with the city as outlined above or fails to comply with the order to abate and remove the nuisance, the city or its agent may enter upon such private property to have such work done may have such work done. The costs and expenses of any such work shall be paid by the owner.

(g) If unpaid for two (2) 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 upon the lot or piece of ground and the adjoining streets and alleys.

(h) Any owner or occupant of a lot or piece of ground who shall fail or refuse to perform any duty set forth in this section shall be guilty of a misdemeanor and upon conviction thereof shall be subject to a maximum fine of one hundred dollars ($100.00). Each day the violation of this section continues shall constitutes separate and distinct offense and shall be punishable as such.

(Code 1971, § 33-38; Code 1987, § 25-36; Ord. No. 20-042, § 1, 12-7-2020; Ord. No. 21-7, § 1, 2-15-2021)

Chapter 26

UTILITIES*

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Division 2. Wastewater Charge

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ARTICLE I. IN GENERAL

Sec. 26-1. Definitions.

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

Condominium means one (1) or more buildings, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. A building is not a condominium unless the undivided interests in the common elements are vested in the owners of the units.

Duplex means a building having accommodations for and occupied exclusively by two (2) families, independently.

Townhouse means three (3) or more adjacent dwelling units separated by vertical sidewalls in a townhouse structure, each with independent front and rear access to the outside, and neither above nor below any other dwelling unit.

Utility means electricity, water and sewer services furnished by the city to consumers thereof.
(Code 1971, § 34-1; Code 1987, § 26-1; Ord. No. 92-63, § 1, 12-21-1992)

Sec. 26-2. Scope.

All pertinent provisions of this chapter are hereby made a part of the terms and conditions whereby the city shall furnish any utility service to any person; or whereby the city shall make any utility connections, or perform any work of any kind in connection with the furnishing of any utility service pursuant to the rules and regulations of the board of public works.
(Code 1971, § 34-2; Code 1987, § 26-2)

Sec. 26-3. Compliance with technical regulations.

Any utility service furnished under the provisions of this chapter shall be in accordance with and in compliance with all applicable technical provisions of this Code, state law and city ordinances, rules and regulations.
(Code 1971, § 34-3; Code 1987, § 26-3)

Sec. 26-4. Termination for noncompliance with provisions.

The board of public works shall have the right to disconnect or refuse to connect or reconnect any utility service which does not meet the applicable provisions of this Code, state law or city ordinances, rules or regulations.
(Code 1971, § 34-4; Code 1987, § 26-4)

State law reference—Discontinuance of public utility service, procedural requirements, R.R.S. § 70-1601 et seq.

Sec. 26-5. Resale of service by customer.

It shall be unlawful for any person to resell any utility service obtained from the city to others except only by special arrangement.
(Code 1971, § 34-6; Code 1987, § 26-6)

Sec. 26-6. Temporary interruption of service.

The city reserves the right to disconnect any utility service without notice in case of emergencies. When an interruption in service is necessary for the maintenance and improvement to the utility system, affected customers will be notified as circumstances permit.
(Code 1971, § 34-7; Code 1987, § 26-7)

State law reference—Disconnections or interruptions of public utility service for repair or maintenance or to protect health or safety, R.R.S. § 70-1615.

Sec. 26-7. Use without permit prohibited.

It shall be unlawful for any person not having a permit to use any utility service offered by the city or to make any connection thereto.
(Code 1971, § 34-8; Code 1987, § 26-8)

Sec. 26-8. Use contrary to permit.

Any person having a permit from the city for the use of any utility service offered by the city who shall use such utility service for any purpose other than mentioned in such permit or who shall make any unauthorized changes in such service shall be guilty of a misdemeanor.
(Code 1971, § 34-9; Code 1987, § 26-9)

Sec. 26-9. Utility service—Application required.

Any person desiring any utility service furnished by the city shall make application for the same to the board of public works. Such application shall contain the applicant's name, address and the uses for which such utility service is desired.
(Code 1971, § 34-10; Code 1987, § 26-10)

Sec. 26-10. Utility service—Restricted to one applicant.

It shall be unlawful for any person obtaining any utility service from the city to habitually permit any other person to use such utility service except as specifically authorized by the board of public works.
(Code 1971, § 34-11; Code 1987, § 26-11)

Sec. 26-11. Utility service—Permit.

Approval of the application for any utility service by the board of public works shall be deemed permission for such service.
(Code 1971, § 34-12; Code 1987, § 26-12)

Sec. 26-12. Utility service—Use assumed.

All premises connected to any utility service of the city shall be assumed to be using such utility service and the owner or occupant shall be charged therefor so long as such premises shall remain connected with the utility service.
(Code 1971, § 34-13; Code 1987, § 26-13)

Sec. 26-13. Utility deposit requirement.

The utility deposit requirements for connection to any utility service offered by the city, shall be as determined by the board of public works from time to time, and on file in the office of the board.
(Code 1971, § 34-13.1; Code 1987, § 26-14; Ord. No. 99-77, § 1, 11-15-1999; Ord. No. 10-003, § 1, 4-5-2010)

Sec. 26-14. Separate connections.

Every building, structure or consumer in the city shall have a separate utility service connection.
(Code 1971, § 34-14; Code 1987, § 26-15)

Sec. 26-15. Authority of board of public works.

The board of public works shall have the authority to establish by regulation such standards and specifications as may be necessary for the installation, construction and maintenance of any utility service system owned and operated by the city within or without the city and under the management and supervision of the board. Such standards and specifications shall be on file in the office of the board of public works.
(Code 1971, § 34-15; Code 1987, § 26-16)

Sec. 26-16. Connections to service.

Connections for any utility service furnished by the city shall be made only under the supervision of the board of public works.
(Code 1971, § 34-16; Code 1987, § 26-17)

Sec. 26-17. Unlawful connections.

Any person who shall make any connection in any manner to any utility system, whether owned by the city or not, without the prior knowledge and consent of the owner of such utility.
(Code 1971, § 34-17; Code 1987, § 26-18)

Sec. 26-18. Inspection outside of city.

In order to protect the utility service supply, the city will not make any water or sewer taps or electrical connections outside the city limits until the premises involved has been inspected and approved by the community development director.
(Code 1971, § 34-18; Code 1987, § 26-19)

Sec. 26-19. Maintenance of system by consumer.

The consumer of any utility service furnished by the city shall maintain and keep in good repair all connections, appliances and other apparatus installed and used in connection with such utility service.
(Code 1987, § 26-20; Ord. No. 1971, § 34-19)

Sec. 26-20. Right of entry for inspection.

The board of public work shall, at all hours of the day, have the right to enter the premises or buildings of utility service customers to examine the pipes, fixtures, meters and appliances, and the manner in which the utility service is used, or to remove, replace or repair the meter established therein. The customer shall at all times frankly and without concealment answer all questions relative to the consumption of water. The board of public works may, in its discretion, discontinue water service to the premises of customers who refuse to permit the board of public works to do so, or to answer such questions.
(Code 1971, § 34-20; Code 1987, § 26-21)

Sec. 26-21. Trimming trees near electrical system.

Any person desiring to cut or remove trees or branches thereof, or to fell same, in close proximity to the city electric distribution system, and which work might cause injury or damage to the lines thereof, shall, before doing the work, give reasonable written notice to the board of public works, and shall secure a permit in writing from the board to do so and shall seek the assistance of the city to do the work so that electric service shall not be interrupted or damage done to the lines or property of the city. Any person felling or removing such trees, or branches of trees, resulting in the interruption of electric service or damage to the lines or property of the city, without having given notice to the city, and without having received such permit shall be guilty of a misdemeanor.
(Code 1971, § 34-21; Code 1987, § 26-22)

Secs. 26-22—26-45. Reserved.

ARTICLE II. RATES AND CHARGES GENERALLY*

Sec. 26-46. Determination.

The mayor and city council shall by ordinance fix all city-owned utility rates.
(Code 1971, § 34-31; Code 1987, § 26-41)

Sec. 26-47. Connection fees.

The fees which shall be charged for connection to any utility service offered by the city shall be as determined by the city board of public works from time to time and on file in the office of the board.
(Code 1971, § 34-32; Code 1987, § 26-42; Ord. No. 13-054, § 18, 10-21-2013)

***State law reference—**Power of city to establish or regulate utility rates, R.R.S. §§ 16-679, 16-681.

Sec. 26-48. Meters generally.

Meters shall be required for all utility services, where such services are provided by the city, the use or consumption of which may vary as the demand for the same fluctuates. The rates or charges for such utility services shall be determined by the amount of such service measured as being consumed by such meter. No attachment, tap or connection shall be allowed between the corporation cock in the main meter. All meters installed under the provisions of this section shall be installed by the city and shall remain the property of the city. However, utility service provided only for the protection of property by a consumer may be allowed without a meter under special arrangement with the board of public works.
(Code 1971, § 34-33; Code 1987, § 26-43)

Sec. 26-49. Injuring, tampering with meters.

It shall be unlawful for any person other than a duly authorized employee of the city to alter, change, deface, remove, interfere with, open or in any other way molest any meter situated or being in the city and used in or for the supplying of any utility service to any consumer thereof in the city.
(Code 1971, § 34-34; Code 1987, § 26-44)

Sec. 26-50. When payment due, disconnection policy.

All bills for utility services furnished by the board of public works shall be due and payable on the date upon which bills for such services are mailed. Any utility bill for which payment is not received prior to the delinquency date shall be delinquent. Should the delinquent date fall on a Saturday, Sunday, or a holiday observed by the board of public works, then the bill shall not be deemed delinquent until the close of the following business day. The city board of public works shall adopt and keep on file current procedural policies for utility disconnection that conform to this Code and state statutes.
(Code 1971, § 34-36; Code 1987, § 26-45; Ord. No. 15-004, § 1, 3-16-2015; Ord. No. 21-14, § 1, 3-15-2021)

Sec. 26-51. Disconnection for nonpayment.

If bills for utility become delinquent, the board of public works shall have the right to disconnect and discontinue all utility services.
(Code 1971, § 34-37; Code 1987, § 26-46; Ord. No. 15-004, § 1, 3-16-2015; Ord. No. 22-21, § 1, 8-1-2022)

State law reference—Discontinuance of public utility service, procedural requirements, R.R.S. § 19-2702 et seq.

Sec. 26-52. Voluntary discontinuance of service.

Consumers wishing to discontinue the use of any utility service shall give such notice thereof as the board of public works may require. Failure to do this shall render them liable for the payment of all bills until such notice is given.
(Code 1971, § 34-38; Code 1987, § 26-47)

Sec. 26-53. Reconnection after disconnection.

If utility service is disconnected for any reason, the consumer thereof shall have the right to have the same reconnected only upon the payment of all rates and charges due thereon and, in addition thereto, service charges as determined by the board of public works.
(Code 1971, § 34-39; Code 1987, § 26-48)

Secs. 26-54—26-79. Reserved.

ARTICLE III. WATER*

DIVISION 1. GENERALLY

Sec. 26-80. Definitions.

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

Commercial main means a pipe other than a supply or service pipe used for the purpose of carrying water to or distributing it in the city. No water line in the city of a diameter less than two (2) inches shall be considered a commercial main and no additional users are authorized to be connected to a water line of less than two (2) inches in diameter.
(Code 1971, § 34-50; Code 1987, § 26-66)

Sec. 26-81. Board of public works in charge of commercial mains.

No person other than the board of public works shall disturb, tap, change, obstruct, interfere with or in any manner have access to any of the commercial mains of the city, except by special authorization from the board of public works.
(Code 1971, § 34-51; Code 1987, § 26-67)

Sec. 26-82. Premises not abutting commercial main.

An applicant for water service whose premises do not abut a street in which a commercial main is laid shall be supplied with service by connection with the nearest commercial main, provided be shall, at his or her own expense, bring such water service to his or her own premises from a point near the curbline on a street in which the commercial main to be tapped is laid. The size, pipe material and methods of installation shall be subject to the approval and supervision of the board of public works.
(Code 1971, § 34-52; Code 1987, § 26-68)

Sec. 26-83. Abandoned water service pipe.

Whenever a water service pipe has been abandoned, unused more than eight (8) months per year for five (5) consecutive years, or has been replaced by another water service pipe, the board of public

***State law reference—**Power of city to acquire and hold lands for waterworks, R.R.S. § 16-241.

works shall disconnect the service pipe from the commercial main and shall remove all meter vaults, stop boxes and valve boxes located on or under the street right-of-way. The board of public works shall mail written notice that the water service pipe will be disconnected, as set forth in this section, to the last known address of the owner of record of the abutting property, at least fifteen (15) calendar days prior to disconnection.
(Code 1987, § 26-69; Ord. No. 87-34, § 1, 9-21-1987; Ord. No. 12-024, § 1, 5-7-2012)

Sec. 26-84. Emergency restrictions on water use.

The mayor is authorized and empowered to declare the existence of any emergency relating to the available water supply of the city and to impose restrictions on the use of water during such emergency. Whenever the mayor shall determine that the remaining available water supply is critically low from whatever cause, the mayor may declare the existence of an emergency and impose reasonable restrictions on the use of such water. It shall be unlawful for any person to fail to observe such restriction so imposed by the mayor, provided public announcement of such restriction has been made.
(Code 1987, § 26-70; Ord. No. 88-24, § 1, 6-27-1988)

Sec. 26-85. Disconnecting water for failure to observe restrictions.

The board of public works may disconnect the water supplied to the premises of any person who, after having been notified of the imposition of such emergency restrictions on the use of water, disregards such restrictions, and such supply of water shall not again be reconnected until the cost of turning the water off and turning the water on has been paid to the board of public works.
(Code 1987, § 26-71; Ord. No. 88-24, § 2, 6-27-1988)

Sec. 26-86. Separate water supply connections.

(a) Except as otherwise provided in this section, a separate and independent water supply connection, supply pipe, curb stop, stop box, service pipe, water meter and other required meter apparatus shall be provided for every building.

(b) Each unit of a duplex located on a lot having sufficient lot area such that the lot may be subdivided into two (2) lots with each unit situated on a separate lot in conformity with the subdivision regulations of the city, each unit of a condominium and each townhouse unit shall have a separate water supply pipe, curb stop, stop box, water meter and other required water meter apparatus.
(Code 1987, § 26-72; Ord. No. 92-63, § 2, 12-21-1992)

Secs. 26-87—26-115. Reserved.

DIVISION 2. WATER CONDITIONING

Sec. 26-116. Definitions.

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

Connected to a water supply system means and includes connections other than hose connections to existing faucets.

Water conditioning appliance means apparatus and equipment which is designed to soften or filter or change the mineral content of water where such apparatus and equipment are connected to a water supply system.

Water conditioning installation means only work incident to the complete installation, repair, replacement, relocation or removal of water conditioning appliances, including piping to hot and cold water lines for such purposes.
(Code 1971, § 34-62.1; Code 1987, § 26-81)

Sec. 26-117. Penalty.

Any person violating any of the provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not to exceed one hundred dollars ($100.00).
(Code 1971, § 34-62.13; Code 1987, § 26-82)

Sec. 26-118. Community development director.

The community development director shall serve as the officer of the city for the administration of this division, and it shall be the duty of the community development director to issue permits as required by this division; to inspect all work for which permits are required and to see that all such work is performed in accordance with the provisions hereof; to stop any work being done in violation of the terms hereof and to post stop work signs therefor upon the premises where such work is being done in violation; to order any such work removed or corrected to conform herewith; to issue certificates of approval upon satisfactory completion of work. The community development director shall have the right to enter upon any premises or into any building or enclosure in order to accomplish a proper inspection under the terms hereof or whenever he or she has reasonable cause to believe that work is being done in violation of this division, which violation might be a menace to health or safety, for the inspection of such work.
(Code 1971, § 34-62.2; Code 1987, § 26-83)

Sec. 26-119. Connections.

All connections made to a water system for the purpose of installing, repair, replacement, relocation or removal of water conditioning appliances shall be made in compliance with the provisions of this division.
(Code 1971, § 34-62.3; Code 1987, § 26-84)

Sec. 26-120. Registration certificate required.

No person other than a master plumber or journey worker plumber duly registered in accordance with the provisions of this Code, shall install, repair, replace, relocate or remove a water conditioning appliance without first having obtained a registration certificate as a water conditioning contractor, or as a water conditioning installer.
(Code 1971, § 34-62.4; Code 1987, § 26-85)

Sec. 26-121. Board of examiners.

There is hereby created a water conditioning board of examiners, which shall consist of the board of examination of plumbers. The board of examination of plumbers shall have power and authority to make rules and regulations, consistent with this division and subject to the approval of the mayor and city council for the registration of water conditioning contractors and installers.
(Code 1971, § 34-62.5; Code 1987, § 26-86)

Sec. 26-122. Application for registration.

(a) Applications for registration as a water conditioning contractor or installer shall be made to the community development director, on forms furnished by him or her, the application to include the following:

(1) Name, residence and business address of the applicant;

(2) Trade name used by the applicant or employer;

(3) Names of persons acquainted with the applicant's qualifications;

(4) Qualifications possessed by the applicant; and

(5) Additional relevant information as requested by the board.

Before a registration certificate shall be issued, the applicant shall be required to submit to and pass an examination as to his or her qualifications. The examination, to be given by the board of examination of plumbers, shall relate to the technical knowledge and ability to install water conditioning appliances, and knowledge of water supply piping and fittings as relate to the installation of water conditioning appliances. The examination shall not include the applicant's knowledge of plumbing, house drainage, ventilation or sanitation to the extent required to meet the standards applied in the registration of master or journey worker plumbers. Any applicant who fails to pass the examination shall not be eligible to take the examination again until six (6) months have elapsed.

(b) Any person, other than a water conditioning contractor or a master or journey worker plumber, desiring to engage in the occupation of water conditioning installer must take an examination therefor and be registered as such and employed by a water conditioning contractor.
(Code 1971, § 34-62.6; Code 1987, § 26-87)

Sec. 26-123. Prerequisites to registration.

(a) No person shall be registered as a water conditioning contractor until the applicant for such registration shall first have passed the examination therefor and shall have a regularly established place of business.

(b) In case of any firm of more than one (1) person or of a partnership engaged in the business of installing water conditioning appliances, only one (1) of such persons shall be required to qualify by examination as a contractor, and in case of corporations, only one (1) officer shall be required to qualify by examination, as a contractor, provided that every other person installing a water conditioning appliance for such contractor shall be registered.
(Code 1971, § 34-62.7; Code 1987, § 26-88; Ord. No. 85-48, § 5, 1-6-1986)

Sec. 26-124. Registration fee, expiration, renewal.

Each water conditioning contractor shall pay an initial registration fee and an annual renewal registration fee established by resolution adopted by the city council. A water conditioning installer shall pay an annual registration fee established by resolution adopted by the city council. All registrations provided in this division shall expire on December 31 following the issuance thereof. A registration as a water conditioning contractor or installer may be renewed without examination.
(Code 1971, § 34-62.8; Code 1987, § 26-89; Ord. No. 13-054, § 21, 10-21-2013)

Sec. 26-125. Failure to renew registration.

Any person registered as a water conditioning contractor or installer failing to renew a registration certificate within three (3) months after the expiration thereof shall be required to submit to and pass the examination as to qualifications and fitness as a water conditioning contractor or installer, except that if a registrant becomes a member of the armed forces of the United States and as a result thereof permits his or her registration to lapse, such period of three (3) months shall not begin to run until the date of his or her discharge from the armed forces.
(Code 1971, § 34-62.9; Code 1987, § 26-90; Ord. No. 85-48, § 6, 1-6-1986)

Sec. 26-126. Revocation of registration.

The city council shall have the power to revoke any registration, upon the recommendation by the board, for the following reasons:

(1) Failure to comply with this division and any rules duly established under this division;

(2) Fraudulent departure from plans or specifications; or

(3) Gross incompetence of the registrant.

(Code 1971, § 34-62.12; Code 1987, § 26-91)

Secs. 26-127—26-150. Reserved.

DIVISION 3. CROSS CONNECTION CONTROL

Sec. 26-151. Definitions.

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

Air-gap separation means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of said vessel. An approved air-gap separation shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel, and, in no case less than one (1) inch.

Auxiliary water supply means any water supply on or available to the premises other than the city's public water supply system.

Back siphonage means the flow of water or other liquids, mixtures or substances into the distributing pipes of the public water supply system from any source other than its intended source caused by the sudden reduction of pressure in the public water supply system.

Backflow means the flow of water or other liquids, mixtures or substances into the distributing pipes of the public water supply system from any source or sources other than the intended source of the public water supply.

Backflow prevention device means any device, method, or type of construction intended to prevent backflow into a potable water system, provided such device has been manufactured in full conformance with the following standards established by the American Water Works Association:

(1) AWWA Standard for Double Check Valve Backflow-Prevention Assembly, ANSI/AWWA C-510-89 (effective date: September 1, 1990); and

(2) AWWA Standard for Reduced-Pressure Principle Backflow-Prevention Assembly, ANSI/AWWA C-511-89 (effective date: September 1, 1990);

and has met completely the laboratory and field performance specifications of the Foundation for Cross Connection Control and Hydraulic Research of the University of Southern California (FCCC&HR).

Contamination means an impairment of the quality of the potable water by sewage, industrial fluid or other wastes to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease by exposure.

Controlled cross connection means a connection between a potable water system and a nonpotable water system with an approved backflow prevention device properly installed that will continuously afford the protection commensurate with the degree of hazard.

Cross connection means any physical connection or arrangement of piping or fixtures between two (2) otherwise separate piping systems one (1) of which contains potable water and the other nonpotable water or industrial fluids of questionable safety, through which, or because of which, backflow or backsiphonage may occur into the potable water supply.

Customer means the owner or person in control of any premises supplied by or in any manner connected to a public water supply system.

Double check valve assembly means an assembly of two (2) independently operating approved check valves with tightly closing shutoff valves on each side of the check valves, plus properly located test cocks for the testing of each check valve. The entire assembly shall meet the design and performance specifications and approval of a recognized and board of public works approved testing agency for backflow prevention devices. To be approved these devices must be readily accessible for in-line maintenance and testing. Devices of a size of two (2) inches or smaller must include one hundred percent (100%) closing ball valves having full port openings. Devices of a size larger than two (2) inches must include either one hundred percent (100%) closing ball valves having full port openings or one hundred percent (100%) closing resilient wedge valves. Each device shall be fitted with properly located test cocks.

Health hazard means any condition, device, or practice in a water system or its operation that creates or may create, a danger to the health and well-being of users.

Nonpotable water means water which is not safe for human consumption or which is of questionable potability.

Plumbing hazard means a plumbing type of cross connection in a customer's potable water system that has not been properly protected by an air-gap separation or other backflow prevention device.

Pollution means the presence in water of any foreign substance that tends to degrade its quality to a degree which does not cause an actual hazard to the public health but which does adversely and unreasonably affect such water for any desired use.

Pollution hazard means an actual or potential threat to the physical properties of the water system or to the potability of the public or the customer's water supply system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

Potable water means any water which, according to recognized standards, is safe for human consumption.

Process fluids means any fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, pollution or system hazard if introduced into the public or the customer's water supply system. The term "process fluids" includes, but is not limited to, polluted or contaminated waters; process waters; used waters originating from the public water supply system which may have deteriorated in sanitary quality; cooling waters; contaminated natural waters taken from wells, lakes, streams, or irrigation systems; chemicals in solution or suspension; and oils, gases, acids, alkalis, and other liquid and gaseous fluids used in industrial or other processes or for firefighting purposes.

Public water supply system means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the state department of health.

Reduced pressure principle backflow prevention device means a device containing a minimum of two (2) independently acting check valves together with an automatically operated pressure differential relief valve located between two (2) check valves. During normal flow and at the cessation of normal flow, the pressure between these two (2) checks shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the check valves at less than the supply pressure. Devices of a size of two inches (2") or smaller must include one hundred percent (100%) closing ball valves having full port openings. Devices of a size larger than two inches (2") must include either one hundred percent (100%) closing ball valves having full port openings of one hundred percent (100%) closing resilient wedge valves. Each device shall be fitted with properly located test cocks.

Service connection means the water service line between the curbstop or meter pit located in the public right-of-way and maintained by the board of public works and the customer's water supply system.

System hazard means an actual or potential threat of severe damage to the physical properties of the public water supply system or the customer's water supply system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.
(Code 1987, § 26-92; Ord. No. 91-5, § 2, 3-4-1991)

Sec. 26-152. Cross connections prohibited.

(a) No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system or the customer's water supply system may exist unless such actual or potential cross connections are abated or controlled in accordance with the provisions of this division.

(b) No auxiliary water supply shall be installed or maintained to any premises except where the auxiliary water supply and the public water supply system shall be distributed through systems entirely independent of each other. No cross connection between such systems shall be allowed.

(c) 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 in accordance with the plumbing code adopted by the city.
(Code 1987, § 26-93; Ord. No. 91-5, § 3, 3-4-1991)

Sec. 26-153. Backflow prevention device—Required; exceptions.

(a) A backflow prevention device approved by the board of public works shall be installed in the service connection line to a customer's water supply system wherever the following conditions exist:

(1) Premises on which any substance is handled in such a fashion as to create an actual or potential hazard to the public water supply system. This shall include premises having sources or systems containing process fluids or waters originating from the public water supply system which are no longer under the control of the board of public works;

(2) Premises having existing or potential internal cross connections that are not permanently correctable;

(3) Premises having intricate plumbing and piping arrangements which make it impracticable to determine whether or not cross connections exist;

(4) Premises where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not dangerous cross connections exist;

(5) Premises having more than one (1) customer service connection line that would constitute a potential cross connection; and

(6) Premises that are subject to frequent modification which would change their status or premises that have had cross connection control code violations.

(b) A backflow prevention device approved by the board of public works shall be installed in each service connection line to a customer's water supply system serving the following types of facilities unless the board of public works determines that no health, plumbing, pollution, or system hazard to the public water supply system exists:

(1) Hospitals, mortuaries, clinics, nursing and convalescent homes;

(2) Laboratories;

(3) Laundries and dry cleaners;

(4) Piers, docks, terminal facilities, dump stations;

(5) Film laboratories or film development facilities;

(6) Sewage treatment plants, sewage pumping stations or stormwater pumping stations;

(7) Food or beverage processing plants;

(8) Packing houses;

(9) Chemical plants;

(10) Premises having water recirculating systems and pumps;

(11) Metal degreasing and plating industries;

(12) Veterinary establishments, pet grooming establishments, kennels, feedyards, stables, and stockyards;

(13) Chemical and petroleum processing or storage plants;

(14) Automobile servicing facilities, including carwashes;

(15) Multistoried buildings greater than three (3) stories in height;

(16) Lawn irrigation systems and swimming pools;

(17) Airport facilities;

(18) All hot water and steam boiler heating systems;

(19) Cemeteries;

(20) Dental offices, doctor clinics, and medical office buildings;

(21) Fire protection systems;

(22) Baptistries;

(23) Motels and shopping centers;

(24) Schools, public and private colleges;

(25) Beauty salons, barbershops, massage parlors and health clubs; and

(26) Other commercial or industrial facilities which may constitute potential cross connections.

(c) Facilities falling into one (1) or more of the categories listed in subsection (a) of this section will be given twelve (12) months after the effective date of the ordinance from which this section is derived to comply with the requirements of this section, except those facilities or systems which are determined by the board of public works to be an immediate or severe health hazard, in which case that system or facility shall be required to comply immediately with this section.

(d) Existing backflow prevention devices approved by the board of public works prior to the effective date of this division and which are properly maintained shall be excluded from the requirements of sections 26-154 and 26-155, but only if the board of public works determines that the devices will satisfactorily protect the public water supply system. One hundred percent (100%) closing ball valves for testing shall be provided on existing backflow prevention devices, if deemed necessary for proper testing by the board of public works. If deemed necessary by the board of public works that an existing backflow prevention device requires replacement, it shall be replaced with a backflow prevention device in accordance with the requirements of this division.
(Code 1987, § 26-94; Ord. No. 91-5, § 4, 3-4-1991; Ord. No. 96-30, § 1, 7-1-1996)

Sec. 26-154. Backflow prevention device—Type required.

The type of backflow prevention device required under section 26-153 shall depend upon the degree of hazard which exists as follows:

(1) An air-gap separation or a reduced pressure principle backflow prevention device approved by the board of public works shall be installed where the public water supply system may be contaminated with any substance that could cause a health hazard, a plumbing hazard, or a system hazard; and

(2) An air-gap separation, a reduced pressure principle backflow prevention device or a double check valve assembly approved by the board of public works shall be installed where a public water supply system may be contaminated with any substance that could cause a pollution hazard.

(Code 1987, § 26-95; Ord. No. 91-5, § 5, 3-4-1991)

Sec. 26-155. Backflow prevention device—Installation.

(a) Backflow prevention devices required by this division shall be installed at a location and in a manner approved by the board of public works and shall be installed at the expense of the customer. The installation of backflow prevention devices shall be performed by a licensed master plumber.

(b) Backflow prevention devices installed on the service connection line to the customer's water supply system shall be located on the customer's side of the curbstop or meter pit located in the public right-of-way before the first branch line leading off the service connection line.

(c) Backflow prevention devices shall be located so as to be readily 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.
(Code 1987, § 26-96; Ord. No. 91-5, § 6, 3-4-1991)

Sec. 26-156. Backflow prevention device—Inspection and maintenance.

(a) It shall be the duty of the customer at any premises to maintain all backflow prevention devices required by this division in good repair and operable condition.

(b) Air-gap separations, double check valve assemblies and reduced pressure principal backflow prevention devices shall be inspected and tested by the board of public works at the time of installation.

(c) Air-gap separation, double check valve assemblies and reduced pressure principle backflow prevention devices may be inspected and tested by the board of public works at any time during normal business hours at the expense of the board of public works. Double check valve assemblies and reduced pressure principle backflow prevention devices may be dismantled, inspected internally and cleaned by the board of public works at any time during normal business hours at the expense of the board of public works.

(d) Repairs and overhauls of backflow prevention devices shall be made at the expense of the customer and shall be performed by the board of public works.

(e) Backflow prevention devices designed with testing cocks shall be inspected and tested each year, and those tests performed by the board of public works will be at the expense of such board. Tests performed by others shall be at the expense of the customer. Backflow prevention devices installed in the service connection line to a customer's water supply system serving lawn irrigation systems shall not be required to be inspected and tested as required by this subsection unless the law irrigation system could be used to provide water to mix pesticides, fertilizer, or other chemicals, for direct use or aerial application to surface areas.

(f) If it is deemed necessary by the board of public works that a backflow prevention device required by this division will be replaced, the customer shall replace such device at the expense of the customer without delay. The customer shall complete the replacement within thirty (30) calendar days after notification by the board of public works; if not, the customer shall be considered to be in violation of this division and shall be subject to disconnection of the service as provided in section 26-158.

(g) The board of public works shall maintain a complete record of each backflow prevention device that has test cocks from purchase to retirement. Records of inspections, tests, repairs and overhauls performed by others shall be submitted to the board of public works annually.

(h) Backflow prevention devices shall not be bypassed, made inoperative, removed or otherwise made ineffective without specific authorization by the board of public works.
(Code 1987, § 26-97; Ord. No. 91-5, § 7, 3-4-1991; Ord. No. 96-30, § 2, 7-1-1996)

Sec. 26-157. Booster pumps; yard hydrants.

(a) No person shall install or maintain a water service connection to any premises where a booster pump has been installed on the service connection line to or within such premises, unless such booster pump is equipped with a low-pressure cutoff designed to shut off the booster pump

when the pressure in the service connection line on the suction side of the pump drops to twenty (20) pounds per square inch gauge or less. It shall be the duty of the customer to maintain the low-pressure cutoff device in proper working order.

(b) Yard hydrants or outside faucets which could be used to provide water to mix pesticides, fertilizer, or other chemicals, for direct use or aerial application to surface areas shall be equipped with an antisiphon vacuum breaker.
(Code 1987, § 26-98; Ord. No. 91-5, § 8, 3-4-1991; Ord. No. 96-30, § 3, 7-1-1996)

Sec. 26-158. Violations.

(a) The board of public works shall have the right to deny or discontinue, after fifteen (15) calendar days' notice to the customer and the occupants thereof, the water service to any premises wherein any backflow prevention device required by this division is not installed, tested, or replaced in a manner acceptable to the board of public works or if it is found that the backflow prevention device has been removed or bypassed or if an unprotected cross connection exists on the premises or the board of public works is denied entry to conduct inspections, tests, repairs, or overhauls in accordance with this division.

(b) Water service to such premises shall not be restored until the customer has corrected or eliminated such conditions or defects in conformance with this division to the satisfaction of the board of public works.
(Code 1987, § 26-99; Ord. No. 91-5, § 9, 3-4-1991)

Sec. 26-159. Liability claims.

All employees of the board of public works shall be relieved from personal liability, and the city shall hold harmless all employees of the board of public works when acting in good faith and without malice, from all personal liability for any damage that may occur to any person or property as a result of any act required or authorized by this division, or by reason or any act or omission of any employee in the discharge of his or her duties hereunder. Any suit brought carrying out the provisions of this division shall be defended by the city, or the city's insurance carrier, if any, through final determination of such proceeding.
(Code 1987, § 26-100; Ord. No. 91-5, § 10, 3-4-1991)

Secs. 26-160—26-186. Reserved.

DIVISION 4. WATER WELLS

Sec. 26-187. Definitions.

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

Abandoned water well means a well the use of which has been permanently discontinued.

Domestic use means the use of groundwater for human needs as it relates to health and sanitation (not including heat pumps).

Repair means any action that results in a breaking or opening of the well seal or replacement of a pump.

Water well means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed, and its pumps and pumping equipment, when the intended use of such excavation is for the location, extraction, or artificial recharge of groundwater, excluding construction, dewatering wells, and sump pumps within permanent structures.

Water well permit means a written permit issued by the city permitting the use or maintenance of a private water supply system.
(Code 1987, § 26-101; Ord. No. 93-76, § 1, 12-20-1993)

Sec. 26-188. Use of water well; when permitted.

(a) It shall be unlawful to construct, maintain, or use within the limits of the city a water well for domestic use, provided that a water well for domestic use existing immediately prior to the effective date of the ordinance from which this section is derived may be continued although such use does not conform to the provisions hereof. Such well shall comply with the other provisions of this article and with the regulations, standards, and ordinances adopted by the city council.

(b) Whenever the use of a water well for domestic use becomes a nonconforming use through a change in the corporate limits of the city, such use may be continued.

(c) Discharge, recharge, or reinjection wells are prohibited except for the disposal of water where only the temperature of the water has been altered, provided that the maximum water temperature shall not exceed ninety (90) degrees Fahrenheit. It shall be deemed a violation of this section to reinject or inject any chemically altered water or hazardous substance of any kind into or above the groundwater aquifer.
(Code 1987, § 26-102; Ord. No. 93-76, § 2, 12-20-1993)

Sec. 26-189. Repair of water well; permit required.

Whenever any person seeks to repair a water well within the limits of the city, such person shall repair the same in accordance with regulations, standards, and ordinances adopted by the city council and such regulations and standards shall be on file with the office of the city clerk upon adoption by said council. Repair of a water well shall not commence before a repair permit has been issued by the city to the owner of the land on which such well is located, as provided for in section 26-190. Within sixty (60) calendar days following the repair of the water well, the owner shall be required to have the well inspected by the community development director. In the event the water well repair does not comply with the regulations, standards, and ordinances adopted by the council, the use of the well shall be immediately discontinued until the same is brought into compliance with

said regulations, standards, and ordinances. In the case of emergency repairs, such repairs may be made without first obtaining the repair permit; provided, however, said permit shall be obtained within ten (10) calendar days subsequent to such emergency repair.
(Code 1987, § 26-103; Ord. No. 93-76, § 3, 12-20-1993)

Sec. 26-190. Permit for water well; application; fees.

(a) Applicants for permits shall obtain forms from the community development director, which completed forms together with the permit fee, shall be filed with the community development director who shall forthwith forward such completed forms to the board of public works and such other appropriate departments of the city for processing. If such applicant's well is found to be in compliance with the "Water Well Regulations and Standards of the City of Beatrice" and its ordinances, a permit shall then be issued. In the event that such applicant's well does not comply with such ordinances, regulations, and standards, such applicant shall immediately discontinue the use of such well until same is brought into compliance with the applicable ordinance provisions, regulations, or standards.

(b) The permit fee shall be established by resolution adopted by the city council. (Code 1987, § 26-104; Ord. No. 93-76, § 4, 12-20-1993; Ord. No. 13-054, § 22, 10-21-2013)

Sec. 26-191. Abandoned water well.

(a) Whenever a person shall abandon or destroy a water well, such person shall first contact the community development director for the purpose of inspection of such abandonment or destruction process from its inception. All abandoned water wells shall be properly abandoned or destroyed in accordance with applicable regulations and standards on file within the city clerk's office.

(b) Whenever a water well has been improperly abandoned or discontinued for use, the owner of such property upon which such well is located shall be notified to abandon such well in accordance with the applicable regulations, standards, and ordinances of the city. Upon failure of the owner of the property upon which said water well is located to comply with such order, the city shall fill up, destroy, or abandon such well in accordance with appropriate regulations, standards, and ordinances at the cost of the owner of such property.
(Code 1987, § 26-105; Ord. No. 93-76, § 5, 12-20-1993)

Secs. 26-192—26-220. Reserved.

ARTICLE IV. SEWERS AND SEWAGE DISPOSAL*

DIVISION 1. GENERALLY

Sec. 26-221. Definitions.

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

BOD (biochemical oxygen demand) means the quantity of oxygen utilized in the biochemical oxidation of organic matter, under standard laboratory procedures, in five (5) continuous days at twenty degrees (20°) centigrade, expressed in milligrams per liter (mg/L).

Building drain means 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 a building and conveys it to the building sewer, the building sewer beginning outside the outer wall of the building.

Building sewer means the extension from the building drain to the public sanitary sewer or other place of disposal.

COD (chemical oxygen demand) means a measurement of the oxygen-deletion capacity of a water sample contaminated with organic waste mater.

Combined sewer means a public sewer receiving both surface runoff and sewage.

FOG (fats, oils, and grease) means fats, oils, and grease typically derived from animal or vegetable origins that may interfere with the operations of the collection system or wastewater treatment facility or become a removal problem at the wastewater treatment facility.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

Industrial wastes means the liquid waste from industrial processes, trade or business as distinct from sanitary sewage.

Natural outlet means any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

Nonresidential user means any user other than a residential user.

Normal domestic wastewater means wastewater which when analyzed shows by weight a daily average of:

(1) Not more than two hundred fifty (250) parts per million of total suspended solids (TSS);

(2) Not more than two hundred twenty (220) parts per million of biochemical oxygen demand (BOD) (or where BOD cannot accurately be determined, a chemical oxygen demand (COD) greater than four hundred (400) parts per million);

(3) Not more than thirty (30) parts per million of total Kjeldahl nitrogen (TKN); and

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***State law reference—**Power of city to construct or repair sewers, R.R.S. § 16-249 et seq.

(4) Not more than one hundred (100) parts per million of soluble matter such as fats, oils, and grease (FOG).

Owner means any person who, alone or jointly or severally with others, has legal title to or charge, care, or control of, in any capacity of property.

Parts per million (PPM) means milligrams per liter.

Person means any individual, firm, company, association, state agency, society, corporation or group.

pH means the logarithm of the reciprocal of the activity of hydrogen ions in moles per liter of solution.

Private sewage disposal system means a system which is not controlled by public authority.

Properly shredded garbage means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half (½) inch (1.27 cm) in any dimension.

Property means any piece or portion of real estate, public or private, including all buildings and structures located thereon, having a sewer or drainage system which immediately or remotely discharges into a public sewer, natural outlet, or both.

Public sanitary sewer means a sewer which is controlled by public authority.

Residence means property, or that portion of property, used exclusively as dwelling or living quarters by one (1) or more natural persons.

Residential user means any person who discharges sewage into a public sewer from a dwelling unit occupied as living quarters by one (1) individual or more, either as a family unit or separately.

Sanitary sewer means a public sanitary sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

Sewage means a combination of the water-carried wastes from residences, business buildings, institutions, and all buildings and structures having a sewer or drainage system, together with such groundwaters, surface waters and stormwaters as may be present.

Sewage treatment plant means any arrangement of devices and structures used for treating sewage.

Sewer means a pipe or conduit for carrying sewage.

Slug means 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 fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

Storm sewer means a public sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Suspended solids means solids that either float on the surface of, or are in suspension of water, sewage or other liquids, and which are removable by laboratory filtering.

TKN (total Kjeldahl nitrogen) means total nitrogen in a substance determined by digesting with sulfuric acid and a catalyst; the nitrogen is reduced to ammonia, which is then measured.

Total annual wastewater treatment and collection costs means the total amount sufficient:

(1) To meet the costs and expenses of the operation and maintenance of the wastewater system, including both the wastewater treatment and collection system facilities;

(2) For the amortization of the indebtedness of such facilities; and

(3) For additional costs as may be necessary to ensure adequate waste collection and treatment on a continuing basis, including replacement costs, all as pertaining to and reflecting the total operation of the Beatrice wastewater system, as determined by the city council for one (1) year.

Treatment works means all facilities for collecting, pumping, treating and disposing of sewage.

TSS (total suspended solids) means solids that float on the surface or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering, expressed in milligrams per liter.

Wastewater means any substance which is discharged into the city public sanitary sewer.

Wastewater minimum charge means the minimum charge per month to each user using the city public sanitary sewer system based on those costs associated with debt service and replacement expenditures.

Wastewater use unit charge means the charge per one thousand (1,000) gallons of water, or wastewater if a wastewater measuring device is required or permitted and used, made against a property for using the public sanitary sewer system, and shall be determined by dividing the total annual wastewater treatment and collection costs (exclusive of debt service and replacement costs) for the fiscal year of wastewater use, by the total wastewater flow, in thousands of gallons, into the wastewater treatment facilities of the city wastewater system during the city's fiscal year immediately preceding the fiscal year of wastewater use.

Watercourse means a channel in which a flow of water occurs, either continuously or intermittently. (Code 1971, § 34-63; Code 1987, § 26-111; Ord. No. 15-011, § 1, 5-4-2015)

Sec. 26-222. Penalties.

(a) Any person found to be in violation of any provisions of this article, except section 26-253, shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for in this section shall be guilty of a misdemeanor and on conviction thereof shall be punished as provided in section 1-8. Each day in which such violation shall continue shall be deemed a separate offense.

(c) Any person violating any of the provisions of this article shall become liable to the city for any expense, loss or damage occasioned the city by reason of such violation.
(Code 1971, § 34-90; Code 1987, § 26-112; Ord. No. 15-011, § 2, 5-4-2015)

Sec. 26-223. Unlawful deposit of waste.

It shall be unlawful for any person to place, deposit or permit to be deposited in an unsanitary manner upon property within the city, or in any area under the jurisdiction of the city, any human or animal excrement, garbage or other objectionable wastes.
(Code 1971, § 34-64; Code 1987, § 26-113; Ord. No. 15-011, § 3, 5-4-2015)

Sec. 26-224. Discharge of untreated wastewater.

It shall be unlawful to discharge to any natural outlet within the city, or in any area under the jurisdiction of the city, any sewage, industrial wastes or other polluted wastes, except where suitable treatment has been provided in accordance with subsequent provisions of this article.
(Code 1971, § 34-65; Code 1987, § 26-114; Ord. No. 15-011, § 4, 5-4-2015)

Sec. 26-225. Construction of privies, cesspools, septic tanks.

Except as herein provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, drainfield, or other facility intended or used for the disposal of sewage within the city.
(Code 1971, § 34-66; Code 1987, § 26-115; Ord. No. 15-011, § 5, 5-4-2015)

Sec. 26-226. When septic tanks permitted.

Whenever the public sanitary sewer system is not available to private property within the city pursuant to section 26-230, septic tanks may be constructed on such property, if their construction complies with all applicable provisions of this Code; the state department of environment and energy, title 124, Rules and Regulations for the design, operation and maintenance of on-site wastewater treatment systems; or the state department of health and human services regulations.
(Code 1987, § 26-115.1; Ord. No. 15-011, § 6, 5-4-2015)

Sec. 26-227. When existing septic tank no longer permitted.

(a) For any property within the corporate limits of the city, now being served with an existing on-site wastewater treatment system, i.e., septic tank and drain field, that system may remain in operation until such time as there is an on-site wastewater system failure. Failure of an on-site wastewater system is defined as:

(1) Unauthorized discharge of effluent or wastewater such as a discharge on the surface of the ground, to a seepage pit, to a dry well, to a cesspool, to a leaching pit, or to a drain field with less than four (4) feet of vertical separation to groundwater or other limiting soil characteristics such as bedrock; or

(2) Which threatens to cause pollution to the air, water, or land; or

(3) Which threatens public health.

(b) Normal periodic maintenance by pumping a septic tank shall not in itself be considered a failure of an on-site wastewater treatment system.
(Code 1987, § 26-115.2; Ord. No. 15-011, § 7, 5-4-2015)

Sec. 26-228. Annual inspection of septic systems.

For any property within the corporate limits of the city, now being served with an existing on-site wastewater treatment system, and which property has the city's public sanitary sewer system available as described in section 26-230, there shall be an on-site yearly inspection of the wastewater treatment system by the community development director or his/her representative to determine compliance with section 26-227, at no cost to the property owner.
(Code 1987, § 26-115.3; Ord. No. 15-011, § 8, 5-4-2015)

Sec. 26-229. Removal of failed septic systems.

If an on-site wastewater treatment system is deemed to have failed as described in section 26-227, such property shall be required to meet all requirements of the state department of environment and energy, title 124, Rules and Regulations for the design, operation, maintenance of on-site wastewater treatment systems, or the state department of health and human services regulations. If the property is unable to meet these requirements, such property shall connect to the public sanitary sewer system at the cost of the property owner and the former on-site system shall be abated.
(Code 1987, § 26-115.4; Ord. No. 15-011, § 9, 5-4-2015)

Sec. 26-230. Connection required.

The owner of all houses, buildings or properties, public and private, used for human occupancy, employment, recreation or other purposes, situated within the city or abutting or within any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary sewer, is hereby required at his or 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 ninety (90) calendar days after date of official notice to do so, provided that the public sewer is within one hundred fifty (150) feet of the property lines.
(Code 1971, § 34-67; Code 1987, § 26-116; Ord. No. 15-011, § 10, 5-4-2015)

Sec. 26-231. Duty to connect.

It shall be the duty of the owner of any private property to which the public sanitary sewer system is available to make or cause to be made, and to maintain in proper repair proper connection with such public sewer system.
(Code 1987, § 26-116.1; Ord. No. 15-011, § 11, 5-4-2015)

Sec. 26-232. Private sewage disposal.

Where a public sanitary sewer is not available under the provisions of section 26-230, the building sewer shall be connected to a private sewage disposal system complying with the following provisions:

(1) Before commencement of construction of a private sewer disposal system, the owner shall first obtain a written permit signed by community development department. 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 are deemed necessary by the board of public works. A permit and inspection fee as established by the city council by resolution shall be paid to the city at the time the application is filed.

(2) A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the community development director or assignee. He or she shall be allowed to inspect the work at any state of construction and, in any event, the applicant for the permit shall notify the community development director when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the community development director.

(3) The type, capacities, location and layout of a private disposal system shall comply with all recommendations of the state department of environment and energy. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area is of less than fifteen thousand (15,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

(4) At such time as a public sanitary sewer becomes available to a property served by a private sewage disposal system, as provided in subsection (3) of this section, a direct connection shall be made to the public sewer in compliance with section 26-230, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned and filled with suitable material.

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

(6) No provision contained in this section shall be construed to interfere with any additional requirements that may be imposed by the mayor and city council.

(7) When a public sanitary sewer becomes available, the building sewer shall be connected to such public sanitary sewer within sixty (60) calendar days and the private sewage disposal system shall be cleaned of sludge and filled with clean backrun gravel or dirt.

(Code 1971, § 34-68; Code 1987, § 26-117; Ord. No. 13-054, § 23, 10-21-2013; Ord. No. 15-011, § 12, 5-4-2015)

Sec. 26-233. Connection; permit required.

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

(Code 1971, § 34-69; Code 1987, § 26-118; Ord. No. 15-011, § 13, 5-4-2015)

Sec. 26-234. Specifications for connections of building sewer to public sewer.

The connection of the building sewer into the public sanitary 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 American Society for Testing and Materials (ASTM) and the Water Pollution Control Federation (WPCF) Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the manager before installation.
(Code 1987, § 26-118.1; Ord. No. 15-011, § 14, 5-4-2015)

Sec. 26-235. Application for permit.

The owner or his or her agent shall make application to the city for a plumbing permit. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of community development director or designee. All applications for a connection permit of this section shall require the applicant to provide the name, address and telephone number of the applicant; the location and legal description of the property to be covered by the permit; and the name, address and telephone number of the person who will perform the work covered by the permit. All applications shall also require the applicant to agree to furnish at the request of the community development director or designee any additional information relating to the installation or use of the public sanitary sewer for which the permit is sought; to accept and abide by all provisions of this article and all other pertinent ordinances and regulations which may be adopted in the future; to operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the public sanitary sewers of the industrial wastes involved, in an efficient manner at all times, and at no expense to the city; to cooperate at all times with the community development director or designee in the inspecting, sampling and study of the industrial wastes and in the inspecting of any facilities provided for pretreatment; and to notify the community development director or designee immediately in the event of any accident, negligence or other occurrence which occasions discharge to the public sewers of any wastes or process waters not covered by the permit. If, after examination by the community development director or designee of the information contained in an application for a permit hereunder, it is determined that the characteristics of the proposed discharge do not conflict with the provisions of this article, a permit shall forthwith be issued allowing the discharge of such wastes to the public sanitary sewers. But, if it is determined that the characteristics of the wastes are not in compliance with the provisions of this article, the application shall be denied and the applicant forthwith advised of steps which must be taken to ensure compliance with the provisions of this article. A connection permit and inspection fee, as established by the mayor and city council by ordinance, shall be paid to the city at the time the application is filed.
(Code 1971, § 34-70; Code 1987, § 26-119; Ord. No. 13-054, § 24, 10-21-2013; Ord. No. 15-011, § 15, 5-4-2015)

Sec. 26-236. Costs of installation and connection borne by owner.

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.
(Code 1971, § 34-71; Code 1987, § 26-120; Ord. No. 15-011, § 16, 5-4-2015)

Sec. 26-237. Separate building sewers.

(a) Except as otherwise provided in this section, a separate and independent building sewer shall be provided for every building.

(b) Where one (1) building stands 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, courtyard or driveway, the building sewer from the front building can be extended to the rear building and the whole considered as one (1) building sewer.

(c) Each unit of a two (2) family dwelling located on a lot having sufficient lot area such that the lot may be subdivided into two (2) lots with each unit situated on a separate lot in conformity with the subdivision regulations of the city, each unit of a condominium and each townhouse unit shall have a separate and individual building sewer.
(Code 1971, § 34-72; Code 1987, § 26-121; Ord. No. 92-63, § 3, 12-21-1992; Ord. No. 15-011, § 17, 5-4-2015)

Sec. 26-238. Old building sewers; when permitted.

Old building sewers may be used in connection with new buildings only when they are found on examination by the community development director or designee to meet all requirements of this article.
(Code 1971, § 34-73; Code 1987, § 26-122; Ord. No. 15-011, § 18, 5-4-2015)

Sec. 26-239. Manner of building sewer construction.

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, and the connection of the building sewer into the public sewer, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city. All such connections shall be made gastight and watertight. 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.
(Code 1971, § 34-74; Code 1987, § 26-123; Ord. No. 15-011, § 19, 5-4-2015)

Sec. 26-240. Surface runoff connections.

No person shall make connections of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.
(Code 1971, § 34-75; Code 1987, § 26-124; Ord. No. 15-011, § 20, 5-4-2015)

Sec. 26-241. Inspections.

The applicant for the building sewer shall notify the community development director or designee when the building sewer is ready for inspection. The acceptability of any building sewer shall be

determined by maximum infiltration or exfiltration test not to exceed two hundred (200) gallons per day per inch diameter per mile of pipe. Any deviation from the prescribed procedures and materials must be approved by the community development director or designee before installation.
(Code 1971, § 34-76; Code 1987, § 26-125; Ord. No. 15-011, § 21, 5-4-2015)

Sec. 26-242. 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 to its original state in a manner satisfactory to the city.
(Code 1971, § 34-77; Code 1987, § 26-126; Ord. No. 15-011, § 22, 5-4-2015)

Sec. 26-243. Discharge of stormwater in sanitary sewer; prohibited.

No person shall discharge or cause to be discharged any stormwater, surface water, foundation drain water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer. All stormwater 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 board of public works. Industrial cooling water or unpolluted process waters may be discharged, on approval of the board of public works, to a storm sewer or natural outlet.
(Code 1971, § 34-78; Code 1987, § 26-127; Ord. No. 15-011, § 23, 5-4-2015)

Sec. 26-244. Discharge of waste—Prohibited types.

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 sewage treatment process, constitute a hazard in the receiving waters of the sewage treatment plant, including, but not limited to:

   a. Cyanides in excess of two (2) mg/L as CN in the wastes as discharged to the public sewer;

   b. Wastes in concentrations or quantities in excess of that set forth in a discharge permit issued to a user by the proper local, state or federal agency; or

   c. Wastes in excess of maximum concentrations established by the state department of water, energy and environment (DWEE) and/or the Environmental Protection Agency (EPA) for certain wastes, including, but not limited to, the following: arsenic, cadmium, chromium, copper, cyanide, lead, mercury, nickel, zinc, and identifiable chlorinated hydrocarbons.

(3) Any waters or waste 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 treatment works, such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, 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.

(Code 1971, § 34-79; Code 1987, § 26-128; Ord. No. 15-011, § 24, 5-4-2015)

Sec. 26-245. Discharge of waste—Types permitted at discretion of board.

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 board of public works 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, public property, or constitute a nuisance. In forming an opinion as to the acceptability of these wastes, the board of public works 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 prohibited substances are:

(1) Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (sixty-five (65) degrees centigrade);

(2) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100) mg/L or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) degrees Fahrenheit (zero to 65 degrees centigrade);

(3) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (¾) horsepower (seventy-six hundredths (0.76) hp metric) or greater shall be subject to the review and approval of the community development director or designee;

(4) Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not;

(5) Any wastes or waters 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 at the sewage treatment plant exceeds the limits established by the board of public works 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 board of public works,

as necessary, after treatment of the composite sewage, to meet the requirements of the 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 board of public works in compliance with applicable state or federal regulations;

(8) Any waters or wastes having a pH in excess of nine and five-tenths (9.5);

(9) Materials which exert or cause:

a. Abnormal 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. Abnormal BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment plant;

d. Abnormal volume of flow or concentration of wastes constituting slugs;

(10) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process 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.

(11) Any waters or wastes, excluding sanitary wastes, having:

a. A BOD greater than forty-six (46) pounds per day or a concentration of two hundred twenty (220) milligrams per liter, whichever is more stringent;

b. A COD greater than eighty-three (83) pounds per day or a concentration of four hundred (400) milligrams per liter, whichever is more stringent;

c. TSS greater than fifty-two (52) pounds per day or a concentration of two hundred fifty (250) milligrams per liter, whichever is more stringent;

d. TKN greater than six (6) pounds per day or a concentration of thirty (30) milligrams per liter, whichever is more stringent;

e. FOG greater than twenty-one (21) pounds per day or a concentration of one hundred (100) milligrams per liter, whichever is more stringent;

f. An average daily flow greater than twenty-five thousand (25,000) gallons per day shall be subject to review by the board of public works. Where necessary in the opinion of the board of public works, the owner shall provide, at his or her expense, such pretreatment as may be necessary to meet the above limitations or such flow equalization as may be necessary to control the rates of discharge of such waters or wastes. Plans, specifications, and any other pertinent information relating to proposed preliminary

treatment facilities shall be prepared by a registered professional engineer and shall be commenced until said approvals are obtained in writing from the board of public works.

(Code 1971, § 34-80; Code 1987, § 26-129; Ord. No. 15-011, § 25, 5-4-2015)

Sec. 26-246. Prohibited discharges; remedies.

(a) If any waters or wastes are discharged, or are proposed to be discharged to the public sanitary sewers, which waters contain the substances or possess the characteristics enumerated in section 26-245, and which in the judgment of the board of public works may have harmful or damaging effects upon the treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the board of public works may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sanitary 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 of the wastes not covered by existing taxes or sewer charges under the provisions of section 26-251.

(b) If the board of public works 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 community development director or designee, and subject to the requirements of all applicable codes, ordinances and laws.

(Code 1971, § 34-81; Code 1987, § 26-130; Ord. No. 15-011, § 26, 5-4-2015)

Sec. 26-247. Grease, oil and sand interceptors.

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

(Code 1971, § 34-82; Code 1987, § 26-131; Ord. No. 15-011, § 27, 5-4-2015)

Sec. 26-248. Preliminary treatment of flow-equalizing facilities.

Where preliminary treatment of 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 or her expense.

(Code 1971, § 34-83; Code 1987, § 26-132; Ord. No. 15-011, § 28, 5-4-2015)

Sec. 26-249. Control utility hole.

When required by the board of public works, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control utility hole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling

and measurement of the wastes. Such utility hole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the community development director or designee. The utility hole shall be installed by the owner at his or her expense, and shall be maintained by him or her so as to be safe and accessible at all times.
(Code 1971, § 34-84; Code 1987, § 26-133; Ord. No. 15-011, § 29, 5-4-2015)

Sec. 26-250. Sampling, testing methods.

(a) All measurements, tests and analysis 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 Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association, and shall be determined at the control utility hole provided, or upon suitable samples taken at the control utility hole. Not less than one (1) copy of the latest edition of such volume shall be kept on file in the office of the city clerk for use and examination by the public.

(b) If no special utility hole has been required, the control utility hole shall be considered to be the nearest downstream utility hole 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 treatment works and to determine the existence of hazards to life, limb and property. The particular analysis involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids will be obtained from twenty-four (24) hour composites of all outfalls whereas pH will be determined from periodic grab samples.
(Code 1971, § 34-85; Code 1987, § 26-134; Ord. No. 15-011, § 30, 5-4-2015)

Sec. 26-251. Treatment of industrial wastes; special agreement.

No statement contained in this article shall be construed as preventing any special agreement or contract rate 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, subject to the approval of the mayor and city council.
(Code 1971, § 34-86; Code 1987, § 26-135; Ord. No. 15-011, § 31, 5-4-2015)

Sec. 26-252. Combined sewer connections.

No person shall connect a combined sewer to a public sanitary sewer.
(Code 1971, § 34-87; Code 1987, § 26-136; Ord. No. 15-011, § 32, 5-4-2015)

Sec. 26-253. Damaging, tampering with equipment.

It shall be unlawful for any person unauthorized by the city to damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the public sanitary sewer or wastewater system.
(Code 1971, § 34-88; Code 1987, § 26-137; Ord. No. 15-011, § 33, 5-4-2015)

State law reference—Criminal mischief, R.R.S. § 28-519.

Sec. 26-254. Power and authority of inspectors.

The community development director or designee and other duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this article. The community development director or designee 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. While performing inspections, the community development director or designee or duly authorized employees of the city shall observe all safety rules applicable to the premises as established by the owner of the property.
(Code 1971, § 34-89; Code 1987, § 26-138; Ord. No. 15-011, § 34, 5-4-2015)

Secs. 26-255—26-271. Reserved.

DIVISION 2. WASTEWATER CHARGE

Sec. 26-272. Definitions.

The definitions for this division shall be found in section 26-221.
(Code 1971, § 34-91; Code 1987, § 26-151; Ord. No. 15-011, § 35, 5-4-2015)

Sec. 26-273. Purpose.

For the purpose of providing sufficient revenue for the operation, maintenance, improvement, enlargement and expansion of the public sanitary sewer; for the purpose of providing revenue for the prevention of water and stream pollution by the control of wastewater and its discharge; for the purpose of paying the principal and interest of any bonds issued for any of the aforesaid purposes; and for the purpose of creating reserves for any of the aforesaid purposes, designed as replacement costs, and for no other purpose, there is hereby imposed a wastewater fee charge, including where appropriate both a wastewater minimum charge and a wastewater use unit charge, against each user served by the public sanitary sewer system, or property which may otherwise discharge wastewater, either directly or indirectly, into such public sanitary sewer system or any parts thereof or into any water or stream subject to the jurisdiction of the city. Such charges ensure that the system generates adequate revenue and that the system continues to provide for the proportional distribution of wastewater use fees among users.
(Code 1971, § 34-92; Code 1987, § 26-152; Ord. No. 15-011, § 36, 5-4-2015)

Sec. 26-274. Wastewater rate to customers.

Each user shall pay for services provided by the city based upon his or her use of the wastewater treatment works as determined by water meters acceptable to the city. Each user of the wastewater treatment works shall be subject to the wastewater fees as set by ordinance by the city council for all

users of the public sanitary sewer system; provided, however, that prior to city council consideration of such wastewater fees, or any amendment thereto, recommendations shall be received from the board of public works.
(Code 1971, § 34-93; Code 1987, § 26-153; Ord. No. 99-82, § 1, 12-6-1999; Ord. No. 15-011, § 37, 5-4-2015)

Sec. 26-275. Wastewater use unit charge.

(a) The wastewater use unit charge for a residential user shall be based on the amount of water or sewage, in thousands of gallons, as determined by a winter base period.

(b) The charge for nonresidential users shall be based on the total amount of water or sewage, in thousands of gallons, as determined by meters.
(Code 1971, § 34-94; Code 1987, § 26-154; Ord. No. 15-011, § 38, 5-4-2015)

Sec. 26-276. Commingled usage, residential and nonresidential.

When there is a dual usage of water through one (1) residential water and/or sewage meter, for both residential and/or nonresidential use, such as, but not limited to, beauty shops located in private homes, the residential method of computation using the winter base period may apply. Where there is more than one (1) family residence, the wastewater use unit charge may be no less than the number of dwelling units times the wastewater minimum charge per residence. If such amount is less than the residential winter base period, the residential winter base period shall apply. In the alternative, the user may be considered as a nonresidential user.
(Code 1971, § 34-95; Code 1987, § 26-155; Ord. No. 15-011, § 39, 5-4-2015)

Sec. 26-277. Minimum charge.

The wastewater minimum charge shall be applied to each user and shall be billed monthly by the board of public works.
(Code 1971, § 34-96; Code 1987, § 26-156; Ord. No. 15-011, § 40, 5-4-2015)

Sec. 26-278. Wastewater use surcharge.

In addition to the wastewater fees described in section 26-273, when any user discharges into the public sanitary sewer system significant concentrations or quantities of industrial wastes or other high strength wastewater, which wastewater as determined by the board of public works has a strength greater than normal domestic wastewater, such user shall be subject to a wastewater use surcharge, to be determined by an ordinance of the city council, the purpose of such surcharge being to help defray the extra cost to the city of treating such wastewater.
(Code 1971, § 34-97; Code 1987, § 26-157; Ord. No. 15-011, § 41, 5-4-2015)

Sec. 26-279. Sampling, analyses to determine surcharge.

For use in determining the wastewater use surcharge to be made against a given user or contributor for a given period of time, the board of public works shall sample and analyze the sewer discharge from such user into the sewage works in order to determine the strength of such sewage

over such period. A minimum of one (1) composite sample shall be taken from such sewage discharge during a one (1) year period of use. The board of public works may determine additional composite samplings are necessary to characterize the sewage and required additional samples. The board of public works shall annually determine cost per pound to the city for removing suspended solids or biochemical oxygen demand or chemical oxygen demand, and for other additional treatment required for industrial wastes, flowing into the city's wastewater treatment facilities. Any user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent or the sludge from the city's treatment works, or 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 shall be as determined by the responsible plant operating personnel and approved by the board of public works.
(Code 1971, § 34-99; Code 1987, § 26-159; Ord. No. 15-011, § 42, 5-4-2015)

Sec. 26-280. Private water supply.

Users of the wastewater system of the city having a private water supply which is discharged into the public sanitary sewer system shall meter the same at the user's expense and be billed at the same rate as that applied to like customers using the city water supply. The wastewater fee charges established in this section shall apply to all users of the public sanitary sewer system, regardless of their location.
(Code 1971, § 34-100; Code 1987, § 26-160; Ord. No. 15-011, § 43, 5-4-2015)

Sec. 26-281. Wastewater meters.

Subject to the approval of the board of public works, any user of the public sanitary sewer system may, at the user's option and expense, install one (1) or more wastewater meters or other measuring devices to measure all wastewater discharged into such system. The board of public works shall have the right to remove, repair and reinstall any such permitted or required meter or device at the user's expense.
(Code 1971, § 34-101; Code 1987, § 26-161; Ord. No. 15-011, § 44, 5-4-2015)

Sec. 26-282. Special rates.

Where in the judgment of the board of public works by reason of special conditions the application of the wastewater fees and wastewater use surcharge as set forth would be inequitable or unfair to either the city or the user, or in cases where the character of the wastewater from a nonresidential user is such that an additional burden is placed upon a public sanitary sewer system greater than that imposed by the average wastewater delivered to the wastewater treatment plant, a special rate may be established by contract, with the approval of the mayor.
(Code 1971, § 34-102; Code 1987, § 26-162; Ord. No. 15-011, § 45, 5-4-2015)

Sec. 26-283. Defective meters.

In any case where it has been impossible to read any water or wastewater meter or other measuring device, or if the board of public works reasonably determines that any such meter or

device has failed to measure accurately during the billing period in question, the wastewater use charges shall be computed upon an estimated water or wastewater flow for the period and the meter or device repaired and tested at the expense of the wastewater user.
(Code 1971, § 34-103; Code 1987, § 26-163; Ord. No. 15-011, § 46, 5-4-2015)

Sec. 26-284. Billing adjustments.

Where by reason of special or unusual conditions the water consumption fails to reflect properly the quantity of sewage actually discharged from the user into the public sanitary sewer system, the board of public works shall have the power to adjust such billings.
(Code 1971, § 34-104; Code 1987, § 26-164; Ord. No. 15-011, § 47, 5-4-2015)

Sec. 26-285. Wastewater not entering sanitary sewer system.

The board of public works shall have the authority to make adjustments to the user using water for such purposes as irrigation, cooling or other permissible uses where such wastewater does not enter the wastewater treatment works. The user may be required to install a separate water meter or wastewater meter on the downstream side of the required main for the purpose of determining the quantity of such water.
(Code 1971, § 34-105; Code 1987, § 26-165; Ord. No. 15-011, § 48, 5-4-2015)

Sec. 26-286. Review of user charge system and rates.

The city shall review the user charge system annually and revise the charge rates as necessary to ensure that the public sanitary sewer system generates adequate revenue to pay the cost of operation and maintenance, including replacement and debt retirement, and that the system continues to provide for the proportional distribution of costs among the users.
(Code 1971, § 34-106; Code 1987, § 26-166; Ord. No. 15-011, § 49, 5-4-2015)

Chapter 27

STORMWATER, EROSION, AND SEDIMENT CONTROL

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ARTICLE I. DEFINITIONS

Sec. 27-1. Definitions.

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

Accidental discharge means a discharge prohibited by this chapter which occurs by chance and without planning or thought prior to occurrence.

Best management practices (BMPs) means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving water, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Construction activity means activities subject to the NPDES construction permits. Currently, these include construction projects resulting in land disturbance of one (1) acre or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavation and demolition.

Hazardous materials means any material, including any substance, waste, or combination thereof, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal discharge means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in section 27-27.

Illicit connections means any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system, including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and connections to the storm drain system from indoor drains and sinks, regardless of weather said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR 122.26(b)(14).

National pollutant discharge elimination system (NPDES).

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means anything which causes or contributes to pollution. The term "pollutants" may include, but is not limited to, paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so the same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind. Pollutants lead to the human-made or human-induced alteration of the chemical, physical, biological or radiological integrity of an aquatic ecosystem.

Stormwater discharge permit means a permit issued by the EPA (or by a state under authority delegated pursuant to 33 USC 1342(B)) that authorizes the discharge of pollutants to water of the United States, whether the permit is applicable on an individual, group, or general area-wide basis. (Code 1987, § 27-1; Ord. No. 08-01, § 1, 1-21-2008)

Secs. 27-2—27-20. Reserved.

ARTICLE II. STORMWATER

Sec. 27-21. Purpose and intent.

The purpose of this chapter is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the city separate storm sewer system to the maximum extent practicable required by federal and state law. This chapter establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements on the national pollutant discharge elimination system (NPDES) permit process. The objectives of this chapter are:

(1) Regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by stormwater discharges by any user.

(2) To prohibit illicit connection and discharges to the municipal separate storm sewer system.

(3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the city's separate storm sewer system.

(4) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this chapter.

(Code 1987, § 27-2; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-22. Applicability.

This chapter shall apply to all water generated on any developed and undeveloped lands entering the storm drain system unless explicitly exempted by this Code or otherwise by the city.
(Code 1987, § 27-3; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-23. Compatibility with other regulations.

This chapter is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule regulation, or other provision of law. Where this chapter is in conflict with any other provision of law, the provision which is more restrictive or imposes higher protective standards for human health or the environment shall control.
(Code 1987, § 27-4; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-24. Responsibility for administration.

The city administrator shall administer, implement, and enforce the provisions of this chapter. The city administrator may delegate enforcement powers to any employee of the city.
(Code 1987, § 27-5; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-25. Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.
(Code 1987, § 27-6; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-26. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore, this chapter is not to be interpreted as meaning that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.
(Code 1987, § 27-7; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-27. Prohibition of illegal discharges.

(a) No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials other than stormwater, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standard.

(b) The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as follows:

(1) The following discharges are exempt from discharge prohibitions established by this chapter: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, noncommercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated, be typically less than one (1) part per million of chlorine), firefighting activities, and any other water source not containing pollutants.

(2) Discharges specified in writing by the city administrator, or designee, as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the city administrator prior to the time of test.

(4) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit; waiver, or waste discharge order issued to the discharger and administered under the authority of the U.S. Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

(Code 1987, § 27-8; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-28. Prohibition of illicit connections.

The construction, connection, use, maintenance or continued existence of any illegal connection to the city's separate storm sewer system is prohibited.

(1) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(2) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

(Code 1987, § 27-9; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-29. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city prior to the allowing of discharges to the MS4.

(Code 1987, § 27-10; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-30. Requirements to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The city will adopt requirements identifying best management practices for any activity, operation, or facility, which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the state or the United States of America. The owner or operator of a commercial or industrial establishment shall provide, at the expense of the owner or operator, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural best management practices to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge

of stormwater associated with industrial the provisions of this section. These best management practices shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with requirements of the NPDES permit.
(Code 1987, § 27-11; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-31. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use function, or physical integrity of the watercourse.
(Code 1987, § 27-12; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-32. Suspension of MS4 access.

(a) Suspension due to illicit discharges in emergency situations. The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the state or the United States of America or to minimize danger to persons or property.

(b) Suspension due to the detection of illicit discharge. Any person discharging to the MS4 in violation of this chapter may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. The violator may petition the city administrator for a reconsideration and hearing.

(c) A person commits an offense if that person reinstates MS4 access to premises terminated pursuant to this section without the prior approval of the city administrator.
(Code 1987, § 27-13; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-33. Access and inspection of properties and facilities.

The city administrator or designee may enter and inspect properties and facilities at reasonable time as often as may be necessary to determine compliance with this chapter.

(1) Employees of the city may enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter.

(2) Facility operators shall allow authorized employees of the city ready access to all parts of the premises for the purposes of inspection, sampling examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and performance of any additional duties as defined by state and federal law.

(3) The city may set up on any permitted facility such devices as are necessary in the opinion of the city administrator to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The city may require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) The temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the city access to a permitted facility is a violation of a stormwater discharge permit and of this chapter. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this chapter.

(7) If the representatives of the city have been refused access to any part of the premises from which stormwater is discharged, the city may seek issuance of a search warrant from any court of competent jurisdiction.

(Code 1987, § 27-14; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-34. Notification of accidental discharges and spills.

(a) Notwithstanding other requirements of the law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the city (MS4) separate storm sewer system, waters of the state or the waters of the United States of America, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

(b) Said person shall notify the city administrator or designee of the city administrator of the nature, quantity and time of occurrence of the discharge within twenty-four (24) hours. Notifications which are not in writing shall be confirmed by written notice addressed and mailed to the city administrator or designee within three (3) business days of the phone call or by personal notification. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the action taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

(c) In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

(d) Failure to provide notification of a release as provided above is a violation of this chapter.
(Code 1987, § 27-15; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-35. Notice of violation.

(a) Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the city administrator may order compliance by written notice of violation to the responsible person. Such notice shall be sent via regular U.S. mail or via hand delivery to the owner of the property and to any licensee listed under a city business license for the property. The notice shall include:

(1) The name and address of the parties listed above;

(2) The address when available or a description of the building, structure or land upon which the violation is occurring or has occurred;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial action;

(5) A statement of the penalty that shall or may be assessed against the person to whom the notice of violation is directed; and

(6) A statement that the determination of violation may be appealed to the city administrator by filing a written notice of appeal within thirty (30) calendar days of service of notice of violation.

(b) In the event of a violation, the city may require:

(1) The performance of monitoring, analyses, and reporting;

(2) The elimination of illicit discharges and illegal connections;

(3) That violating discharges, practices, or operations shall cease and desist;

(4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(5) Payment of costs to cover administrative and abatement costs;

(6) The implementation of pollution prevention practices; and

(7) Such other action as may be reasonably necessary to accomplish the purposes of this chapter.
(Code 1987, § 27-16; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-36. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the city. The notice of appeal shall be in writing and shall be delivered to the city clerk within thirty (30) calendar days from the date of the notice of violation. Hearing on the appeal before the city administrator shall take place

within fifteen (15) business days from the date of receipt of the notice of appeal. The pendency of an appeal shall not relieve the responsible person from complying with the requirements of the notice of violation, unless the city administrator otherwise consents in writing.
(Code 1987, § 27-17; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-37. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within fifteen (15) business days of the decision of the city administrator or designee, then representatives of the city may enter upon the subject private property and are authorized to take any measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or designated city contractor to enter upon the premised for the purposes set forth above.
(Code 1987, § 27-18; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-38. Cost of abatement of the violation.

(a) Within thirty (30) calendar days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the assessment or to the amount of the assessment within thirty (30) calendar days of such notice. If the amount due is not paid within thirty (30) calendar days after receipt of the notice or, if an appeal is taken, within thirty (30) calendar days after a decision on said appeal, the charges shall become a special assessment. Any person violating any of the provisions of this article shall become liable to the city by reason of such violation.

(b) The city may recover all attorney fees, court costs and other expenses associated with enforcement of this chapter, including sampling and monitoring expenses.
(Code 1987, § 27-19; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-39. Alternative actions upon violation.

In lieu of enforcement proceedings, penalties and remedies authorized by this chapter, the city may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance of compliance workshops, waterway cleanup, or other community service work.
(Code 1987, § 27-21; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-40. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken.
(Code 1987, § 27-22; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-41. Criminal prosecution.

Any person that has violated or continues to violate this chapter shall be liable to criminal prosecution to the fullest extent of the law and shall be subject to a criminal penalty of up to five hundred dollars ($500.00) per violation per day.
(Code 1987, § 27-23; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-42. Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies.
(Code 1987, § 27-24; Ord. No. 08-01, § 1, 1-21-2008)

Secs. 27-43—27-72. Reserved.

ARTICLE III. EROSION AND SEDIMENT CONTROL

Sec. 27-73. Purpose and intent.

(a) The purpose and intent of this article is to control or eliminate soil erosion and sedimentation within the jurisdictional limits of the city. It establishes standards and specifications for conservation practices and planning activities, which minimize soil erosion and sedimentation during the construction process to safeguard persons protect property and prevent damage to the environment. This article will also promote the public welfare by guiding, regulating and controlling the design, construction, use, and maintenance of any best management practices (BMPs) used when development activities disturb or break the topsoil or results in the movement of earth on land in the city.

(b) During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat. Following the completion of construction activities, dust, dirt and erosion will continue to affect the stormwater facilities and receiving streams unless post construction practices are put in place during the construction and maintained there after, until fully stabilized.

(c) This article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This article seeks to meet that purpose through the following objectives:

(1) Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation and stream bank erosion and maintain the integrity of stream channels.

(2) Minimize increases in non-point source pollution caused by stormwater runoff from development, which would otherwise degrade local water quality.

(3) Minimize the total annual volume of surface water runoff, which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.

(4) Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

(Code 1987, § 27-40; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-74. Applicability.

(a) This article shall apply to all land disturbance or land filling activities or soil storage where the total of volume of disturbed area that meets or exceeds one (1) acre. Land disturbance less than one (1) acre apply if the land disturbance is part of a larger development that disturbed one (1) acre or more.

(b) Activities that do not require approved plans or permits must still provide BMPs as necessary to control water quality. Any surface intended for vehicular traffic shall provide vehicle sediment tracking control (VSTC). Areas with the possibility of sediment runoff will require protective measures at the request of the city, in order to minimize possible pollution to the storm sewer system. Minimum requirements for other activities may be obtained by written request to the community development department, accompanied by an adequate description of proposed work.

(Code 1987, § 27-41; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-75. Compatibility with other regulations.

This article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this article are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

(Code 1987, § 27-42; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-76. Responsibility for administration.

The community development department shall administer, implement, and enforce the provisions of this article. Any power granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

(Code 1987, § 27-43; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-77. Severability.

The provisions of this article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application or this article.

(Code 1987, § 27-44; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-78. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this article are minimum standards; therefore, this article does not intend nor imply the compliance by any person will ensure construction runoff; erosion and sediment will be completely eliminated.
(Code 1987, § 27-45; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-79. Permits.

(a) *Generally.* No person shall be granted a permit for land disturbing activity that would require disturbing one (1) acre or more of land without a stormwater pollution prevention plan (SWPPP) approved by the city.

(b) *Exemptions.* No permit for land disturbing activity is required for the following activities:

(1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(2) Existing nursery and/or agricultural operation conducted as a permitted by the city or county.

(3) Repairs to any stormwater management practice or facility deemed necessary by the stormwater permitting authority.

(4) Cemetery graves.

(5) Installation of fence, sign, telephone, and electric pole and other kinds of posts or poles.

(6) Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person.

(7) Landscaping and horticultural activities in connection with an existing structure, unless greater than one (1) acre is disturbed.

(c) *Permit application form.* The following information is required on the application:

(1) Name, address, and telephone number of owner.

(2) Name, address and telephone number of applicant, if different than the owner.

(3) Names, address, and telephone numbers of any and all contractors, subcontractors or persons actually doing the land disturbing or land filing activities and their representatives.

(4) Name, address, and telephone number of the person responsible for the site map and grading plan.

(5) Name, address, and telephone number of the person responsible for the stormwater pollution prevention plan.

(6) Name, address, and telephone number of the registered engineer responsible for the preparation of the soils engineering and engineering geology reports, where required.

(7) Address of site.

(8) Date of application.

(9) Signature of the owner of the site or an authorized representative.

(Code 1987, § 27-46; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-80. Stormwater pollution prevention plan (SWPPP).

Land disturbance activities, which are in more than one (1) acre, require a stormwater pollution prevention plan (SWPPP) approved by the city. These plans shall be drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and measures proposed to minimize soil erosion and off-site sedimentation. The owner/developer shall perform all clearing, grading, drainage, construction, and development in strict accordance with the approved plan. In addition, the following information shall be included in any plan:

(1) A letter of transmittal, which includes a project narrative.

(2) An attached vicinity map showing the location of the site in relationship to the surrounding area's watercourses, water bodies and other significant geographic features, and roads and other significant structures.

(3) An indication the scale used on the drawing.

(4) The name, address and telephone number of the owner and/or developer of the property where the land disturbing activity is proposed, and of any consulting firm retained by the applicant together with the name of the applicant's principal contact at such firm.

(5) Suitable contours for the existing and proposed topography.

(6) The proposed grading of land disturbance activity, including the surface area involved, excess spoil material, use of borrow material, and specific limits of disturbance.

(7) A clear and definite delineation of any areas of vegetation or trees to be saved.

(8) A clear and definite delineation of any wetlands, natural or artificial water storage detention areas, and drainage ditches on the site.

(9) A clear and definite delineation of any one-hundred (100) year floodplain on or near the site.

(10) Storm drainage system, including quantities of flow and site condition around all points of surface water discharge from the site.

(11) Erosion and sediment control provisions to minimize on-site erosion and prevent off-site sedimentation, including provisions to preserve topsoil and limit disturbance.

(12) Design details for both temporary and permanent erosion control structures.

(13) Details of temporary and permanent stabilization measures including a construction note on the plans stating: "Following initial soil disturbance or redisturbance, permanent or temporary stabilization shall be completed within seven (7) calendar days on all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than three horizontal to one vertical (3:1); embankments of ponds, basin, and traps; and within fourteen (14) calendar days on all other disturbed or graded areas. The requirements of this section do not apply to those areas which are shown on the plan and are currently being performed."

(14) A chronological construction schedule and timeframe, including, as a minimum, the following activities:

a. Clearing and grubbing for those areas necessary for installation of perimeter erosion control devices.

b. Construction of perimeter erosion control devices.

c. Remaining interior site clearing and grubbing.

d. Installation of permanent and temporary stabilization measures.

e. Road grading.

f. Grading for the remainder of the site.

g. Utility installation and whether storm drains will be used or blocked after construction.

h. Building, parking lot, and site construction.

i. Final grading, landscaping or stabilization.

j. Implementation and maintenance of final erosion control structures.

k. Removal of temporary erosion control devices.

(15) A statement noting that the contractor, developer, and owner shall request the stormwater pollution prevention plan, and in accordance with this article.

(Code 1987, § 27-47; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-81. Soils engineering report.

A soils engineering report, when required by the city, based upon their determination that the condition of the soils is unknown or unclear so the additional information is required to protect against erosion or other hazard, shall be based on adequate and necessary test borings, and shall contain all the information listed below. Recommendations included in the report and approved by the city shall be incorporated in the grading plans and/or specifications.

(1) Data regarding the nature, distribution, strength, and erodibility of existing soils.

(2) If applicable, data regarding the nature, distribution, strength, and erodibility of soil to be placed on the site.

(3) Conclusions and recommendations for grading procedures.

(4) Conclusions and recommended designs for interim soil stabilization devices and measures, and for permanent soil stabilization after construction is completed.

(5) Design criteria for corrective measures when necessary.

(6) Opinions and recommendations covering the stability of the site.

(Code 1987, § 27-48; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-82. Permit duration.

Permits issued under this article shall be valid for the period during which the proposed land disturbing of filling activities and soil storage takes place or is scheduled to take place, whichever is

shorter, but in no event shall such a permit be valid for more than one (1) year. The permittee shall commence permitted activities within one hundred eighty (180) calendar days of the scheduled commencement date for gracing or the permittee shall resubmit all required application forms, maps, plans, and schedules to the issuing authority, except where an item to be resubmitted is waived by the issuing authority.
(Code 1987, § 27-49; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-83. Permit renewals/extensions.

The permittee shall fully perform and complete all of the work required in the sequence shown on the plans within the time limit specified in the permit. Prior to the expiration of a combined land disturbance permit, the permittee may present a written request for an extension to the city. If, in the opinion of the issuing authority, an extension is warranted, a one (1) time fee extension, not to exceed ninety (90) calendar days, may be granted. The issuing authority may authorize an additional extension not to exceed a total of one (1) year at the rate established by resolution adopted by the city council.
(Code 1987, § 27-50; Ord. No. 08-01, § 1, 1-21-2008; Ord. No. 13-054, § 25, 10-21-2013)

Sec. 27-84. Permit denial.

If the issuing authority determines that the stormwater pollution prevention plan does not meet the requirements as set forth in this article, a permit shall not be issued for land disturbing activity. Factors indicating the deficiencies and the procedure for submitting a revised plan will be given to the applicant at the time of denial. The stormwater pollution prevention plan must be resubmitted for approval before the land disturbance activity begins, all land use and building permits must be suspended until the permittee has an approved stormwater pollution prevention plan (SWPPP).
(Code 1987, § 27-51; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-85. Condition of approval.

In granting any permit pursuant to this article, the issuing authority may impose such conditions as may be reasonably necessary to prevent creation of a nuisance or unreasonable hazard to persons or to a public or private property. Such conditions shall include (even if not specifically written in the permit), but need not be limited to:

(1) The granting (or securing from others) and the recording in register of deeds of easement for drainage facilities, including the acceptance of their discharge on the property of others, and for maintenance of sloped or erosion control facilities.

(2) Adequate control of dust by watering, or other control methods acceptable to the issuing authority, and in conformance with applicable air pollution rules and regulations.

(3) Improvements of any existing grading, ground surface or drainage condition on the site (not to exceed the area as proposed for work or development in the application) to meet the standards required under this chapter for new grading, drainage and erosion control.

(4) Sediment traps and basins located within a densely populated area or in the proximity of elementary schools, playgrounds or other areas where small children may congregate without adult supervision may be requested to install additional safety devices.

(Code 1987, § 27-52; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-86. Liability.

The permittee is responsible for safely and legally completing the project. Neither the issuance of a permit under the provisions of this article nor the compliance with the provisions hereto or with any condition imposed by the issuing authority shall relieve any person from responsibility for damage to persons or property resulting therefrom, or as otherwise imposed by law, nor impose and liability upon the city damages to persons or property.

(Code 1987, § 27-53; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-87. Responsibility of permittee.

The permittee shall maintain a copy of the permit, approved plans and reports required under the permit on the work site and available for public inspection during all working hours. The permittee shall, at all times, be in conformity with the approved grading plan, or adequate SWPPP. The permittee shall repair and maintain all BMPs in accordance with the SWPPP, along with any additional BMPs needed to maintain adequate sediment control and also conform to the following:

(1) *General.* Notwithstanding other conditions or conditions or provisions of the permit or the minimum standards set forth in this article, the permittee is responsible for the prevention of damage to adjacent property. No person shall grade on land in any manner, or so close to the property line as to endanger or damage and adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sedimentation or other damage or personal injury which might result.

(2) *Public ways.* The permittee shall be responsible for the prompt removal of, and the correction of damages resulting from any soil, miscellaneous debris or other materials washed, spilled, tracked, dumped or otherwise deposited on public streets, highways, sidewalks or other public thoroughfare, incident to the construction activity, or during transit to and from the site. Best management practices shall be utilized and maintained as part of the stormwater pollution prevention plan, at entrances and exits to the proposed disturbance, on all permitted operations.

(Code 1987, § 27-54; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-88. Permit authorization.

The issuance of a permit for land disturbance shall constitute an authorization to do only that work described in the permit, or shown on the approved site plans and specifications, all in strict compliance with the requirements of this article, unless each and every modification or waiver is specifically listed and given specific approval by the issuing authority.

(Code 1987, § 27-55; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-89. Compliance.

The permittee, his/her agent, contractors and employees shall carry out the proposed work in accordance with the approved plans and specifications and in compliance with all the requirements of the permit, including those documents referenced in this article.
(Code 1987, § 27-56; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-90. Action upon noncompliance.

(a) In the event work does not conform to the permit or to the plans and specifications. Instructions by the issuing authority, notice to comply shall be given to the permittee in writing. After a notice to comply is given, in the determination of the issuing authority, the permittee or his/her contractor shall be required to make the corrections within the time period determined by the issuing authority. If an imminent hazard exists, the issuing authority may require that corrective work begin immediately.

(b) If the issuing authority finds any existing conditions not as stated in the application or approved plans, he/she may stop the work on the entire project or any specified part thereof until a revised plan is submitted conforming to the currently existing conditions.

(c) Failure of the permittee to comply with the directives of this section will constitute a violation pursuant to this article, and will be considered a nuisance pursuant to the provisions in this Code. The issuing authority may cancel the permit and proceed with the necessary restoration of the site at the expense of the owner. The owner will be billed for the expenses incurred by the issuing authority. Failure to pay will result in the issuing authority seeking recovery of costs and damages pursuant to the conditions set forth in this article.
(Code 1987, § 27-57; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-91. Changes to plans.

All major changes or modifications to the approved stormwater pollution prevention plans must adhere to the following conditions. Changes, such as alignment of drainageways and redesign of the stormwater system, will apply to this section.

(1) All proposals to modify the approved plans in a significant way must be submitted to the permitting authority for his/her approval. No grading or any type of work in connection with any proposed modification shall be without prior installation of approved erosion and sediment control devices. Any addition BMPs install will not need approval from the permitting authority.

(2) When inspection of a site indicates that the approved SWPPP needs change, the change shall be in compliance with the erosion and sediment control criteria contained in the adopted Manual of Standards. The erosion and control inspector may approve minor modifications to approved SWPPPs in the field if documented on a field inspection report. The modification shall be noted on the approved plans, signed by the inspector, and dated. A list of allowable field modifications for use by field inspection personnel will be kept in the Manual of Standards.

(3) The permittee shall submit requests for major revisions to approved SWPPP, such as the addition or deletion of a control structure to the permitting authority for review. This includes revisions due to plan and site discrepancies and inadequacies at controlling erosion and sediment as revealed through inspection.

(Code 1987, § 27-58; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-92. Right of entry for inspection.

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system the landowner shall grant to the city the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in this article.

(Code 1987, § 27-59; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-93. Inspection.

(a) A self-monitoring program by the project site owner is required during construction of any project in accordance with the NPDES permit. A trained individual employed or retained by the project site owner shall prepare and maintain a written evaluation of the project site by the end of the next business day following each measurable storm event and at a minimum, one (1) time per week.

(b) The evaluation must address the maintenance of existing stormwater quality measures to ensure they are functioning properly, and identify additional measures necessary to remain in compliance with all applicable statutes and rules.

(c) The evaluation reports must include the following:

(1) The name of the individual performing the evaluation;

(2) The date of the evaluation;

(3) Problems identified at the project site; and

(4) Detail of corrective actions recommended and completed.

(d) All evaluation reports for the project site must be made available to the inspecting authority by the end of the business day.

(e) All persons engaging in construction activities on a project site must comply with the SWPPP, this chapter and issued NPDES permit.

(f) The city will perform inspection and provide recommendation to evaluate the installation, implementation and maintenance of control measures and management practices at any project site involved in construction activities. Construction project sites will be prioritized based on the nature and extent of construction activity, topography and the characteristics of soils and receiving water quality.

(g) If after a recommendation is provided to the project site owner, corrective action is not taken, the city will pursue enforcement according to this chapter.

(Code 1987, § 27-60; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-94. Changed during construction reports.

The permittee shall contact the issuing authority under the following circumstances along with recommendations for corrective measures, if deemed necessary and appropriate, with such reports unless the recommendation requirement is waived by the issuing authority:

(1) There are delays in obtaining materials, machinery, services or manpower necessary to the implementation of the grading, or SWPPP as scheduled.

(2) There are delays in land disturbing or filling activities or soil storage.

(3) The work is not being done in conformance with the approved grading, or SWPPP.

(4) There are any departures from the approved grading plan which may affect implementation of the SWPPPs as scheduled.

(5) There are any delays in the implementation of the SWPPPs.

(6) There are any other departures from implementation of the SWPPPs.

(Code 1987, § 27-61; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-95. Maintenance during and after construction.

On any property on which grading or other work has been done pursuant to a permit granted under the provisions of this article. The permittee or owner, their agent, contractor, and employees shall, at a minimum, conduct inspection on a weekly basis and/or following a rain accumulation or a minimum of one-half (0.5) inch, maintain and repair all graded surfaces and erosion control facilities, drainage structures or means and other protective devices, plantings, and ground cover installed while construction is active. After construction is complete, the owner or their agent shall continue to regularly inspect the vegetation until adequate turf establishment or other suitable vegetative cover is established.

(Code 1987, § 27-62; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-96. Enforcement.

(a) The issuing authority shall be responsible for the enforcement of this article.

(b) The issuing authority is authorized and directed to enforce all the provision of this section. For such purpose, the city may appoint officers, inspectors, assistants and other employees as needed. The city may authorize such employees, as may be necessary, to carry out the duties and functions under direction of the community development department.

(1) The issuing authority may post a stop work order for the entire project or any specified part thereof if any of the following conditions exist:

a. Any land disturbance activity regulated under this article being undertaken without a permit.

b. The SWPPP is not being fully implemented.

c. Any of the conditions of the permit are not being met.

(2) For the purposes of this section, a stop work order is validly posted by posting a copy of the stop work order on the site of the land disturbing activity in reasonable proximity to a location where the land disturbing activity is taking place. Additionally, a copy of the order, in the case of work for which there is a permit, shall be mailed by first class mail, postage pre-paid, to the address listed by the permittee on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person listed as owner of the property by the city assessor on the deed of record or, if none, to the taxpayer shown by the records on the county assessor.

(3) If the permittee does not cease the activity or comply with the stormwater pollution prevention plan or permit conditions within one (1) business day, the issuing authority may revoke the permit.

(4) If the owner or land user where there is no permit has been issued does not cease the land disturbance activity, the issuing authority may request the city attorney to obtain injunctive relief.

(5) The issuing authority may retract the revocation.

(Code 1987, § 27-63; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-97. Penalties.

Any person, firm, corporation or agency acting as principal, agent, and employee, or otherwise, who fails to comply with the provisions of this article shall fall under section 1-8.

(Code 1987, § 27-64; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-98. Final reports.

Upon completion of the work, the issuing authority may require a report (including as-built construction plans) from a civil engineer, surveyor, architect, or landscape architect certifying that all erosion and sediment control devices have been completed in accordance with the conditions of the permit and approved plans and specifications, and with specific listing of all approved changes and modifications.

(Code 1987, § 27-65; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-99. Certification of completion.

Upon receipt and approval of the final reports, if required by this article and and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this article, the issuing authority will issue a letter certifying completion.

(Code 1987, § 27-66; Ord. No. 08-01, § 1, 1-21-2008)

Sec. 27-100. Erosion and sediment control permit fee schedule.

Erosion and sediment permits shall be issued upon payment to the city of a fee established by resolution adopted by the city council.

(Code 1987, § 27-67; Ord. No. 08-01, § 1, 1-21-2008; Ord. No. 13-054, § 26, 10-21-2013)

Secs. 27-101—27-128. Reserved.

ARTICLE IV. STORMWATER MANAGEMENT

Sec. 27-129. Plan required.

(a) *Design.*

(1) All improved parcels of real estate shall have a SWPPP approved by the city.

(2) The design of the stormwater management plan shall consist of a SWPPP and on-site retention of stormwater for all developments unless the site is served by a storm sewer, channel or natural drainageway having an adequate outlet capacity from the development to a major drainage outfall, such as, but not limited to, a storm drain or natural watercourse approved by the city engineer as a safe place to deposit such waters. Design shall be based on environmentally sound site planning and engineering techniques.

(3) To maximum degree possible, drainage from improved parcels of real estate shall conform to the natural contours of land and not disturb preexisting drainageways.

(4) Adjacent properties shall not be unduly burdened with surface water from the subdivision. Specifically:

a. There may be no unreasonable impediment of water from higher adjacent properties across subdivision, causing damage to lower properties.

b. No action shall unreasonably collect and channel stormwater onto lower properties.

(5) Design of on-site retention shall use the best available technology to compute difference of water volumes between the historic and developed flows resulting from a twenty-five (25) year frequency storm. The tributary areas used in the computation shall be the area of the subdivision or the development site, unless another jurisdiction has more stringent requirements. The requirement for on-site retention may be waived by the city engineer if he or she determines that the retention is impractical because of, but not limited to, steep terrain, poor percolation, or incompatibility with existing or surrounding improvements. The city engineer may require additional drainage studies or reports in such cases to determine if a critical drainage problem will be created on adjacent or downstream properties, encourage natural infiltration, simulate natural drainage, and minimize discharge of pollutants. Best available technology may also include swales, porous paving, and terracing.

(6) No surface water may be channeled into a sanitary sewer system.

(7) Where possible, an improved parcel of real estate drainage plan shall coordinate with that of surrounding properties or streets.

(8) The preliminary plat submission must include the preliminary drainage plan. All final plats shall include a certification from a registered professional engineer that the stormwater management plan of the subdivision is designed and constructed in accordance with the requirements of this section.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

On-site retention means the retention of stormwater volume that falls on the site for a given design frequency storm, the site being exclusive of public streets, alleys or other land dedicated for public use.

(Code 1987, § 7-13; Ord. No. 08-42, § 1, 2-2-2009)

Chapter 28

TELECOMMUNICATIONS

Article I. Small Wireless Facilities

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ARTICLE I. SMALL WIRELESS FACILITIES

Sec. 28-1. Findings and purpose.

(a) The city council finds that it is necessary to achieve a balance between the telecommunications needs of the city's citizens, and the orderly, safe, and aesthetic deployment of small wireless facilities by telecommunications companies. The deployment of small wireless facilities is expected to enable the provision of improved and enhanced wireless services to citizens and visitors in the city. The Federal Communications Commission has encouraged and required the adoption of policies supporting the deployment of small wireless facilities, in its September 27, 2018, Declaratory Ruling and Third Report and Order, WT Docket Nos. 17-79 and 17-84. Also, R.R.S. ch. 86, art. 12 imposed new limits on the local regulation of small wireless facilities. Those actions encourage the placement of such small wireless facilities in public rights-of-way.

(b) The city is responsible for the safe and aesthetic maintenance of its public rights-of-way for the benefit of the public and for the protection of public health, safety, and welfare. Public rights-of-way are a finite resource and are subject to demands from competing interests. It is necessary to govern their use in a fair, safe, and orderly manner. This includes the proposed use of public right-of-way for telecommunications purposes. The city is also responsible for the processing and review of proposed telecommunications uses for properties other than public rights-of-way, with the objective of protecting public health, safety, and welfare.

(c) It is therefore appropriate to adopt these rules and regulations for the processing and review of proposed small wireless facilities, both on public rights-of-way and on other properties.

(d) The purpose of this article is to adopt regulations governing the safe, responsible, and fair deployment of small wireless facilities on public rights-of-way and on other properties. It is the further purpose of this article to comply with or adopt provisions stated in the said September 27, 2018, FCC Order and R.R.S. ch. 86, art. 12.
(Code 1987, § 28-1; Ord. No. 20-049, § 1, 12-21-2020)

Sec. 28-2. Definitions.

For the purposes of this article, the defined terms, phrases, words, abbreviations, and their derivations shall have the meaning given in this section. The purpose of these provisions is to promote consistency and precision in the interpretation of this article. The meanings and construction of words as set forth shall apply throughout this article, unless where modified in a specific section or where the context of such words or phrases clearly indicates a different meaning or construction.

Action or *to act* means the city's grant of an application or issuance of a written decision denying an application.

Antenna means communications equipment that transmits or receives electromagnetic radiofrequency signals used in providing wireless services.

Applicable codes means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to such codes so long as such amendments are not in conflict with the Small Wireless Facilities Deployment Act and to the extent such codes have been adopted by the city and are generally applicable in the city.

Applicant means any person who submits an application and is a wireless provider.

Application means a written request submitted by an applicant to the city:

(1) For a permit to collocate small wireless facilities on an existing utility pole or support structure; or

(2) For a permit for approval for the installation, modification, or replacement of a utility pole to support the installation of a small wireless facility.

Authorization means any approval that the city must issue under this article and applicable codes prior to the deployment of a small wireless facility, along with any associated antenna equipment and support structure, including, but not limited to, zoning approval, building permit, and permit under this article.

Cantenna means a cylindrical shaped antenna installed at the top of a pole.

Collocate or *collocation* means to install, mount, maintain, modify, operate, or replace small wireless facilities on or adjacent to a support structure or utility pole. The term "collocate" or "collocation" does not include the installation of a new utility pole or new support structure in the right-of-way.

Communications facility means the set of equipment and network components including wires, cables, and associated facilities used by a cable operator as defined in 47 USC 522(5), as such section existed on January 1, 2019, a telecommunications carrier as defined in 47 USC 153(51), as such section existed on January 1, 2019, a provider of information service as defined in 47 USC 153(24), as such section existed on January 1, 2019, or a wireless services provider, to provide communications services, including cable service as defined in 47 USC 153(8), as such section existed on January 1, 2019, an information service as defined in 47 USC 153(24), as such section existed on January 1, 2019, wireless services, or other one-way or two-way communications service.

Communications network means a network used to provide communications service.

Communications service means a cable service as defined in 47 USC 522, as such section existed on January 1, 2019, an information service as defined in 47 USC 153, as such section existed on January 1, 2019, a telecommunications service as defined in 47 USC 153, as such section existed on January 1, 2019, or a wireless service.

Communications service provider means a cable operator as defined in 47 USC 522, a provider of information service as defined in 47 USC 153, or a telecommunications carrier as defined in 47 USC 153, as such sections existed on January 1, 2019. The term "communications service provider" includes a wireless provider.

Decorative pole means a pole that is specially designed and placed for aesthetic purposes.

Deployment means placement, construction, or modification of a small wireless facility.

FCC means the Federal Communications Commission.

Fee means a one-time, nonrecurring charge, to be collected upon application.

Ground-mounted equipment means equipment situated at or below grade level, such as at or near sidewalks, alleyways, driveways, drive aisles, or streets, and is distinct from equipment mounted on existing infrastructure, such as telephone poles or buildings.

Historic district means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places, in accordance with Stipulation VI.D.1.a(i)—(v) of the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission codified at 47 CFR part 1, appendix C, as such regulation existed on January 1, 2019, or designated pursuant to state historic preservation law if such designation exists at the time of application.

Law means any federal, state, or local law, statute, common law, code, rule, regulation, order, or ordinance.

Make-ready work means all work, as reasonably determined by the city, required to accommodate a small wireless facility on a utility pole, and to comply with all the city's applicable codes. The term "make-ready work" includes, but is not limited to, modification or replacement of utility poles or lines, installation of guys and anchors, rearrangement of existing equipment, inspections, reasonable consultant fees or expenses, permitting work, design, planning, construction, materials, cost of removal (less any salvage value), tree trimming (other than tree trimming performed for normal maintenance purposes), facility construction, or conduit system clearing, but does not include ordinary maintenance.

Microwireless facility means any small wireless facility that is not larger in dimension than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and with any exterior antenna no longer than eleven (11) inches.

Ordinary maintenance and repair means inspections, testing and/or repair that maintain functional capacity, aesthetic and structural integrity of a facility.

Panel antenna means a flat, rectangular shaped antenna installed on the side of a pole.

Permit means a written authorization, in electronic or hard copy format required by the city to perform an action, initiate, continue, or complete installation of a small wireless facility on an existing utility pole or an existing support structure, or to install, modify, or replace a utility pole to support installation of a small wireless facility.

Permittee means an applicant that has received a permit under this article, and its successors and assignees.

Person means an individual, a corporation, a limited liability company, a partnership, an association, a trust, or any other entity or organization, including an authority as defined in R.S.S. § 86-1208.

Public power supplier means a public power district or any other governmental entity providing electric service. The term "public power supplier" includes a municipal electric utility and a rural public power supplier.

Rate means a recurring charge, collected on a regular basis such as annually.

Replace or *replacement*, in connection with an existing utility pole or support structure, means to replace (or the replacement of) same with a new pole or structure, substantially similar in design, size and scale to the existing pole or structure and in conformance with this article and any other applicable codes, in order to address limitations of the existing pole or structure to structurally support collocation of a small wireless facility.

RF modification means any equipment modification during the life of operation of the facility that changes the RF emissions generated from a small cell location. This shall require the applicant to provide the city with a new radiofrequency emission certification and supporting documentation of compliance with FCC requirements.

Right-of-way means the area on, below, or above a public roadway, highway, street, sidewalk, alley, dedicated utility easement, or similar property, but not including a freeway as defined in R.R.S. § 39-1302, the National System of Interstate and Defense Highways, or a private easement.

Shot clock means the period of time in which the city is required to act on an application.

Site triangle zone means an area defined by a triangle with legs of thirty (30) feet from the point at which the curbs or edges of two (2) intersecting streets, private ways, trails, sidewalks, courts or an intersecting street, private way, trail, sidewalk or court and driveway meet.

Small wireless facility means a wireless facility that meets each of the following conditions:

(1) The facilities:

   a. Are mounted on structures fifty (50) feet or less in height including the antennas; or

   b. Are mounted on structures no more than ten percent (10%) taller than other adjacent structures;

(2) Each antenna associated with the deployment is no more than three (3) cubic feet in volume;

(3) All other equipment associated with the structure, whether ground-mounted or pole-mounted, is no more than twenty-eight (28) cubic feet in volume;

(4) The facilities do not require antenna structure registration under 47 CFR pt. 17, as such regulation existed on January 1, 2019;

(5) The facilities are not located on tribal lands, as defined in 36 CFR 800.16(x), as such regulation existed on January 1, 2019; and

(6) The facilities do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in 47 CFR 1.1307(b), as such regulation existed on January 1, 2019.

Support structure means any structure such as a guyed or self-supporting tower, billboard, building, or other existing or proposed structure designed to support or capable of supporting wireless facilities other than a structure designed solely for the collocation of small wireless facilities. The term "support structure" does not include a utility pole.

Technically feasible means by virtue of engineering or spectrum usage, the proposed placement for a small wireless facility, or its design or site location, can be implemented without a reduction in the functionality of the small wireless facility.

Utility pole or *pole* means a pole located in the right-of-way that is used for wireline communications, lighting, the vertical portion of support structures for traffic control signals or devices or a similar function, or for the collocation of small wireless facilities and located in the right-of-way. The term "utility pole" or "pole" does not include:

(1) Wireless support structures;

(2) Any transmission infrastructure owned or operated by a public power supplier or rural public power supplier; and

(3) Any distribution or communications infrastructure owned or operated by a rural public power supplier.

Wireless facility.

(1) The term "wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including:

   a. Equipment associated with wireless communications; and

   b. Radio transceivers, antennas, coaxial or fiber-optic cable, regular power supply, and small back-up battery, regardless of technological configuration.

(2) The term "wireless facility" includes small wireless facilities.

(3) The term "wireless facility" does not include:

   a. The structure or improvements on, under, or within the equipment which is collocated;

   b. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to, or directly associated with, a particular antenna; or

   c. A wireline backhaul facility.

Wireless infrastructure provider means any person, including a person authorized to provide telecommunications service in the state, when acting to build or install wireless communication transmission equipment, wireless facilities, or support structures, but that is not a wireless services provider.

Wireless provider means a wireless services provider or a wireless infrastructure provider when acting as a coapplicant for a wireless services provider.

Wireless services means any services using licensed or unlicensed spectrum, including the use of Wi-Fi, whether mobile or at a fixed location, provided to the public using wireless facilities.

Wireless services provider means a person who provides wireless services.

Wireline backhaul facility means an above-ground or underground facility used to transport communications services from a wireless facility to a communications network.
(Code 1987, § 28-2; Ord. No. 20-049, § 1, 12-21-2020)

Sec. 28-3. Applicability.

This article shall apply to all deployments of small wireless facilities on rights-of-way or other public or private property within the city and its two (2) mile extraterritorial jurisdiction, as amended or annexed from time to time, except as specifically excluded in this section or in this article. This article shall not apply to any facility that was in existence and authorized by an agreement with the city as of the effective date of the ordinance from which this article is derived. Notwithstanding this section, the shot clock for an application shall be governed by this article or by an existing agreement, whichever provides for a shorter shot clock. Notwithstanding this section, application fees and yearly rates shall be governed by this article or by an existing agreement, whichever provides for smaller fees or rates. Small wireless facilities shall be governed by this article, and not by other lease requirements of the city or this Code. This article shall not apply to the design, engineering, construction, installation, or operation of any small wireless facility located in the interior structure or upon the site of any college or university campus, stadium, or athletic facility not owned or controlled by the city, other than to comply with applicable codes. For an application submitted to the state regarding a location within right-of-way or other property owned or controlled by the state, to the extent that the state seeks a recommendation from the city regarding such application, the city shall apply the location and design standards of section 28-11. The applicant for a location on such state right-of-way or other property shall provide to the city a copy of the application submitted to the state.
(Code 1987, § 28-3; Ord. No. 20-049, § 1, 12-21-2020)

Sec. 28-4. Permit required.

It shall be unlawful for any person to install, maintain, or operate a small wireless facility, unless such person shall have previously obtained a permit under this article from the city expressly authorizing such small wireless facility. It shall be unlawful for any person to collocate a small wireless facility on or associated with an existing utility pole or support structure, unless such person shall have previously obtained a permit under this article from the city expressly authorizing the attachment or association of that specific small wireless facility. It shall be unlawful for any person to construct, install, replace, maintain, or operate a new utility pole or support structure to which will be attached or associated a small wireless facility, unless such person shall have previously obtained a permit under this article.
(Code 1987, § 28-4; Ord. No. 20-049, § 1, 12-21-2020)

Sec. 28-5. Application.

(a) *Form and content.* Application for a permit under this article shall be filed with the community development department, on a form provided by that department. On or in addition to that form, an application shall include the following:

(1) The applicant's name, address, telephone number, and e-mail address, including emergency contact information for the applicant.

(2) The names, addresses, telephone numbers, and e-mail addresses of all consultants, if any, acting on behalf of the applicant with respect to the application.

(3) A description of the proposed work and the purposes and intent of the proposed small wireless facility.

(4) If applicable, written authorization from the owner of the utility pole or support structure on which the small wireless facility will be placed or attached, if not the city. For a utility pole or support structure owned or controlled by an entity other than the city, the applicant shall provide proof of approval of the specific plans by that owner.

(5) Complete construction plans for proposed infrastructure bundled into a single PDF file, formatted to eleven inches (11") by seventeen inches (17") (the city recommends each pole has a separate set of plans within the overall file, in order that if any single pole is removed from the application, the remaining plan set remains valid), including:

a. A cover sheet with pole title, name, address, information containing a scaled city map including all pole locations included in the subject application, a list of each pole location including the GPS coordinate and a legend for all sheets.

b. Each pole plan set shall include the following:

1. Labeled and dimensioned site plan and elevation plan, including the following, when applicable:

(i) Key symbols, ROW lines, property lines, etc.

(ii) Street information and topographic information, including existing and proposed utilities both public and private.

(iii) Identification of immediately adjacent property owners and/or easements.

(iv) Structural plans for pole and associated foundations that reference structural calculations and include geotechnical reports, depth, diameter, grounding, reinforcing, four thousand (4,000) psi concrete, etc.

(v) Pole dimensions and heights along with the construction materials, type, color and finish.

(vi) All dimensions of any pole attachments.

(vii) Proposed voltage, maximum transmission wattage, radiofrequency and microwave expulsion for all equipment associated with each pole, as allowed under FCC regulations along with documentation of compliance for RF emissions.

(viii) All detail required to clarify the proposed fiber, communication and electrical construction to be completed.

c. Appropriate pole and foundation structural calculations, signed and stamped by a licensed professional engineer (PE) in the state, to the most stringent of the following design standards:

1. American Association of State and Highway Transportation Officials (AASHTO) Standard Specifications for Structural Supports for Highway Signs, Luminaires, and Traffic Signals (AASHTO LTS), 6th edition, with 2015 Interim Revisions.

2 Design and wind speed to comply with TIA-222 as adopted by the city (IBC).

d. Small cell program proposed pole location map with street names and other key guideline concerns (i.e., historical and other areas of interest, waterways, etc.).

e. Address of each pole in the submittal and the approximate location of each pole referenced from official city street surface features and latitude and longitude GPS coordinates.

f. Copy of all required insurance and indemnification certificates.

g. Radiofrequency emission certification documenting FCC compliance for RF emissions for each proposed network node signed by a telecommunications engineer certified by the International Association for Radio, Telecommunications and Electromagnetics (iNARTE) or similarly recognized certifying body with experience regarding radiofrequency transmissions.

(6) To the extent the proposed small wireless facility involves collocation on a utility pole or support structure, a structural report performed by a duly licensed engineer evidencing that the pole or support structure will structurally support the collocation (or that the pole or support structure will be modified to meet structural requirements) in accordance with applicable codes.

(7) For any new above ground antenna equipment, accurate visual depictions and locations, if not included in the construction drawings.

(8) A full description of any make-ready work to be performed by the city in preparation for the proposed installation and use of the small wireless facility, associated equipment and utility pole or support structure.

(9) The application fee as required by this article.

(10) Bond and certificate of insurance as required by this article.

(11) The application form shall include:

a. Language providing for the indemnification of the city by the applicant as required by this article; and

b. An attestation by the applicant that the small wireless facility shall be operational for use by a wireless services provider within nine (9) months after the later of the completion of all make-ready work or the permit issuance date, unless a delay is caused by lack of commercial power or communications transport facilities to the site, in which case the deadline shall be extended for up to nine (9) months.

(b) *Batching.* An applicant may apply for more than one (1) but no more than five (5) small wireless facilities in a single application, provided that all information required by this section is provided for each separate small wireless facility. Application fees shall be paid for each small wireless facility, as provided in this article.

(c) *Replacement or modification.*

(1) A permittee shall be required to file an application and pay an application fee for the proposed replacement or modification of an existing small wireless facility, antenna equipment, or associated utility pole or support structure. In such case, the application shall include updated drawings of the facilities showing such replacement or modification. Such proposed replacement or modification shall be reviewed and acted upon by the city as if it were an initial application.

(2) As a condition for placement, the applicant shall:

a. Inspect per TIA-222 as required and maintain all equipment and appurtenances in a timely and responsible manner;

b. Remove all graffiti placed on any of its network nodes, transport facilities, poles, or other property or equipment located in the public right-of-way;

c. Promptly repair any damage resulting from the installation, repair, modification, removal, operation, and use at a small cell facility to its original condition. The city may opt to perform the repair and charge the permit holder if the permit holder fails to respond to a notice requiring repair, or when the public is in imminent danger;

d. Remove all non-operational small cell antennas, support poles, transport facilities, and associated equipment within twelve (12) months after abandonment of the facility; and

e. Applicant shall notify city in writing not less than thirty (30) business days prior to removal of a small cell if removed at the applicant's own discretion.

The permit holder shall obtain all permits required for relocation or removal prior to relocation or removal.

(d) *Shot clock.* The city shall act on a filed application, and all associated requests, on or before the expiration of the shot clock period.

(1) The shot clock period for an application is the sum of:

a. Ninety (90) calendar days, plus an additional ten (10) business days if requested in writing by the city prior to the expiration of the ninety (90) calendar days; plus

b. Such additional number of calendar days of the tolling period, if any, pursuant to subsection (d)(2) of this section.

(2) Unless a written agreement between the applicant and the city provides otherwise, the tolling period for an application, if any, is as set forth below:

a. Upon the submission of an incomplete application, the city shall notify the applicant on or before twenty (20) business days after submission that the application is incomplete; and shall identify the missing documents or information. Upon submission of the missing documents or information by the applicant, the shot clock date calculation shall restart at zero (0) once the city determines that the application is complete.

b. Subsequent findings of incompleteness shall further toll the shot clock from the time the city sends written notice of incompleteness until the time the applicant provides the missing information.

c. If the applicant submits new or additional documents or information that include material changes not otherwise required by the city, a new application and application fee shall be submitted.

(3) The shot clock deadline for an application is determined by counting forward, beginning on the day after the date when the application was submitted, by the number of calendar days of the shot clock period identified pursuant to this article, provided that, if the deadline calculated in this manner falls on a weekend or holiday, the deadline shall be the next business day after such date. The term "business day" means any day that is not a weekend day or holiday.

(e) *Permit issuance.* Approval of an application authorizes the permittee to maintain and operate the small wireless facilities and any associated utility pole covered by the permit for a period of five (5) years, subject to applicable relocation requirements and the permittee's right to terminate at any time. At the end of each such term, such permit shall be considered automatically renewed for an equivalent duration so long as the permittee complies with the criteria of this article as of the time the permit was issued.
(Code 1987, § 28-5; Ord. No. 20-049, § 1, 12-21-2020)

Sec. 28-6. Fees.

(a) *Application fees.*

(1) The application fees for a permit under this article for a small wireless facility shall be established by resolution adopted by the city council.

(2) An application for a permit for a new, modified, or replacement utility pole or support structure intended to support one (1) or more small wireless facilities shall be established by resolution adopted by the city council.

(b) *Annual rates.* A permittee who does not pay the city any occupation taxes under section 24-19 shall pay to the city an annual rate established by resolution adopted by the city council for each small wireless facility attached to a utility pole in city right-of-way, and an annual rate established by resolution adopted by the city council for each small wireless facility located anywhere else in city right-of-way or city property. A permittee who does pay the city any occupation taxes under section 24-19 shall not be required to pay to the city an annual rate. The annual rate shall be paid by or before January 1, in advance for the ensuing year.

(c) *Reimbursement of direct costs.* If the applicant or permittee excavates or damages city right-of-way or other city property and the city repairs such excavation or damage, the applicant or permittee shall reimburse to the city the actual cost of such repair, as provided in section 28-10.
(Code 1987, § 28-6; Ord. No. 20-049, § 1, 12-21-2020)

Sec. 28-7. Interference, removal, and abandonment.

(a) In the event that any facility of a permittee on city right-of-way or city property obstructs or hinders the usual travel or public safety or obstructs the legal use of such right-of-way or property by utilities or other authorized users, the city may provide written notice to the permittee of such interference and of the need to resolve such interference. In the event that any such facility of the permittee causes any radiofrequency interference to any city facilities or other uses of city right-of-way or city property, the city may notify the permittee in writing of such interference and the need to resolve such interference. Upon service of any notice under this subsection, the permittee shall remedy such interference within ninety (90) calendar days or, in the case of an emergency, within such shorter time period as directed by the city. If such interference is not resolved in a timely manner, the permittee shall, at its own expense, remove its facilities from that location. In such case, the permittee may apply for the relocation of similar facilities at another location, without payment of an application fee.

(b) Within ninety (90) calendar days following written notice from the city, the permittee shall, at its own expense, protect, support, temporarily or permanently disconnect, remove, relocate, change or alter the position of any of its facilities, whenever the city has determined, in its sole discretion, that such removal, relocation, change or alteration is necessary for the construction, repair, maintenance, or installation of any city improvement in, under or upon the public right-of-way. The permittee shall be responsible to the city for any damages or penalties the city may incur as a result of the permittee's failure to remove or relocate the facilities as required in this subsection.

(c) The city retains the right and privilege to cut or move any facility of the permittee located within the public right-of-way or on city property, as the city may determine in its sole discretion to be necessary, appropriate or useful in response to any public emergency. If circumstances permit, the city shall notify the permittee and give the permittee an opportunity to move its own facilities prior to cutting or removing the facilities. In all cases, the city shall notify the permittee after cutting or removing the facilities as promptly as reasonably possible.

(d) The permittee may abandon its facilities at a location. The permittee shall notify the city of abandonment of any facility at the time the decision to abandon is made, but in no case shall such notification be made later than thirty (30) calendar days prior to abandonment. The permittee shall, within thirty (30) calendar days of such notice, remove its facilities at the permittee's own expense, unless the city determines and states in writing, in its sole discretion, that any part of the facilities may be abandoned in place. The permittee shall remain solely responsible and liable for all of its facilities until they are removed from the public right-of-way unless the city agrees in writing to take ownership of the abandoned facilities. For the purpose of this subsection, abandonment of facilities and cancellation of the related permit shall also be deemed to have occurred after such facilities are not used for a period of one (1) year.

(e) If the permittee fails to timely protect, support, temporarily or permanently disconnect, remove, relocate, change or alter any of its facilities or remove any of its abandoned facilities as required in this section, the city or its contractor may do so. In such case, the permittee shall pay all reasonable costs related to such work.

(Code 1987, § 28-7; Ord. No. 20-049, § 1, 12-21-2020)

Sec. 28-8. Indemnification.

In submitting an application and maintaining and operating its facilities, the permittee agrees to indemnify, defend and hold the city harmless from all claims, costs, damages, demands, suits, judgments, court costs and costs of defense, including attorney fees, which arise out of, in whole or in part, permittee's acts or omissions pursuant to its permit or this article, or which arise out of, in whole or in part, the installation, construction, operation, or maintenance of the permittee's facilities, whether or not any act or omission complained of is authorized, allowed, or prohibited by the permit or this article. The application to be signed by the applicant shall contain the indemnification language stated in this section.
(Code 1987, § 28-8; Ord. No. 20-049, § 1, 12-21-2020)

Sec. 28-9. Insurance.

(a) Upon and after application, the permittee of a permit under this article shall procure and thereafter continuously maintain for as long as any permit in its favor remains in effect, at the permittee's expense, commercial general liability insurance with a limit of at least two million dollars ($2,000,000.00) per occurrence and in the aggregate for bodily injury (including death) and damage to property, including explosion, collapse and underground property damage. The permittee shall notify the city of any prospective cancellation or reduction in coverage of the policy, at least ninety (90) calendar days in advance of the cancellation or reduction. A certificate of insurance shall be provided with the application. The policy shall be available for review by the city upon request. The policy shall name the city as additional insured.

(b) Upon and after application, the permittee of a permit located on right-of-way or other city property shall provide and maintain in effect a bond with a surety, in favor of the city, in the minimum amount of fifty thousand dollars ($50,000.00) to cover all permitted sites of the permittee. The surety of the bond shall be a surety company licensed to do business in the state. The bond shall be conditioned:

(1) That the permittee and its successors or assigns shall indemnify, defend, and hold the city harmless from all claims, costs, damages, demands, suits, judgments, and court costs and costs of defense, including attorney fees, which arise out of, in whole or in part, permittee's acts or omissions pursuant to its permit or this article, or which arise out of, in whole or in part, the installation, construction, operation, or maintenance of the permittee's facilities, whether or not any act or omission complained of is authorized, allowed, or prohibited by the permit or this article.

(2) For the maintenance of the sidewalk or public right-of-way.

(3) For the compliance with all applicable laws regarding the permitted facilities and the use of the city right-of-way or other property.

(4) For the return of the sidewalk, street, right-of-way or other public property to its condition prior to the permit.

(Code 1987, § 28-9; Ord. No. 20-049, § 1, 12-21-2020)

Sec. 28-10. Permittee duties.

As a condition of the issuance of a permit under this article, the permittee shall perform the following duties:

(1) Small wireless facilities and associated communications facilities, utility poles and support structures shall be located, installed and maintained so that they do not materially endanger the lives, health or safety of persons, or materially interfere with any public improvements the city or other governmental entities (including any traffic control devices or signs, gas, electric, stormwater, sanitary sewer or water utilities or enterprises) have in place or may deem proper to make. The location, installation or maintenance of the small wireless facility and associated communications facilities, utility pole and support structure shall not hinder or obstruct the usual travel or public safety on right-of-way, or obstruct the legal use of right-of-way by utilities or the safe operation of their systems or provision of service.

(2) All small wireless facilities and associated communications facilities, utility poles, and support structures shall be located, installed, and used so as to cause minimum radiofrequency or other interference with the rights and reasonable convenience of other users of rights-of-way and of owners' property which adjoins rights-of-way.

(3) All construction, excavation, maintenance and repair work done by the permittee shall be done in a safe, workmanlike and expeditious manner which minimizes inconvenience and danger to the city, the general public and individuals. All such construction, excavation, maintenance, and repair work done by the permittee shall comply with all applicable codes and laws. The city shall have the right to inspect all construction or excavation work to ensure compliance with applicable codes, laws, and permits, and may order the permittee to perform corrective work. All right-of-way or other city property disturbed by permittees' activities shall be promptly restored by the permittee at its expense to its former condition, subject to inspection by the city. If the permittee fails to make required repairs, the city may give the permittee written notice of the required repairs. If after such notice the permittee fails to make the required repairs within fourteen (14) calendar days, the city may make the repairs, and permittee shall pay the city the reasonable cost of such repairs. The city shall grant the permittee a ten (10) calendar day extension to perform repairs if requested by the permittee within the original fourteen (14) calendar day period. In the event of immediate threat to life, safety, or to prevent serious injury, the city may immediately undertake to restore the site and then notify the permittee and charge the permittee for ail reasonable restoration costs.

(4) The permittee shall install, construct, maintain, and operate its small wireless facilities and associated communications facilities, utility poles, and support structures in a safe manner providing reasonable protection against injury or damage to any and all persons or property.

(5) Unless otherwise specified in the permit, the permittee shall erect a barrier around the perimeter of any excavation and provide appropriate traffic control devices, signs and lights to protect, warn and guide the public (vehicular and pedestrian) through the work zone. The manner and use of these devices shall be described within a traffic control plan in accordance with the manual on uniform traffic control devices. The permittee shall maintain

all barriers and other traffic control and safety devices related to an open excavation until the excavation is filled and finished to the satisfaction of the city, or as otherwise directed by the city.

(6) All construction and use of the small wireless facilities and associated communication facilities, utility poles, and support structures shall comply with the permit and approved final plans and specifications. Upon completion of installation of the small wireless facilities and associated communication facilities, utility poles and support structures, the permittee shall notify the community development department within three (3) business days of the completion of said work so that the city may conduct an inspection as provided for above. Any construction that does not conform to the permit and approved final plans and specifications shall be reconstructed or repaired to conform to the permit and approved final plans and specification within five (5) business days. If the construction and use of the small wireless facilities and associated communication facilities, utility poles, and support structures continues to fail to conform to the permit and approved final plans and specifications, the city may revoke the associated permit until such time as the work is in conformance.

(7) If a new utility pole or support structure is to be built for the sole or primary purpose of supporting a small wireless facility, such pole or structure shall comply with all applicable codes.

(Code 1987, § 28-10; Ord. No. 20-049, § 1, 12-21-2020)

Sec. 28-11. Location and design standards.

(a) The city desires to promote aesthetically acceptable and area conforming wireless facilities using the smallest and least intrusive means available to provide small wireless services to the community. All facilities in the public right-of-way must comply with all applicable provisions in this section. All small wireless facilities shall meet the following requirements:

(1) New small cells shall match existing, adjacent streetscape character.

(2) When proposed in a "special" district or neighborhood that maintains unique streetlight aesthetics, the applicant must consider and propose infrastructure that most closely matches adjacent themed infrastructure to the maximum extent feasible.

(3) Applicant must demonstrate the structural ability of the poles (existing or new) to accommodate small cell facilities. If not structurally capable, it is expected that the applicant will be responsible for replacing any existing pole.

(4) Small wireless facilities shall be constructed, operated, maintained, repaired, removed, modified, or restored in strict compliance with all current applicable technical, safety and safety-related codes adopted by the city, state, or United States, including, but not limited to, the most recent editions of the ANSI Code, National Electrical Safety Code and the National Electrical Code, as well as accepted and responsible workmanlike industry practices and recommended practices of the National Association of Tower Erectors. The codes referred

to, are codes that include, but are not limited to, construction, building, structural, transportation, electrical, fire, safety, health, and land use codes. In the event of a conflict between or among any of the preceding, the more stringent shall apply.

(5) Antennas must be top-mounted and concealed within a radome (a structural, weatherproof enclosure that protects an antenna and is constructed of material that minimally attenuates the signal transmitted/received by such antenna) or otherwise concealed to the extent feasible. Cable connections, antenna mounts and other hardware must also be concealed. The radome or other concealment elements must be non-reflective and painted or otherwise colored to match the existing support structure.

(6) The antenna shall be no more than three (3) cubic feet in volume. All other equipment associated with a small wireless facility, whether ground-mounted or pole-mounted, shall be no more than twenty-eight (28) cubic feet in volume.

(7) The color of the small wireless facility shall reasonably match the color of the utility pole or support structure upon which it is attached.

(8) There shall be no advertising or signs on the small wireless facility, except for equipment logos, specifications, or maintenance instructions that are generally not readable from the ground or from ten (10) feet away.

(9) A small wireless facility shall be mounted at a height no more than the greater of:

a. Fifty (50) feet, including the antenna; or

b. Five (5) feet above an existing utility pole in place as of the effective date of the ordinance from which this article is derived and located within five hundred (500) feet in the same right-of-way.

(10) Antennas shall be no more than twelve (12) inches in diameter and forty-eight (48) inches in height.

(11) If the antenna of the small wireless facility is side mounted, it shall not protrude more than eighteen (18) inches outside the pole and shall not exceed the height of the pole.

(12) The small wireless facility and all associated equipment mounted to the outside of a pole or support structure shall be at least eight (8) feet above grade, excluding the disconnect switch.

(13) Collocations between wireless service providers on the same support structure are required wherever feasible. If an applicant chooses to not collocate in areas where options are or appear to be available, the applicant must document that collocation is infeasible.

(14) Cabling shall be located within conduit or inside the pole or support structure to as great a degree as possible, and otherwise shall be as flush to the pole or support structure as possible. Any support arms shall use flanges or channels to conceal exterior cables and passive radiofrequency gear. Shrouds, sleeves, or ninety (90) degree connectors shall be used to prevent exposed cables.

(15) A small wireless facility shall include a disconnect switch. The disconnect switch shall be no more than twelve (12) cubic inches in size, shall be painted the same color as the pole or support structure, and shall be mounted on the pole or support structure at a maximum of six (6) feet above grade.

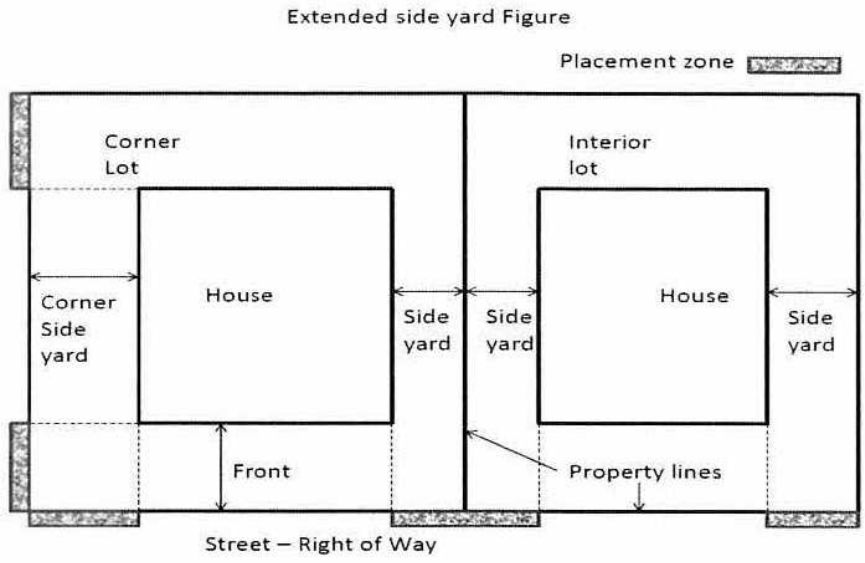
(16) Unless otherwise required by the city, or for compliance with FAA or FCC regulations, small wireless facilities shall not include any lights or lighting.

(17) All proposed freestanding small cell infrastructure shall be located:

a. In a manner or location that does not obstruct, impede, or hinder the usual pedestrian or vehicular travel, adversely affect public safety or impair the legal access and use of the public right-of-way. The small cells must be constructed per applicable law and with public ROW design standards, specifications, or design requirements and not violate the federal Americans with Disabilities Act of 1990, or in any way create a risk to public health, safety, or welfare;

b. In a manner that does not significantly create a new obstruction to primary and inherently valuable sightlines of an adjacent property;

c. In alignment with existing trees, utility poles, and streetlights and placed to avoid disturbance within the critical root zone of any tree;



d. In the right-of-way, but placed within the extended side yard setback zones of the adjacent property (see figure);

e. With a recommended separation of a minimum of two hundred fifty (250) feet from any other small cell facility to the extent allowed by law;

f. Other than along the frontage of properties designated as federal, state or local historic landmarks unless otherwise approved by the city;

g. With separation from any low-pressure natural gas line, intermediate or high-pressure natural gas line and with appropriate clearance as approved from all existing utilities;

h. So as not to impact any existing bridges, culverts, or retaining walls;

i. Outside of all AASHTO clear zones and outside of clear sight triangles (at a minimum) as follows:

1. Five (5) foot leg pedestrian sight triangle at each residential driveway;

2. Ten (10) foot leg pedestrian sight triangle at each driveway and alley;

3. Thirty (30) foot leg corner sight triangle;

4. Roadway sight triangles shall be based on AASHTO standards for each driveway, alley, and intersection; and

j. In a manner that does not impede, obstruct, or hinder operation of any emergency service, nor the usual pedestrian or vehicular access or travel including to or from private properties.

(b) All proposed freestanding small cell infrastructure shall be designed to comply as follows:

(1) To camouflage and conceal to the maximum extent feasible all proposed equipment within proposed freestanding antenna poles as applicable without use of faux trees, faux landscaping, or other faux decorative items, and consolidate any remaining equipment within approved singular enclosures;

(2) To meet the following size limitations of equipment:

a. Any new freestanding antenna pole shall be consistent in height with poles in the vicinity plus an additional five (5) feet, with a maximum height of fifty (50) feet unless otherwise approved by the city.

b. All antenna and all of the antenna's exposed elements and/or shroud transitions shall be mounted at the top of the proposed pole with the following criteria:

1. All contents, wires, and cables shall be visually concealed; and

2. The antenna shroud may not exceed a height of five (5) feet.

c. All remaining equipment to be located at the pole including radios not mounted at the top of the pole, electric meters, grounding equipment, cut-off switches, etc., shall be placed below grade to the maximum extent technically feasible and when it is not feasible to place below grade, shall be fully enclosed within a base shroud that:

1. Is structural to fully support the pole while maximizing equipment volume;

2. Is cylindrical and is a small as feasible with a maximum consistent diameter of thirty (30) inches;

3. Does not exceed a height of six (6) feet from mounting surface; and

4. Matches pole color, finish, and be as solid as feasible to visually conceal and lock all contents and/or wiring.

d. Any equipment attached to support poles must be mounted so that all parts are at least seven (7) feet or higher above adjacent surface grade and be the least visually intrusive as feasible.

e. If relief is granted to allow above-ground-mounted enclosures, they may not be greater than three (3) feet six (6) inches in any dimension.

(3) No generators will be required to support power demands for proposed infrastructure;

(4) No advertising signage or banners will be located upon the poles or antennas;

(5) All utilities, wires, and cables shall be enclosed and placed underground. No overhead lines or support cables are allowed. One (1) possible exception: may connect to aerial transport facilities for which an attachment right has been granted for attachment to the utility pole by the utility pole owner;

(6) Provide identifying information, and an emergency telephone number for the owner of each facility on an imprinted/etched on four (4) inch by six (6) inch metallic sign permanently mounted on the small cell pole at approximately four (4) to six (6) feet from ground level so as to be visible to the public and onto any associated ground-mounted equipment, in addition to any other signage required by law (e.g., RF ground notification signs); and

(7) The small cell will cause no interference to the city's radio and emergency radio frequencies, and will be in compliance with FCC interference requirements. Applicant shall document the proposed frequency or frequencies at the site.

(c) A new or replacement utility pole for a small wireless facility, referred to in this subsection as a "new pole," shall be subject to the following requirements:

(1) The new pole shall meet the generally applicable standards for such poles as established by the owner of such poles.

(2) The new pole shall comply with applicable codes of general applicability.

(3) The new pole shall be substantially similar in color, diameter, material, style, and arm structure of the nearest adjacent existing poles, provided that there shall be no new installations of wooden poles.

(4) A new pole replacing an existing decorative pole shall conform to all nondiscriminatory design aesthetic features of the existing decorative pole.

(5) The height of a new pole shall not exceed the greater of:

a. Five (5) feet above the tallest existing utility pole in place as of the effective date of the ordinance from which this article is derived located within five hundred (500) feet of the new pole in the same right-of-way; or

b. Fifty (50) feet above ground level.

(6) The diameter of the new pole shall be no more than fourteen (14) inches, provided that the bottom sixty-six (66) inches of the new pole may be no more than eighteen (18) inches in diameter.

(7) The new pole shall be in alignment with existing trees, utility poles, and streetlights.

(8) The new pole shall be an equal distance between trees when possible, with a minimum of fifteen (15) feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.

(9) The new pole shall be placed with appropriate clearance from existing utilities, to accommodate the passage of traffic in the right-of-way and any work done on or around the facilities.

(10) The new pole shall be placed outside of a thirty (30) foot clear sight triangle zone where pedestrian trails, sidewalks, and streets intersect.

(11) The new pole shall be placed so as not to be located along the frontage of a historic district.

(12) The new pole shall not be placed within fifty (50) feet of the apron of a fire station or other emergency service responder facility.

(13) In accordance with existing standards for street light poles, a new pole shall be located no closer than one hundred fifty (150) feet from an existing street light pole on an arterial or collector street, and no closer than one hundred (100) feet from an existing street light pole on a local or residential street. This requirement shall not prevent the replacement of light poles in place as of the effective date of the ordinance from which this article is derived that do not meet this spacing requirement.

(14) A new pole shall not be located within seven (7) feet of an electrical conductor unless the applicant obtains the written consent of the entity that owns or manages the electrical conductor.

(d) All small wireless facilities, and all of their associated equipment, ground equipment, communications facilities, and utility poles and support structures, shall comply with the following requirements:

(1) So as not to impede or impair public safety or the legal use of the right-of-way by the traveling public, ground-mounted equipment must be installed below grade or concealed in a ground-mounted cabinet. Ground-mounted cabinets must comply with the following design standards:

a. In urban sections with curb and gutter, ground-mounted equipment shall not be located closer than four (4) feet from the pavement or face of curb, and shall not be located closer than two (2) feet from a sidewalk, bike lane, or shared-use path as measured to the nearest part of the equipment.

b. In rural sections with open ditches, ground-mounted equipment shall be located at least one (1) foot inside the right-of-way line.

c. Ground-mounted equipment shall be placed outside of all site triangle zones.

d. Ground-mounted equipment locations shall be located a minimum of twelve (12) feet from driveway aprons as measured parallel to the right-of-way.

e. Ground-mounted equipment must be secured to a concrete foundation or slab with a breakaway design allowing the equipment to disconnect from the foundation in the event of collision or impact.

f. Screening of ground-mounted equipment with a variety of plant material may be required based on the characteristics of the surrounding area.

g. All proposed ground-mounted equipment shall be reviewed for determination of applicability of the city's generally applicable landscape screening requirements based on the surrounding context and, where required, for appropriateness of the proposed planting plan and plant specifications.

(2) Such items shall not materially interfere with sight lines or clear zones for air or land transportation or pedestrians.

(3) Such items shall not obstruct or hinder the usual travel or public safety on right-of-way or obstruct the legal use of right-of-way by utilities or the safe operation of their systems or provision of service.

(4) Such items shall not violate or materially interfere with compliance with the federal Americans with Disabilities Act of 1990 or similar federal or state standards regarding pedestrian access or movement.

(5) Such items shall comply with applicable codes of general applicability.

(e) Conformance with special district requirements. A special district is an area within the city with a city Code designation for which unique design, development and aesthetic standards may be applied uniformly.

(f) General luminaries criteria. Street lighting luminaries shall comply with lighting specifications for the city. Construction of small cell infrastructure shall have no impact on the street lights' operational performance.

(Code 1987, § 28-11; Ord. No. 20-049, § 1, 12-21-2020)

Sec. 28-12. Make-ready work.

(a) In its application, the applicant shall identify any make-ready work proposed to be performed by the city. Within one hundred twenty (120) calendar days after receipt of a completed application, the city shall provide a preliminary good faith estimate of the cost of such make-ready work to be paid by the applicant to the city. The applicant shall pay to the city the amount of the estimated cost. Make-ready work to be performed by the city shall be completed within ninety (90) calendar days after written acceptance of the good faith estimate by the applicant. Upon the city's completion of the make-ready work, the applicant shall pay the city, or the city shall refund to the applicant, as the case may be, the difference between the cost estimate paid and the actual cost. Total fees shall not exceed actual costs of the make-ready work. Alternatively, the city and the applicant may agree that the applicant or a party other than the city may perform the make-ready work, subject to the city's approval before and after the work.

(b) The city may require replacement of the utility pole if it determines that the collocation would make the utility pole structurally unsound. The person owning the utility pole shall not require more make-ready work than required to meet applicable codes and industry standards. This requirement shall not prevent the replacement of light poles that are currently constructed within a clear zone at the time of the effective date of the ordinance from which this article is derived.
(Code 1987, § 28-12; Ord. No. 20-049, § 1, 12-21-2020)

Sec. 28-13. Assignment.

A permittee may assign its rights to a permit, small wireless facility, and associated equipment or structures it owns, to an assignee. Such assignment shall not be effective until the applicant and the assignee sign and file with the community development department a notice of assignment, containing:

(1) The assignee's name, address, telephone number, and e-mail address, including emergency contact information.

(2) Exact location of all small wireless facilities and associated equipment or structures being assigned.

(Code 1987, § 28-13; Ord. No. 20-049, § 1, 12-21-2020)

Sec. 28-14. Relief.

Any applicant desiring relief, waiver or exemption from any aspect or requirement may request such, provided that the relief or exemption is contained in the submitted application. The burden of proving the need for the requested relief, waiver or exemption is solely on the applicant to prove. No such relief or exemption shall be approved unless the applicant demonstrates by clear and convincing evidence that, if granted the relief, waiver or exemption will have no significant effect on the health, safety and welfare of the city, its residents and other service providers.
(Code 1987, § 28-14; Ord. No. 20-049, § 1, 12-21-2020)

CODE COMPARATIVE TABLE

1971 CODE

The following table gives the location within the Code of sections of the 1971 Code, as supplemented through July 15, 1985.

1971 Code Section	Section this Code	1971 Code Section	Section this Code
1-1	1-1	2-90	2-245
1-2	1-2	2-90.1	2-246
—	1-3	2-90.2	2-247
1-3	1-3	2-91	2-273
1-7	1-6	2-93	2-274
1-8	1-8	2-95	2-275
1-9	1-8	2-96	2-276
1-10	1-8	2-97	2-277
1-14	1-11	2-98	2-278
1-15	1-10	2-99	2-279
1-15	1-12	2-100	2-280
1-16	1-9	2-101	2-312
1-52-1	1-3	2-103	2-313
2-2	2-1	2-104	2-314
2-3	2-2	2-110	2-332
2-4	2-3	2-111	2-333
2-5	2-4	2-115	2-334
2-17	2-53	2-116	2-335
2-18	2-54	2-117	2-336
2-20	2-55	2-123	2-363
2-21	2-56	2-124	2-364
2-22	2-57	2-126	2-365
2-33	2-88	2-135	2-389
2-34	2-88	2-140	2-407
2-35	2-90	2-142	2-408
2-38	2-91	2-143	2-409
2-51	2-125	3-1	3-1
2-55	2-127	3-2	3-2
2-57	2-128	3-3	3-3
2-58	2-126	3-4	3-4
2-60	2-130	3-15	3-27
2-66	1-5	3-16	3-28
2-68	1-5	3-17	3-29
2-69	1-5	3-18	3-30
2-70	1-5	3-19	3-31
2-71	1-8	5-1	4-1
2-82	2-89	5-2	4-2
2-83	2-223	5-8	4-3
2-85	2-224	5-10	4-4
2-86	2-242	5-11	4-5
2-87	2-243	5-23	4-29
2-89	2-244	5-24	4-30

1971 Code Section	Section this Code	1971 Code Section	Section this Code
5-26	4-31	14-2	9-69
5-27	4-32	14-4	9-45
5-28	4-33	14-6	9-46
5-29	4-34	14-7	9-70
7-1	5-3	14-8	9-71
7-2	5-6	14-9	9-72
7-4	5-8	14-31	9-67
7-33	5-49	14-33	9-68
7-34	5-50	14-42	9-103
8-1	16-562	14-43	9-104
8-2	16-563	14-44	9-105
8-5	16-564	14-45	9-106
8-6	16-565	14-68	9-126
8-16	16-594	14-86	9-153
8-17	16-595	16-1	22-1
8-18	16-596	16-2	22-81
8-20	16-597	16-3	22-2
8-21	16-598	16-18	22-23
8-22	16-599	16-19	22-24
8-23	16-600	16-21	22-26
8-44	16-619	16-22	22-27
9-2	7-3	16-23	22-28
9-4	7-2	16-24	22-29
9-43	7-119	16-25	22-30
9-44	7-120	16-26	22-31
9-46	7-122	16-27	22-32
9-48	7-124	16-28	22-33
9-49	7-125	16-29	16-5
9-50	7-126	16-30	22-34
9-51	7-127	16-31	22-35
9-52	7-128	16-32	22-59
9-53	7-118	16-46	22-81
9-54	7-118	17-16	10-19
9-55	7-118	17-18	10-20
9-56	7-118	17-19	10-21
9-57	7-118	17-20	10-22
9-58	7-118	17-21	10-23
9-59	7-118	17-22	10-24
9-60	7-118	17-31	10-52
9-61	7-118	17-32	10-53
9-45	7-121	17-33	10-54
9-47	7-123	17-35	10-55
10-1	2-5	17-37	10-56
11-17	2-191	18-11	11-19
11-41	2-555	18-12	11-23
11-42	2-556	18-13	11-24
11-45	2-557	19-1	12-1
12-1	2-31	19-16	12-21
12-2	2-32	19-17	12-22
13-4	7-1	19-18	12-23

CODE COMPARATIVE TABLE

1971 Code Section	Section this Code	1971 Code Section	Section this Code
19-19	12-24	23-114	17-233
19-20	12-25	23-115	17-234
19-21	12-26	24-1	19-1
19-22	12-27	24-2	19-2
19-23	12-28	24-3	19-3
19½-1	14-1	24-4	19-3
19½-2	14-2	24-7	19-4
19½-3	14-3	24-8	19-5
20-1	15-1	24-9	19-6
20-2	15-2	24-10	19-7
20-3	15-3	24-11	19-8
20-4	15-4	24-12	19-9
20-5	15-5	24-13	19-10
20-6	15-6	24-14	19-11
21-48	16-675	24-15	19-12
21-49	16-676	24-16	19-13
21-50	16-677	24½-8	13-19
21-51	16-684	24½-7	13-20
21-52	16-685	25-1	13-44
21-53	16-686	25-2	13-45
21-54	16-687	25-3	13-46
21-58	16-690	25-4	13-47
22-1	17-135	25-14	13-68
22-2	17-136	25-15	13-69
22-3	17-137	25-16	13-70
22-4	17-138	25-17	13-71
22-5	17-139	25-18	13-72
22-6	17-140	25-19	13-73
22-7	17-141	25-20	13-74
22-8	5-24	25-21	13-75
22-9	17-142	25-22	13-76
22-10	17-143	25-23	13-77
22-11	17-136	26-17	18-21
22-12	17-144	26-18	18-22
23-3	17-1	26-21	18-23
23-8	17-2	27-1	7-204
23-21.1	17-23	27-14	7-232
23-24	17-24	27-15	7-233
23-38	17-47	27-16	7-234
23-60	17-97	27-17	7-235
23-61	17-98	27-19	7-236
23-63	17-99	27-21	7-237
23-83	9-183	27-33	7-268
23-84	9-183	27-34	7-269
23-85	9-183	27-35	7-270
23-86	9-183	27-36	7-271
23-87	9-183	27-37	7-272
23-111	17-230	27-38	7-273
23-112	17-231	27-39	7-274
23-113	17-232	27-41	7-275

1971 Code Section	Section this Code	1971 Code Section	Section this Code
27-42	7-276	30-22	23-37
27-43	7-277	30-23	23-38
27-44	7-278	30-40	23-67
27-45	7-279	30-41	23-68
27-46	7-280	30-42	23-69
27-47	7-281	30-43	23-70
27-48	7-282	30-44	23-71
27-81	7-326	30-56	23-101
27-82	7-327	30-57	23-102
27-88	7-313	30-73	23-124
27-89	7-314	30-74	23-125
27-90	7-315	30-75	23-126
27-91	7-316	30-76	23-127
27-93	7-317	30-77	23-128
27-94	7-318	30-79	23-129
27-95	7-319	30-84	23-157
27-96	7-320	30-85	23-158
27-97	7-321	30-87	23-159
27-98	7-322	30-88	23-160
27-99	7-323	30-89	23-161
27-100	7-324	30-90	23-162
27-101	7-325	30-91	23-163
28-17	20-19	30-102	23-195
28-18	20-20	30-103	23-196
28-21	20-21	30-104	23-197
28-23	20-22	30-105	23-198
28-24	20-23	30-106	23-199
28-25	20-24	30-107	23-200
28-26	20-24	30-109	23-201
28-29	20-25	30-150	23-226
28-30	20-26	30-151	23-227
28-31	20-27	30-152	23-228
28-35	20-49	30-153	23-229
28-36	20-50	30-154	23-230
28-37	20-51	30-156	23-231
28-38	20-52	30-157	23-232
28-39	20-53	30-158	23-233
30-1	23-1	30-159	23-234
30-2	23-2	30-160	23-235
30-3	23-3	30-161	23-236
30-13	23-28	30-162	23-237
30-14	23-27	31-32	24-19
30-14.1	23-29	31-33	24-20
30-15	23-30	31-34	24-21
30-16	23-31	31-35	24-22
30-17	23-32	31-36	24-23
30-18	23-33	31-37	24-24
30-19	23-34	31-39	24-25
30-20	23-35	31-40	24-26
30-21	23-36	31-41	24-27

1971 Code Section	Section this Code	1971 Code Section	Section this Code
31-42	24-28	32-226	16-229
31-43	24-29	32-228	16-231
31-44	24-30	32-229	16-263
31-45	24-31	32-230	16-232
31-51	24-53	32-234	16-233
32-1	1-2	32-235	16-234
—	16-1	32-240	16-262
32-3	16-2	32-241	16-263
32-4	16-3	32-242	16-264
32-5	16-4	32-243	16-265
32-5.1	23-103	32-244	16-266
32-6	23-104	32-251	16-298
32-7	23-105	32-253	16-299
32-8	16-5	32-254	16-300
—	16-643	32-255	16-301
32-21	16-33	32-256	16-324
32-41	16-642	32-257	16-323
32-42	16-643	32-262	16-355
32-61	16-354	32-263	16-356
32-68	16-115	32-264	16-357
32-82	16-79	32-265	16-358
32-84	16-80	32-299	16-479
32-93	16-81	32-300	16-480
32-97	16-82	32-301	16-481
32-111	16-146	32-302	16-482
32-113	16-147	32-303	16-483
32-124	16-179	32-304	16-484
32-126	16-180	32-325	16-55
32-140	16-132	32-326	16-56
32-143	16-133	32-327	16-57
32-162	16-113	32-328	16-58
32-163	16-112	32-329	16-59
32-165	16-114	32-330	16-60
32-168	16-6	32-342	16-413
32-181	16-507	32-343	16-414
32-182	16-508	32-344	16-415
32-183	16-509	32-345	16-416
32-184	16-510	32-346	16-417
32-190	16-529	33-2	25-1
32-191	16-530	33-3	25-2
32-192	16-531	33-14	25-35
32-193	16-532	33-15	25-36
32-194	16-533	33-16	25-37
32-195	16-534	33-17	25-38
32-206	16-199	33-18	25-39
32-207	16-200	33-38	25-69
32-208	16-201	34-1	26-1
32-223	16-226	34-2	26-2
32-224	16-227	34-3	26-3
32-225	16-228	34-4	26-4

1971 Code Section	Section this Code	1971 Code Section	Section this Code
34-6	26-5	34-75	26-240
34-7	26-6	34-76	26-241
34-8	26-7	34-77	26-242
34-9	26-8	34-78	26-243
34-10	26-9	34-79	26-244
34-11	26-10	34-80	26-245
34-12	26-11	34-81	26-246
34-13	26-12	34-82	26-247
34-13.1	26-13	34-83	26-248
34-14	26-14	34-84	26-249
34-15	26-15	34-85	26-250
34-16	26-16	34-86	26-251
34-17	26-17	34-87	26-252
34-18	26-18	34-88	26-253
34-20	26-20	34-89	26-254
34-21	26-21	34-90	26-222
34-31	26-46	34-91	26-272
34-32	26-47	34-92	26-273
34-33	26-48	34-93	26-274
34-34	26-49	34-94	26-275
34-36	26-50	34-95	26-276
34-37	26-51	34-96	26-277
34-38	26-52	34-97	26-278
34-39	26-53	34-99	26-279
34-50	26-80	34-100	26-280
34-51	26-81	34-101	26-281
34-52	26-82	34-102	26-282
34-62.1	26-116	34-103	26-283
34-62.2	26-118	34-104	26-284
34-62.3	26-119	34-105	26-285
34-62.4	26-120	34-106	26-286
34-62.5	26-121		
34-62.6	26-122		
34-62.7	26-123		
34-62.8	26-124		
34-62.9	26-125		
34-62.12	26-126		
34-62.13	26-117		
34-63	26-221		
34-64	26-223		
34-65	26-224		
34-66	26-225		
34-67	26-230		
34-68	26-232		
34-69	26-233		
34-70	26-235		
34-71	26-236		
34-72	26-237		
34-73	26-238		
34-74	26-239		

CODE COMPARATIVE TABLE

1987 CODE

The following table gives the location within the Code of sections of the 1987 Code, as supplemented through November 20, 2023.

1987 Code Section	Section this Code	1987 Code Section	Section this Code
1-1	1-1	2-65	2-92
1-2	1-2	2-66	2-93
—	1-3	2-68	2-94
1-3	1-3	2-69	2-95
1-5	1-3	2-70	2-96
1-7	1-6	2-71	2-97
1-8	1-8	2-77	2-125
1-9	1-8	2-80	2-126
1-14	1-11	2-81	2-127
1-15(1)	1-10	2-82	2-128
1-15(2)	1-12	2-83	2-129
1-15(3)	1-12	2-84	2-130
1-15(4)	1-12	2-97	2-159
1-15(5)	1-12	2-106	2-160
1-15(6)	1-12	2-122	2-191
1-15(7)	1-12	2-128	2-192
1-15(8)	1-12	2-148	2-223
1-16	1-9	2-150	2-224
1-17	1-5	2-166	2-242
1-19	1-5	2-167	2-243
1-20	1-5	2-169	2-244
1-21	1-5	2-170	2-245
1-22	1-8	2-171	2-246
1-23	1-4	2-172	2-247
1-24	1-7	2-186	2-273
2-1	2-1	2-188	2-274
2-2	2-2	2-190	2-275
2-3	2-3	2-191	2-276
2-4	2-4	2-192	2-277
2-5	2-5	2-193	2-278
2-6	2-6	2-194	2-279
2-21	2-31	2-195	2-280
2-22	2-32	2-206	2-310
2-37	2-53	2-208	2-311
2-38	2-54	2-209	2-312
2-40	2-55	2-211	2-313
2-41	2-56	2-212	2-314
2-42	2-57	2-226	2-332
2-56	2-88	2-227	2-333
2-57	2-89	2-229	2-334
2-58	2-90	2-230	2-335
2-61	2-91	2-231	2-336

1987 Code Section	Section this Code	1987 Code Section	Section this Code
2-246	2-363	3-1	3-1
2-247	2-364	3-2	3-2
2-249	2-365	3-3	3-3
2-267	2-389	3-4	3-4
2-281	2-407	3-16	3-27
2-283	2-408	3-17	3-28
2-284	2-409	3-18	3-29
2-296	2-432	3-19	3-30
2-298	2-433	3-20	3-31
2-299	2-434	4-1	4-1
2-311	2-555	4-2	4-2
2-313	2-556	4-3	4-3
2-316	2-557	4-5	4-4
2-319	2-462	4-6	4-5
2-320	2-463	4-21	4-29
2-321	2-464	4-22	4-30
2-325	2-487	4-23	4-31
2-326	2-488	4-24	4-32
2-327	2-489	4-25	4-33
2-328	2-522	4-26	4-34
2-329	2-523	4-43	4-57
2-330	2-524	4-50	4-88
2-350	2-568	4-51	4-89
2-351	2-569	4-52	4-90
2-352	2-570	4-53	4-91
2-354	2-571	4-54	4-92
2-355	2-572	5-1	5-1
2-356	2-573	5-2	5-2
2-358	2-574	5-3	5-3
2-359	2-575	5-4	5-4
2-360	2-599	5-5	5-6
2-361	2-600	5-7	5-7
2-362	2-601	5-8	5-8
2-363	2-602	5-9	5-8
2-370	2-623	5-10	5-8
2-371	2-624	5-14	5-9
2-372	2-625	5-15	5-10
2-373	2-626	5-16	5-11
2-374	2-627	5-17	5-12
2-375	2-628	5-18	5-13
2-380	2-660	5-19	5-14
2-381	2-661	5-20	5-15
2-382	2-662	5-21	5-16
2-383	2-663	5-22	5-17
2-384	2-664	5-23	5-18
2-385	2-665	5-24	5-19
2-386	2-666	5-25	5-20
2-387	2-667	5-26	5-21
2-388	2-668	5-27	5-21
2-389	2-669	5-28	5-22

1987 Code Section	Section this Code	1987 Code Section	Section this Code
5-29	5-23	6-16	6-19
5-30	5-25	6-17	2-542
5-31	5-26	6-18	2-543
5-32	5-27	6-19	6-20
5-33	5-28	6-20	6-21
5-34	5-29	6-21	6-22
5-35	5-30	6-22	6-23
5-40	5-49	6-23	6-24
5-41	5-50	6-24	6-25
5-42	5-51	6-25	6-26
5-43	5-52	6-26	6-27
5-44	5-53	6-27	6-28
5-45	5-54	6-28	6-29
5-46	5-55	6-29	6-30
5-47	5-56	7-1	7-1
5-60	5-86	7-2	7-2
5-61	5-87	7-4	7-3
5-62	5-88	7-5	7-4
5-63	5-89	7-6	7-5
5-64	5-90	7-7	7-6
5-65	5-91	7-8	7-7
5-66	5-92	7-10	7-31
5-67	5-93	7-11	7-32
5-68	5-94	7-12	7-33
5-69	5-95	7-13	27-129
5-70	5-96	7-20	7-55
5-71	5-97	7-21	7-56
5-72	5-98	7-30	7-86
5-73	5-99	7-31	7-87
5-90	5-127	7-46	7-118
5-91	5-128	7-47	7-119
5-92	5-129	7-48	7-120
5-93	5-130	7-49	7-121
5-100	5-159	7-50	7-122
5-101	5-160	7-51	7-123
5-102	5-161	7-52	7-124
5-103	5-162	7-53	7-125
5-104	5-163	7-54	7-126
5-105	5-164	7-55	7-127
5-106	5-165	7-56	7-128
5-107	5-166	7-60	7-155
5-108	5-167	7-61	7-156
5-120	5-188	7-70	7-181
5-121	5-189	7-71	7-182
5-122	5-190	7-90	7-203
5-123	5-191	7-91	7-204
5-124	5-192	7-106	7-232
5-125	5-193	7-107	7-233
5-126	5-194	7-108	7-234
5-127	5-195	7-109	7-235

1987 Code Section	Section this Code	1987 Code Section	Section this Code
7-111	7-236	7-344	7-436
7-113	7-237	7-345	7-437
7-126	7-268	7-346	7-438
7-127	7-269	7-347	7-439
7-128	7-270	7-348	7-440
7-129	7-271	7-350	7-464
7-130	7-272	7-351	7-465
7-131	7-273	7-352	7-466
7-132	7-274	7-353	7-467
7-133	7-275	7-354	7-468
7-134	7-276	7-355	7-469
7-135	7-277	7-356	7-470
7-136	7-278	7-357	7-471
7-137	7-279	7-358	7-472
7-138	7-280	7-359	7-473
7-139	7-281	7-360	7-474
7-140	7-282	7-361	7-475
7-171	7-313	7-362	7-476
7-172	7-314	7-370	7-507
7-173	7-315	7-372	7-508
7-174	7-316	7-373	7-509
7-175	7-317	7-374	7-510
7-176	7-318	7-375	7-511
7-177	7-319	7-376	7-512
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7-179	7-321	7-378	7-514
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ORDINANCE NUMBER 26-___

An ordinance to amend Sections 2-56 regarding the signing of minutes, 3-27 regarding structures maintained or constructed on city streets, avenues, and alleys, 9-67 regarding the creation of the office of fire chief, 13-69 regarding applications for peddler's permits, 13-70 regarding investigations and issuances of peddler's permits, 13-71 regarding appeals for denials of peddler's permits, 13-73 regarding the transferability of peddler's permits, 13-74 regarding the expiration of peddler's permits, 13-78 regarding the revocation of peddler's permits, 13-79 regarding penalties for violations of peddler's permits ordinances, 19-8 regarding camping, 19-13 regarding rules and regulations promulgated by the public properties director, 20-52 regarding disbursements for utilities, 26-229 regarding the removal of failed septic systems, and Chapter 27 regarding stormwater, erosion and sediment control; repealing Sections 2-314 and 13-45; and to repeal conflicting ordinances or parts of ordinances; and to provide for publication in electronic form and for an effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That Section 2-56 of the Beatrice City Code be and is hereby amended to read as follows:

"Sec. 2-56. Signing of minutes.

The mayor, or acting mayor, shall sign the city clerk's minutes of all meetings of the council after they have approved by action or acquiescence of the council."

SECTION 2. That Section 2-314 of the Beatrice City Code be and is hereby deleted and reserved.

SECTION 3. That Section 3-27 of the Beatrice City Code be and is hereby amended to read as follows:

"Sec. 3-27. Barred from streets, avenues, alleys, right-of-ways.

It shall be unlawful for any person to construct or maintain any billboard, signboard, and similar structures of any nature, kind or size in or upon any of the streets, avenues, alleys, or right-of-ways of the city unless authorized by the mayor and city council."

SECTION 4. That Section 9-67 of the Beatrice City Code be and is hereby amended to read as follows:

"Sec. 9-67. Office created.

There is hereby created in and for the city the office of fire chief."

SECTION 5. That Section 13-45 of the Beatrice City Code be and is hereby deleted and reserved.

SECTION 6. That Section 13-69 of the Beatrice City Code be and is hereby amended to read as follows:

"Sec. 13-69. Application.

Any person desiring a permit to engage in activity as a peddler within the city shall file a signed application on a form to be furnished by the city clerk, which shall contain the following information:

(a) The applicant's name, address, phone number, and email address;
(b) The name and address of the business, as well as a brief description of the goods to be sold or services to be provided; and
(c) The description of the make, model, and color of the any vehicle to be used, together with the license number.

The following information shall be submitted with said application:

(a) A valid driver's license;
(b) The fingerprints of the applicant;
(c) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor, the nature of the offense, and the punishment or penalty assessed therefor;
(d) A nonrefundable application fee established by resolution adopted by the City Council; and
(e) Any other information as the city clerk may request and as requested on the said application form."

SECTION 7. That Section 13-70 of the Beatrice City Code be and is hereby amended to read as follows:

"Sec. 13-70. Investigation and issuance.

(a) Upon receipt of an application as described in section 13-69, the original shall be referred to the chief of police, who shall cause an investigation of the statements contained within the application to be made to determine if the same be true and correct.

(b) If, as a result of such investigation, the chief of police finds that the statements within the application are materially untrue or incorrect, or if it is found that the applicant has been convicted within the past ten (10) years of a felony or a crime involving moral turpitude, the chief of police shall disapprove such application in writing and provide the reasons for the same, and return said application to the city clerk, who shall notify the applicant that the application is disapproved and that no permit will be issued.

(c) If, as a result of such investigation, the statements contained in the application are found to be true and correct, and the applicant has not been convicted within the past ten (10) years of any felony or any crime involving moral turpitude, the chief of police shall approve the application in writing, and shall return the said application to the city clerk for issuance of the permit.

(d) The permit shall contain the signature and seal of the city clerk and shall show the name and address of the permittee, the kind of goods to be sold thereunder or services to be furnished or performed, and the date of issuance. The city clerk shall keep a record of all permits issued and denied."

SECTION 8. That Section 13-71 of the Beatrice City Code be and is hereby amended to read as follows:

"Sec. 13-71. Appeal.

Any person aggrieved by the action of the chief of police or the city clerk in denial of an application for a permit or certificate or in a decision with reference to the revocation of a permit as provided in this article, shall have the right to appeal to the city council. Such appeal shall be taken by filing with the city clerk, within fourteen (14) calendar days of the action complained of a written statement setting forth the grounds for the appeal. The council shall set a time and place for hearing on such appeal and notice of such hearing shall be given to the appellant. The decision and order of the council on such appeal shall be final and conclusive."

SECTION 9. That Section 13-73 of the Beatrice City Code be and is hereby amended to read as follows:

"Sec. 13-73. Transfer.

Permits issued under this division shall be non-transferable and no such permit shall be used at any time by any person other than whom it was issued."

SECTION 10. That Section 13-74 of the Beatrice City Code be and is hereby amended to read as follows:

"Sec. 13-74. Expiration of permit.

All permits issued under the provisions of this division shall expire one (1) year after the issuance of the same."

SECTION 11. That Section 13-78 of the Beatrice City Code be and is hereby amended to read as follows:

"Sec. 13-78. Revocation of permit.

(a) Permits issued under the provisions of this division may be revoked by the city clerk of the city after notice and hearing for any of the following causes:

(1) Fraud, misrepresentation, or false statement contained in the application for the permit;
(2) Fraud, misrepresentation, or false statement made in the course of carrying on the permittee's business as a peddler;
(3) Any violation of this article; or
(4) Conviction of any felony or crime involving moral turpitude.

(b) Notice of the hearing for revocation of the permit shall be given in writing, via electronic email provided, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be emailed to the permittee at his or her last known email address at least five (5) calendar days prior to the date set for hearing. Applicant shall also be contacted via telephone at the number provided."

SECTION 12. That Section 13-79 of the Beatrice City Code be and is hereby amended to read as follows:

"Sec. 13-79. Penalty.

Any person who shall violate any of the provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for a period not to exceed thirty (30) calendar days or by a fine not to exceed five hundred dollars ($500.00), recoverable with costs, or both. Each day that a violation of this division continues shall constitute a separate and distinct offense and shall be punishable as such.

The penalty provided in this section shall be cumulative with and in addition to the revocation of a permit under the provisions of this division."

SECTION 13. That Section 19-8 of the Beatrice City Code be and is hereby amended to read as follows:

"Sec. 19-8. Camping.

Camping is allowed only in the designated areas of Chautauqua and Riverside Park, provided that:

(1) No person shall camp for more than seven (7) continuous days in Riverside Park, without express permission from the public properties director.

(2) No person shall camp for more than thirty (30) continuous days in Chautauqua Park, without express permission from the public properties director.

(3) Any person who fails to pay in full all required camping and electrical use fees, or who continues to camp or park in an authorized camping area beyond the permitted time period without the express authorization of the Public Properties Director, shall be deemed to be parked in a restricted parking area in violation of Section 16-232. Any person found to be in violation of Section 16-232 pursuant to this subsection shall be required to pay all outstanding camping and electrical use fees, together with a fine of forty-five dollars ($45.00). In addition, the violator's motor vehicle may be immobilized by means of a boot or similar device until all outstanding fees, fines, and costs have been paid in full. If the vehicle remains immobilized for more than twenty-four (24) hours without payment of all outstanding amounts, it shall be subject to towing and impoundment at the owner's expense. The vehicle shall not be released until all unpaid fees, fines, towing, and impoundment costs have been paid in full.

(4) The public properties director or his or her designee may demand that a person or group discontinue camping and leave the park whenever such person or group is believed to be violating ordinances of the city or rules and regulations of

the public properties department. In such cases, any fees paid shall be non-refundable."

SECTION 14. That Section 19-13 of the Beatrice City Code be and is hereby amended to read as follows:

"**Sec. 19-13. Rules and regulations.**

The public properties director shall promulgate and publish rules and regulations."

SECTION 15. That Section 20-52 of the Beatrice City Code be and is hereby amended to read as follows:

"**Sec. 20-52. Disbursements generally.**

(a) Orders drawn on the utilities fund against the operation and maintenance account of the waterworks system shall be charged separately against the funds to the credit of the waterworks system in the utilities fund. Orders drawn on the utilities fund against the operation and maintenance account of the electric system shall be charged separately against the funds to the credit of the electric system in the utilities fund. Orders drawn on the utilities fund against the operation and maintenance account of the wastewater system shall be charged separately against the funds to the credit of the wastewater system in the utilities fund, and orders drawn against the operation and maintenance account of the street system shall be charged separately against the funds credited to the street system.

(b) Claims against the operation and maintenance account shall be filed with the city treasurer, and all disbursements from such funds, except disbursements from the operations and maintenance account, shall be by warrants drawn upon claims so filed and allowed by the council in the manner provided by law."

SECTION 16. That Section 26-229 of the Beatrice City Code be and is hereby amended to read as follows:

"**Sec. 26-229. Removal of failed septic systems.**

If an on-site wastewater treatment system is deemed to have failed as described in section 26-227, such property shall be required to meet all requirements of the state department of water, energy, and environment, title 124, Rules and Regulations for the design, operation, maintenance of on-site wastewater treatment systems, or the state department of health and

human services regulations. If the property is unable to meet these requirements, such property shall connect to the public sanitary sewer system at the cost of the property owner and the former on-site system shall be abated."

SECTION 17. That Chapter 27 of the Beatrice City Code regarding stormwater, erosion, and sediment control be and is hereby amended to read as shown in Exhibit "A", attached hereto and incorporated herein by reference.

SECTION 18. That Ordinance Number 25-29, 25-30, 25-37, 25-39, and 25-40 and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 19. That this ordinance shall be in full force and effect from and after its passage, approval, and publication in electronic form as provided by law.

PASSED AND APPROVED this 2nd day of March, 2026.

Attest:

_____	_____
Erin Saathoff, MMC, City Clerk	Robert Morgan, Mayor

"Chapter 27 STORMWATER, EROSION, AND SEDIMENT CONTROL

ARTICLE I. DEFINITIONS

Sec. 27-1. Definitions.

Wherever used in this Chapter, the following terms shall bear the meanings herein:

Accidental discharge means a discharge prohibited by this Chapter which occurs by chance and without planning or thought prior to occurrence.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving water, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Building Phase of Development means a period of construction activity when a portion(s) of a common plan of development or sale requires a building permit.

Common Plan of Development or Sale means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement, or physical demarcation indicating that land-disturbing activities may occur.

Construction activity means a disturbance to land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into waters of the state or urban drainage systems. Construction activity includes large or small construction activities and the disturbance of less than one (1) acre of total land area that is part of a large common plan of development or sale, if the larger common plan will ultimately disturb one (1) acre or more and includes all areas of support activity.

Erosion and Sediment Control Plan means a plan that indicates the specific measures and sequencing to be used for controlling sediment and erosion on a development site during construction activity according to locally approved standards, specification, and guidance.

Final Stabilization means conditions where all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover, with a minimum density of seventy percent (70%) of the native background vegetative cover, has been established on all non-impervious surfaces and areas not covered by permanent structures, unless equivalent permanent stabilization measures, such as riprap, gabions, and geotextiles, have been employed. All permanent drainages, constructed to drain water from the site, shall be stabilized to prevent erosion. All temporary erosion protection and sediment control BMPs have been removed without compromising the permanent erosion protection and sediment control BMPs. All sediment build-up has been removed from conveyance and basins that are to be used as permanent water quality management BMPs. The cleanout of permanent basins used as temporary BMPs during construction shall be sufficient to return the basin to design capacity. Construction activity conducted on or through agricultural or silvicultural land shall be considered finally stabilized upon return to the preexisting agricultural or silvicultural use. Construction activity conducted at new or industrial facilities that will operate the site in an exposed manner shall be considered finally stabilized upon commencement of industrial activity consistent with the industrial use and coverage under the appropriate NPDES permit for industrial storm water. The responsibility for long-term maintenance of permanent BMPs shall be assigned as well.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly

contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal discharge means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 27-8.

Illicit connections means any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and connections to the storm drain system from indoor drains and sinks, regardless of weather said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipal Separate Storm Sewer System ("MS4") means a separate storm water sewer system in urbanized cities and counties as having populations of ten thousand (10,000) or greater as determined by the Bureau of Census 2010 Decennial Census.

National pollutant discharge elimination system ("NPDES") Stormwater discharge permit means a permit issued by the United States Environmental Protection Agency (or by a state under authority delegated pursuant to 33 USC 1342(B)) that authorizes the discharge of pollutants to water of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Notice of Termination ("NOT") means a note to terminate coverage under this permit after construction is completed, the site has undergone final stabilization, and maintenance agreements for all permanent facilities have been established, in accordance with all applicable conditions of this permit.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so the same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure including sediment; and noxious or offensive matter of any kind. Pollutants lead to the human-made or human-induced alteration of the chemical, physical, biological or radiological integrity of an aquatic ecosystem.

Post-Construction means the general time period referenced in perpetuity from the approval for final acceptance of the construction phase of any construction activity.

Stormwater Pollution Prevention Plan ("SWPPP") means a plan for stormwater discharge that includes erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion on a parcel of land and decrease offsite, non-point source pollution.

ARTICLE II. STORMWATER

Sec. 27-2. Purpose and intent.

The purpose of this Chapter is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the city separate storm sewer system to the maximum extent practicable required by federal and state law. This Chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements on the national pollutant discharge elimination system ("NPDES") permit process. The objectives of this Chapter are:

(1) Regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.

(2) To prohibit illicit connection and discharges to the municipal separate storm sewer system.

(3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the city's separate storm sewer system.

(4) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this Chapter.

Sec. 27-3. Applicability.

This Chapter shall apply to all water generated on any developed and undeveloped lands entering the storm drain system unless explicitly exempted by this municipal code or otherwise by the city.

Sec. 27-4. Compatibility with other regulations.

This Chapter is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this Chapter are in addition to the requirements of any other ordinance, rule regulation, or other provision of law. Where this Chapter is in conflict with any other provision of law, the provision which is more restrictive or imposes higher protective standards for human health or the environment shall control.

Sec. 27-5. Responsibility for administration.

The City Administrator, or his or her designee, shall administer, implement, and enforce the provisions of this Chapter, except where otherwise provided in this Chapter.

Sec. 27-6. Severability.

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

Sec. 27-7. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore, this Chapter is not to be interpreted as meaning that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Sec. 27-8. Prohibition of illegal discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials other than stormwater, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standard.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as follows:

(1) The following discharges are exempt from discharge prohibitions established by this Chapter; water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated B typically less than one (1) part per million of chlorine), firefighting activities, and any other water source not containing pollutants.

(2) Discharges specified in writing by the City Administrator, or his or her designee, as being necessary to protect public health and safety.

(3) Dye testing is an allowable discharge, but requires a verbal notification to the City Administrator prior to the time of test.

(4) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit; waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Sec. 27-9. Prohibition of illicit connections.

The construction, connection, use, maintenance or continued existence of any illegal connection to the city's separate storm sewer system is prohibited.

(1) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(2) A person is considered to be in violation of this Chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Sec. 27-10. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city prior to the allowing of discharges to the MS4.

Sec. 27-11. Requirements to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The city shall adopt requirements identifying best management practices for any activity, operation, or facility, which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the State of Nebraska or the United States of America. The owner or operator of a commercial or industrial establishment shall provide, at the expense of the owner or operator, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or water courses through

the use of these structural and non-structural best management practices to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial the provisions of this Section. These best management practices shall be part of a SWPPP as necessary for compliance with requirements of the NPDES permit.

Sec. 27-12. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use function, or physical integrity of the watercourse.

Sec. 27-13. Suspension of MS4 access.

(a) *Suspension due to illicit discharges in emergency situations.* The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the State of Nebraska or the United States of America or to minimize danger to persons or property.

(b) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this Chapter may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. The violator may petition the City Administrator for a reconsideration and hearing.

A person commits an offense if that person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City Administrator, or his or her designee.

Sec. 27-14. Access and inspection of properties and facilities.

The City Administrator or his or her designee, may enter and inspect properties and facilities at reasonable time as often as may be necessary to determine compliance with this Chapter.

(1) Employees of the city may enter and inspect facilities subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter.

(2) Facility operators shall allow authorized employees of the city ready access to all parts of the premises for the purposes of inspection, sampling examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and performance of any additional duties as defined by state and federal law.

(3) The city may set up on any permitted facility such devices as are necessary in the opinion of the City Administrator, or his or her designee, to conduct monitoring and/or sampling of the facility's stormwater discharge.

(4) The city may require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) The temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the operator.

(6) Unreasonable delays in allowing the city access to a permitted facility is a violation of a stormwater discharge permit and of this Chapter. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Chapter.

(7) If the representatives of the city have been refused access to any part of the premises from which stormwater is discharged the city may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 27-15. Notification of accidental discharges and spills.

Notwithstanding other requirements of the law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the city (MS4) separate storm sewer system, waters of the State of Nebraska, or the waters of the United States of America, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

Said person shall notify the City Administrator or his or her designee of the nature, quantity and time of occurrence of the discharge within twenty-four (24) hours. Notifications, which are not in writing, shall be confirmed by written notice addressed and mailed to the City Administrator or his or her designee within three (3) business days of the phone call or by personal notification. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the action taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

Failure to provide notification of a release as provided above is a violation of this Chapter.

Sec. 27-16. Notice of violation.

(a) Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the City Administrator, or his or her designee, may order compliance by written notice of violation to the responsible person. Such notice shall be sent via regular U.S. mail or via hand delivery to the owner of the property and to any licensee listed under a city business license for the property. The notice shall include:

(1) The name and address of the parties listed above;

(2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;

(3) A statement specifying the nature of the violation;

(4) A description of the remedial action;

(5) A statement of the penalty or penalties that shall or may be assessed against the person or persons to whom the notice of violation is directed; and,

(6) A statement that the determination of violation may be appealed to the City Administrator by filing a written notice of appeal within thirty (30) calendar days of service of notice of violation.

(b) In the event of a violation, the city may require:

(1) The performance of monitoring, analyses, and reporting;

(2) The elimination of illicit discharges and illegal connections;

(3) That violating discharges, practices, or operations shall cease and desist;

(4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;

(5) Payment of costs to cover administrative and abatement costs;

(6) The implementation of pollution prevention practices; and,

(7) Such other action as may be reasonably necessary to accomplish the purposes of this Chapter.

Sec. 27-17. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the city. The notice of appeal shall be in writing and shall be delivered to the city clerk within thirty (30) calendar days from the date of the notice of violation. Hearing on the appeal before the City Administrator, or his or her designee, shall take place within fifteen (15) business days from the date of receipt of the notice of appeal. The pendency of an appeal shall not relieve the responsible person from complying with the requirements of the notice of violation, unless the City Administrator, or his or her designee, otherwise consents in writing.

Sec. 27-18. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within fifteen (15) business days of the decision of the City Administrator or his or her designee, then representatives of the city may enter upon the subject private property and are authorized to take any measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or designated city contractor to enter upon the premised for the purposes set forth above.

Sec. 27-19. Cost of abatement of the violation.

Within thirty (30) calendar days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest to the City Clerk objecting to the assessment or to the amount of the assessment within thirty (30) calendar days of such notice. If the amount due is not paid within thirty (30) calendar days after receipt of the notice, or if an appeal is taken, within (30) calendar days after a decision on said appeal, the charges shall become a special assessment. Any person violating any of the provisions of this Article shall become liable to the city by reason of such violation.

The city may recover all attorney fees, court costs and other expenses associated with enforcement of this Chapter, including sampling and monitoring expenses.

Sec. 27-20. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. If a person has violated or continues to violate the provisions of the Chapter, the city may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 27-21. Alternative actions upon violation.

In lieu of enforcement proceedings, penalties and remedies authorized by this Chapter, the city may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance of compliance workshops, waterway cleanup, or other community service work.

Sec. 27-22. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of the Chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken.

Sec. 27-23. Criminal prosecution.

Any person that has violated or continues to violate this Chapter shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of up to five hundred dollars ($500.00) per violation per day.

Sec. 27-24. Remedies not exclusive.

The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies.

Secs. 27-25—27-39. Reserved.

ARTICLE III. EROSION AND SEDIMENT CONTROL

Sec. 27-40. Purpose and intent.

The purpose and intent of this Article is to control or eliminate soil erosion and sedimentation within the jurisdictional limits of the city. It establishes standards and specifications for conservation practices and planning activities, which minimize soil erosion and sedimentation during the construction process to safeguard persons protect property and prevent damage to the environment. This Article will also promote the public welfare by guiding, regulating and controlling the design, construction, use, and maintenance of any best management practices (BMPs) used when development activities disturb or break the topsoil or results in the movement of earth on land in the city.

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat. Following the completion of construction activities, dust, dirt and erosion will continue to affect the stormwater facilities and receiving streams unless post construction practices are put in place during the construction and maintained thereafter, until fully stabilized.

This Article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This Article seeks to meet that purpose through the following objectives:

(1) Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation and stream bank erosion and maintain the integrity of stream channels.

(2) Minimize increases in non-point source pollution caused by stormwater runoff from development, which would otherwise degrade local water quality.

(3) Minimize the total annual volume of surface water runoff, which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.

(4) Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

Sec. 27-41. Applicability.

This Article shall apply to all land disturbance or land filling activities or soil storage where the total area disturbed equals or exceeds one (1) acre. Land disturbance less than one (1) acre apply if the land disturbance is part of a larger development that disturbed one (1) acre or more.

Activities that do not require approved plans or permits must still provide BMPs as necessary to control water quality. Areas with the possibility of sediment runoff will require protective measures at the request of the city, in order to minimize possible pollution to the storm sewer system. Minimum requirements for other activities may be obtained by written request to the city planning and building inspections department, accompanied by an adequate description of proposed work.

Sec. 27-42. Compatibility with other regulations.

This Article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this Article are in addition to the requirements of any other article, rule, regulation, or other provision of law, and where any provision of this Article, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Sec. 27-43. Responsibility for administration.

The Community Development Department shall administer, implement, and enforce the provisions of this Article. Any power granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Sec. 27-44. Severability.

The provisions of this Article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application or this Article.

Sec. 27-45. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this Article are minimum standards; therefore, this Article does not intend not imply the compliance by any person will ensure construction runoff; erosion and sediment will be completely eliminated.

Sec. 27-46. Permits.

(a) *Generally.* No person shall be granted a permit for land-disturbing activity that would require disturbing more than one (1) acre of land, or if such activity is to take place in a floodway, without SWPPP approved by the city.

(b) *Exemptions.* No permit for land-disturbing activity is required for the following activities:

(1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

(2) Existing nursery and/or agricultural operation conducted as a permitted by the city or county.

(3) Repairs to any stormwater management practice or facility deemed necessary by the stormwater permitting authority.

(4) Cemetery graves.

(5) Installation of fence, sign, telephone, and electric pole and other kinds of posts or poles.

(6) Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person.

(7) Landscaping and horticultural activities in connection with an existing structure, unless greater than one (1) acre is disturbed.

(c) *Building permit application form.* Building permit application forms can be requested from the City of Beatrice Community Development Department. SWPPPs are to be submitted with the application of a building permit.

Sec. 27-47. Stormwater pollution prevention plan ("SWPPP").

Land disturbance activities, which are in more than one (1) acre, require a SWPPP approved by the city. These plans shall be drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and measures proposed to minimize soil erosion and off-site sedimentation. The owner/developer shall perform all clearing, grading, drainage, construction, and development in strict accordance with the approved plan. The City's minimum SWPPP requirements are outlined in the Drainage Criteria Manual.

Sec. 27-49. Permit duration.

Permits issued under this Article shall be valid for the period during which the proposed land disturbing of filling or excavation activities and soil storage takes place or is scheduled to take place, whichever is shorter, or until the city receives a NOT, but in no event shall such a permit be valid for more than one (1) year. The permittee shall commence permitted activities within one hundred eighty (180) calendar days of the scheduled commencement date for grading or the permittee shall resubmit all required application forms, maps, plans, and schedules to the issuing authority, except where an item to be resubmitted is waived by the issuing authority.

Sec. 27-50. Permit renewals/extensions.

The permittee shall fully perform and complete all of the work required in the sequence shown on the plans within the time limit specified in the permit. Prior to the expiration of a combined land disturbance permit, the permittee may present a written request for an extension to the city. If, in the opinion of the issuing authority, and extension is warranted, a one-time fee extension, not to exceed ninety (90) calendar days, may be granted. The issuing authority may authorize additional extension not to exceed a total of one (1) year at the rate established by resolution adopted by the city council.

Sec. 27-51. Permit denial.

If the City determines that the stormwater pollution prevention plan does not meet the requirements as set forth in this Article, a permit shall not be issued for land disturbing activity. Factors indicating the deficiencies and the procedure for submitting a revised plan will be given to the applicant at the time of denial. The SWPPP must be resubmitted for approval before the land disturbance activity begins, all land use and building permits must be suspended until the permittee has an approved SWPPP.

Sec. 27-52. Condition of approval.

In granting any permit pursuant to this Article, the issuing authority may impose such conditions as may be reasonably necessary to prevent creation of a nuisance or unreasonable hazard to persons or to a public or private property. Such conditions shall include (even if not specifically written in the permit), but need not be limited to:

(1) The granting (or securing from others) and the recording in register of deeds of easement for drainage facilities, including the acceptance of their discharge on the property of others, and for maintenance of sloped or erosion control facilities.

(2) Adequate control of dust by watering, or other control methods acceptable to the issuing authority, and in conformance with applicable air pollution rules and regulations.

(3) Improvements of any existing grading, ground surface or drainage condition on the site (not to exceed the area as proposed for work or development in the application) to meet the standards required under this Chapter for new grading, drainage and erosion control.

(4) Sediment traps and basins located within a densely populated area or in the proximity of elementary school, playground or other area where small children may congregate without adult supervision may be requested to install additional safety devices.

Sec. 27-53. Liability.

The permittee is responsible for safely and legally completing the project. Neither the issuance of a permit under the provisions of this Article, nor the compliance with the provisions hereto or with any condition imposed by the issuing authority, shall relieve any person from responsibility for damage to persons or property resulting there from, or as otherwise imposed by law, nor impose and liability upon the city damages to persons or property.

Sec. 27-54. Responsibility of permittee

The permittee shall maintain a copy of the permit, approved plans and reports required under the permit on the work site and available for public inspection during all working hours. The permittee shall, at all times, be in conformity with the approved grading plan, or adequate SWPPP. The permittee shall repair and maintain all BMPs in accordance with SWPPP, along with any additional BMPs needed to maintain adequate sediment control and also conform to the following:

(1) *General.* Notwithstanding other conditions or conditions or provisions of the permit or the minimum standards set forth in this Article, the permittee is responsible for the prevention of damage to adjacent property. No person shall grade on land in any manner, or so close to the property line as to endanger or damage and adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sedimentation or other damage or personal injury which might result.

(2) *Public ways.* The permittee shall be responsible for the prompt removal of, and the correction of damages resulting from any soil, miscellaneous debris or other materials washed, spilled, tracked, dumped or otherwise deposited on public streets, highways, sidewalks or other public thoroughfare, incident to the construction activity, or during transit to and from the site. Best management practices shall be utilized and maintained as part of the stormwater pollution prevention plan, at entrances and exits to the proposed disturbance, on all permitted operations.

Sec. 27-55. Permit authorization.

The issuance of a permit for land disturbance shall constitute an authorization to do only that work described in the permit, or shown on the approved site plans and specifications, all in strict compliance with the requirements

of this Article, unless each and every modification or waiver is specifically listed and given specific approval by the issuing authority.

Sec. 27-56. Compliance.

The permittee, his/her agent, contractors and employees shall carry out the proposed work in accordance with the approved plans and specifications, and in compliance with all the requirements of the permit, including those documents referenced in this Article.

Sec. 27-57. Action upon noncompliance.

(a) In the event work does not conform to the permit or to the plans and specifications. Instructions by the issuing authority, notice to comply shall be given to the permittee in writing. After a notice to comply is given, in the determination of the issuing authority, the permittee or his or her contractor shall be required to make the corrections within the time period determined by the issuing authority. If an imminent hazard exists, the issuing authority may require that corrective work begin immediately.

(b) If the issuing authority finds any existing conditions not as stated in the application or approved plans, he or she may stop the work on the entire project or any specified part thereof until a revised plan is submitted conforming to the currently existing conditions.

Failure of the permittee to comply with the directives of this Section will constitute a violation pursuant to this Article, and will be considered a nuisance pursuant to the provisions in the city Code. The issuing authority may cancel the permit and proceed with the necessary restoration of the site at the expense of the owner. The owner will be billed for the expenses incurred by the issuing authority. Failure to pay will result in the issuing authority seeking recovery of costs and damages pursuant to the conditions set forth in this Article.

Sec. 27-58. Changes to plans.

All major changes or modifications to the approved SWPPPs must adhere to the following conditions. Changes such as alignment of drainage ways, and redesign of the stormwater system will apply to this Section.

(1) All proposals to modify the approved SWPPP in a significant way must be submitted to City Engineer for his or her approval. No grading or any type of work in connection with any proposed modification shall be without prior installation of approved erosion and sediment control devices. Any addition BMPs install will not need approval from the permitting authority.

(2) When inspection of a site indicates that the approved SWPPPs needs changed, the change shall be in compliance with the erosion and sediment control criteria contained in the adopted Drainage Criteria Manual. The erosion and sediment control inspector may approve minor modifications to approved stormwater pollution prevention plans in the field if documented on a field inspection report. The modifications shall be noted on the approved plans, signed by the inspector, and dated. A list of allowable field modifications for use by field inspection personnel will be kept in the Manual of Standards.

(3) The permittee shall submit requests for major revisions to approved SWPPPs, such as the addition or deletion of a control structure to the permitting authority for review. This includes revisions due to plan and site discrepancies and inadequacies at controlling erosion and sediment as revealed through inspection.

(4) The City reserves the right to require updates to the approved SWPPP and/or the use of additional BMPs as necessary during construction should the current SWPPP fail to adequately mitigate erosion and sediment control project site issues.

Sec. 27-59. Right-of-entry for inspection.

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system the landowner shall grant to the city the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in this Article.

Sec. 27-60. Inspection.

A self-monitoring program by the project site owner is required during construction of any project in accordance with the NPDES permit. A qualified individual employed or retained by the project site owner shall prepare and maintain a written evaluation of the project site by the end of the next business day-based on the inspection frequency required by the current Nebraska Department of Environment and Energy ("NDEE") Construction Stormwater General Permit.

The City maintains a SWPPP Inspection Report Template in the Construction Stormwater Management Program. Refer to this for the minimum inspection report requirements.

All evaluation reports for the project site must be made available to the inspecting authority by the end of the business day.

All persons engaging in construction activities on a project site must comply with the stormwater pollution prevention plan, this Chapter and issued NPDES permit.

The city will perform inspection and provide recommendations to evaluate the installation, implementation and maintenance of control measures and management practices at any project site involved in construction activities. Construction project sites will be prioritized based on the nature and extent of construction activity, topography and the characteristics of soils and receiving water quality.

If after a recommendation is provided to the project site owner, corrective action is not taken, the city will pursue enforcement according to this Chapter.

Sec. 27-61. Changed during construction reports.

The permittee shall contact the issuing authority under the following circumstances along with recommendations for corrective measures, if deemed necessary and appropriate, with such reports unless the recommendation requirement is waived by the issuing authority.

(1) There are delays in obtaining materials, machinery, services or manpower necessary to the implementation of the grading, or stormwater pollution prevention plan as scheduled.

(2) There are delays in land disturbing or filling activities or soil storage.

(3) The work is not being done in conformance with the approved grading, or SWPPPs.

(4) There are any delays or departures in the implementation of the SWPPP.

Sec. 27-62. Maintenance during and after construction.

On any property on which grading or other work has been done pursuant to a permit granted under the provisions of this Article. The permittee or owner, their agent, contractor, or employees shall, at a minimum, shall inspect all BMPs in accordance with one (1) of the two (2) schedules listed below:

a. At least once every seven (7) calendar days, excluding non-business hours; or

b. Once every fourteen (14) calendar days and within twenty-four (24) hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge, excluding

non-business hours. After construction is complete, the owner or their agent shall continue to regularly inspect the vegetation until permanent stabilization is established as defined by the current NDEE Construction Stormwater General Permit.

Sec. 27-63. Enforcement.

The issuing authority shall be responsible for the enforcement of this Article.

The issuing authority is authorized and directed to enforce all the provision of this Section. For such purpose, the city may appoint officers, inspectors, assistants and other employees as needed. The city may authorize such employees, as may be necessary, to carry out the duties and functions under direction of the city planning and building inspections department.

(1) The issuing authority may post a stop-work order for the entire project or any specified part thereof if any of the following conditions exist:

   a. Any land disturbance activity regulated under this Article being undertaken without a permit.

   b. The stormwater pollution prevention plan is not being fully implemented.

   c. Any of the conditions of the permit are not being met.

(2) For the purposes of this Section, a stop-work order is validly posted by posting a copy of the stop-work order on the site of the land disturbing activity in reasonable proximity to a location where the land disturbing activity is taking place. Additionally, a copy of the order, in the case of work for which there is a permit, shall be mailed by first class mail, postage pre-paid, to the address listed by the permittee on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person listed as owner of the property on the deed of record, or if none, to the taxpayer shown by the records on the county assessor.

(3) If the permittee does not cease the activity or comply with the stormwater pollution prevention plan or permit conditions within one (1) business day, the issuing authority may revoke the permit.

(4) If the owner or land user where there is no permit has been issued does not cease the land disturbance activity, the issuing authority may request the city attorney to obtain injunctive relief.

(5) The issuing authority may retract the revocation.

Sec. 27-64. Penalties.

Any person, firm, corporation or agency acting as principal, agent, and employee or otherwise, who fails to comply with the provisions of this Article shall fall under Chapter 1, General Provisions, Section 1-8, General penalty.

Sec. 27-65. Final reports.

Upon completion of the work, the issuing authority may require a report (including as-built construction plans) from a civil engineer, surveyor, architect, or landscape architect certifying that all erosion and sediment control devices have been completed in accordance with the conditions of the permit and approved plans and specifications, and with specific listing of all approved changes and modifications.

Sec. 27-66. Certification of completion.

Upon receipt and approval of the final reports, if required by this Article and or/upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this subtitle, the issuing authority will issue a letter certifying completion.

Sec. 27-67. Erosion and sediment control permit fee schedule.

Erosion and sediment permits shall be issued upon payment to the city of a fee established by resolution adopted by the city council."

Secs. 27-68—27-79. Reserved.

ARTICLE IV. STORMWATER MANAGEMENT

Sec. 27-80. – Storm water management

(a) Design.

(1) All improved parcels of real estate shall have a storm water pollution prevention plan approved by the city.

(2) The design of the storm water management plan shall consist of a storm water pollution prevention plan pursuant to Chapter 27 of the Beatrice City Code and the City of Beatrice Drainage Criteria Manual.

(3) To maximum degree possible, drainage from improved parcels of real estate shall conform to the natural contours of land and not disturb pre-existing drainageways.

(4) Adjacent properties shall not be unduly burdened with surface water from the subdivision. Specifically:

a. There may be no unreasonable impediment of water from higher adjacent properties across subdivision, causing damage to lower properties.

b. No action shall unreasonably collect and channel storm water onto lower properties.

(5) Design of on-site retention shall be developed pursuant to the City of Beatrice Drainage Criteria Manual and all applicable federal, state, and local rules and regulations.

(6) No surface water may be channeled into a sanitary sewer system.

(7) Where possible, an improved parcel of real estate drainage plan shall coordinate with that of surrounding properties or streets.

(8) The preliminary plat submission must include the preliminary drainage plan. All final plats shall include a certification from a registered professional engineer that the storm water management plan of the subdivision is designed and constructed in accordance with the requirements of this section.

(b) Definition.

On-site retention: The retention of storm water volume that falls on the site for a given design frequency storm, the site being exclusive of public streets, alleys or other land dedicated for public use."

Sec. 2-56. Signing of minutes.

The mayor, or acting mayor, shall sign the city clerk's minutes of all meetings of the council after they have been ~~spread upon the journal and have been~~ approved by action or acquiescence of the council.
(Code 1971, § 2-21; Code 1987, § 2-41; Ord. No. 86-41, § 2, 10-6-1986)

State law reference—Journal of proceedings of council, R.R.S. § 16-317.

Sec. 3-27. Barred from streets, avenues, alleys, right-of-ways.

It shall be unlawful for any person to construct or maintain any billboard, signboard, and similar structures of any nature, kind or size in or upon any of the streets, avenues ~~or~~ alleys, or right-of-ways of the city unless authorized by the mayor and city council.
(Code 1971, § 3-15; Code 1987, § 3-16)

***State law references**—Municipal regulation of structures over crosswalks, sidewalks, etc., R.R.S. § 16-207; power of city to prohibit obstructions in streets, R.R.S. § 16-227.

Sec. 9-67. Office created.

There is hereby created in and for the city the office of ~~chief of the fire department~~fire chief.
(Code 1971, § 14-31; Code 1987, § 9-31)

Sec. 13-69. Application.

Any person desiring a permit to engage in activity as a peddler within the city shall file a signed application on a form to be furnished by ~~make a written application to~~ the city clerk, which ~~application~~ shall ~~show and~~ contain the following information:

(a) The applicant's name, address, phone number, and email address;
(b) The name and address of the business, as well as a brief description of the goods to be sold or services to be provided; and
(c) The description of the make, model, and color of the any vehicle to be used, together with the license number.

The following information shall be submitted with said application:
(a) A valid driver's license;
(b) The fingerprints of the applicant;
(c) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor, the nature of the offense, and the punishment or penalty assessed therefor;
(d) A nonrefundable application fee established by resolution adopted by the City Council; and
(e) Any other information as the city clerk may request and as requested on the said application form."

~~(1) Name, age, and description of the applicant;~~

~~(2) Address;~~

~~(3) Brief description of the nature of the business and the goods to be sold or services to be provided;~~

~~(4) If employed, the name and address of the employer, together with documents verifying such employment;~~

~~(5) The length of time (not to exceed one (1) year) for which the right to do business as a peddler is desired;~~

~~(6) If a vehicle is to be used, description of the same, together with the license number;~~

~~(7) A copy of a valid driver's license;~~

~~(8) The fingerprints of the applicant;~~

~~(9) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor, the nature of the offense, and the punishment or penalty assessed therefor;~~

~~(10) A nonrefundable application fee, established by resolution adopted by the city council, shall accompany all applications.~~

(Code 1971, § 25-15; Code 1987, § 13-52; Ord. No. 98-42, § 3, 8-3-1998; Ord. No. 13-054, § 10, 10-21-2013; Ord. No. 25-29, § 1, 9-15-2025)

Sec. 13-70. Investigation and issuance.

(a) Upon receipt of an application as described in section 13-69, the original shall be referred to the chief of police, who shall cause an investigation of the statements contained within the application to be made to determine if the same are true and correct.

(b) If, as a result of such investigation, the chief of police finds that the statements within the application are materially untrue or incorrect, or if it is found that the applicant has been convicted within the past ten (10) years of a felony or a crime involving moral turpitude, the chief of police shall disapprove such application in writing and provide the reasons for the same, and return said application to the city clerk, who shall notify the applicant that the application is disapproved and that no permit will be issued.

(c) If, as a result of such investigation, the statements contained in the application are found to be true and correct and the applicant has not been convicted within the past ten (10) years of any felony or any crime involving moral turpitude, the chief of police shall approve the application, in writing, and shall return the said application to the city clerk for issuance of the permit.

(d) The permit shall contain the signature and seal of the ~~issuing officer~~city clerk and shall show the name and address of the permittee, ~~and~~ the kind of goods to be sold thereunder, or services to be furnished or performed, and the date of issuance~~, and the length of time the same shall be operative~~. The city clerk shall keep a ~~permanent~~ record of all permits issued and denied.
(Code 1971, § 25-16; Code 1987, § 13-53; Ord. No. 98-42, § 4, 8-3-1998; Ord. No. 25-29, § 2, 9-15-2025)

Sec. 13-71. Appeal.

Any person aggrieved by the action of the chief of police or the city clerk in denial of an application for a permit or certificate or in a decision with reference to the revocation of a permit as provided in this article, shall have the right ~~of~~ to appeal to the city council. Such appeal shall be taken by filing with the city clerk, within fourteen (14) ~~business~~ calendar days of the action complained of, a written statement setting forth the grounds for the appeal. The council shall set a time and place for hearing on such appeal and

notice of such hearing shall be given to the appellant. The decision and order of the council on such appeal shall be final and conclusive.
(Code 1971, § 25-17; Code 1987, § 13-54; Ord. No. 98-42, § 5, 8-3-1998; ; Ord. No. 25-29, § 3, 9-15-2025)

Sec. 13-73. Transfer.

Permits issued under this division shall be non-transferable and no such permit shall be used at any time by any person other than ~~the one to~~ whom it was issued.
(Code 1971, § 25-19; Code 1987, § 13-56; Ord. No. 98-42, § 7, 8-3-1998; ; Ord. No. 25-29, § 5, 9-15-2025)

Sec. 13-74. Expiration of permit.

All permits issued under the provisions of this division shall expire one (1) year ~~from the date of issuance~~after the issuance of the same.
(Code 1971, § 25-20; Code 1987, § 13-57; Ord. No. 98-42, § 8, 8-3-1998; Ord. No. 25-29, § 6, 9-15-2025)

Sec. 13-78. Revocation of permit.

(a) Permits issued under the provisions of this division may be revoked by the city clerk of the city after notice and hearing for any of the following causes:

(1) Fraud, misrepresentation, or false statement contained in the application for the permit;

(2) Fraud, misrepresentation, or false statement made in the course of carrying on the permit-tee's business as a peddler;

(3) Any violation of this article; or

(4) Conviction of any felony or crime involving moral turpitude.

(b) Notice of the hearing for revocation of the permit shall be given in writing, via electronic email provided; setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be emailed to the permittee at his or her last known email address at least five (5) calendar days prior to the date set for hearing. Applicant shall also be contacted via telephone at the number provided."~~mailed, postage prepaid, to the permittee at his or her last known address at least five (5) days prior to the date set for hearing~~.
(Code 1987, § 13-61; Ord. No. 98-42, § 12, 8-3-1998; Ord. No. 25-29, § 7, 9-15-2025)

Sec. 13-79. Penalty.

Any person who shall violate any of the provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for a period not to exceed thirty (30) calendar days or by a fine not to exceed five hundred dollars ($500.00), recoverable with costs, or both. Each day that a violation of this division continues shall constitute a separate and distinct offense and shall be punishable as such.

The penalty provided in this section shall be cumulative with and in addition to the revocation of a permit under the provisions of this division.
(Code 1987, § 13-62; Ord. No. 98-42, § 13, 8-3-1998; Ord. No. 25-29, § 8, 9-15-2025)

Sec. 19-8. Camping.

Camping is allowed only in the designated areas of Chautauqua and Riverside Parks, provided that:

(1) No person shall camp for more than ~~thirty~~ seven (~~30~~7) continuous days in Riverside Park, without express permission from the public properties director.

(2) No person shall camp for more than thirty (30) continuous days in Chautauqua Park, without express permission from the public properties director.~~.~~

(3) Any person who fails to pay in full all required camping and electrical use fees, or who continues to camp or park in an authorized camping area beyond the permitted time period without the express authorization of the Public Properties Director, shall be deemed to be parked in a restricted parking area in violation of Section 16-277. Any person found to be in violation of Section 16-277 pursuant to this subsection shall be required to pay all outstanding camping and electrical use fees, together with a fine of forty-five dollars ($45.00). In addition, the violator's motor vehicle may be immobilized by means of a boot or similar device until all outstanding fees, fines, and costs have been paid in full. If the vehicle remains immobilized for more than twenty-four (24) hours without payment of all outstanding amounts, it shall be subject to towing and impoundment at the owner's expense. The vehicle shall not be released until all unpaid fees, fines, towing, and impoundment costs have been paid in full.

~~(3) Fees for camping and electrical use in the amounts posted in each park shall be paid to the city.~~

(4) The public properties director or his or her designee may demand that a person or group discontinue camping and leave the park whenever such person or group is believed to be violating ordinances of the city or rules and regulations of the public properties department. In such cases, any fees paid shall be non-refundable.~~Any fees paid shall be refunded in proportion to amount of time not allowed to continue camping.~~

(Code 1971, § 24-11; Code 1987, § 19-9; Ord. No. 25-30, §1, 9-15-2025; Ord. No. 25-37, §1, 12-1-2025)

Sec. 19-13. Rules and regulations.

The public properties director shall promulgate and publish rules and regulations~~, which shall be approved by the council, for the management, care, supervision and use of all city parks and park facilities pursuant to his or her duties as set out in section 2-409. A copy of such rules and regulations and amendments thereto shall be kept on file at the office of the city clerk for public inspection. Any violation of any such rule thereafter by any person shall be deemed a violation of this Code~~. (Code 1971, § 24-16; Code 1987, § 19-14)

Sec. 20-52. Disbursements generally.

(a) Orders drawn on the utilities fund against the operation and maintenance account of the waterworks system shall be charged separately against the funds to the credit of the waterworks system in the utilities fund. Orders drawn on the utilities fund against the operation and maintenance account of the electric system shall be charged separately against the funds to the credit of the electric system in the utilities fund. Orders drawn on the utilities fund against the operation and maintenance account

of the wastewater system shall be charged separately against the funds to the credit of the wastewater system in the utilities fund, and orders drawn against the operation and maintenance account of the street system shall be charged separately against the funds credited to the street system.

(b) Claims against the operation and maintenance account shall be filed with the city treasurer, and all disbursements from such funds, except disbursements from the operations and maintenance account, shall be by warrants drawn upon claims so filed and allowed by the council in the manner provided by law.

(Code 1971, § 28-38; Code 1987, § 20-44; Ord. No. 86-41, § 50, 10-6-1986)

State law references—City treasurer, warrants, issuance, delivery, R.R.S. § 16-718; claims against city generally, R.R.S. § 16-726 et seq.

Sec. 26-229. Removal of failed septic systems.

If an on-site wastewater treatment system is deemed to have failed as described in section 26-227, such property shall be required to meet all requirements of the state department of water, energy, and environment ~~and energy~~, title 124, Rules and Regulations for the design, operation, maintenance of on-site wastewater treatment systems, or the state department of health and human services regulations. If the property is unable to meet these requirements, such property shall connect to the public sanitary sewer system at the cost of the property owner and the former on-site system shall be abated.

(Code 1987, § 26-115.4; Ord. No. 15-011, § 9, 5-4-2015)

REPEALED CODE SECTIONS

~~Sec. 2-314. Annual public report.~~

~~The city treasurer shall publish, or cause to be published, in the official city newspaper, in August of each year, a report of the doings of his or her office, which report shall show in detail receipts, disbursements, warrants outstanding and balance of debit or credit as the case may be, the expense of such publication being paid out of the general fund.~~

~~(Code 1971, § 2-104; Code 1987, § 2-212; Ord. No. 86-41, § 27, 10-6-1986)~~

~~**State law reference**—City treasurer's reports to mayor and council, R.R.S. § 16-720.~~

Sec. 13-45. Reserved ~~Refusal to leave premises upon request.~~

~~Any solicitor, peddler or hawker of goods or merchandise who enters upon premises owned or leased by another and willfully refuses to leave the premises after having been notified by the owner or possessor of the premises, or his or her agent, to leave the same, shall be deemed guilty of a misdemeanor.~~

~~(Code 1971, § 25-2; Code 1987, § 13-37)~~

~~**State law reference**—Criminal trespass, R.R.S. § 28-520 et seq.~~

Commented [ES1]: We do not - it's covered under state statute that we must provide at least annually & we give the council a claims listing each meeting. I think we can remove5

ORDINANCE NUMBER 26-___

An ordinance to vacate the following described real property:

All of Lots Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), and Fifteen (15), Jamestowne Square, City of Beatrice, Gage County, Nebraska,

and to provide for publication in electronic form and an effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the following described property, to wit:

All of Lots Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13), Fourteen (14), and Fifteen (15), Jamestowne Square, City of Beatrice, Gage County, Nebraska,

be and hereby is vacated.

SECTION 2. That the cost of the vacation of the above-described property, including the recording and publication of this ordinance provided therefore, shall be the cost of the applicants for said vacation.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 4. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That this ordinance shall be in full force and effect from and after its passage, approval, and publication in electronic form as provided by law.

PASSED AND APPROVED this 2nd day of March, 2026.

Attest:

Erin Saathoff, MMC, City Clerk

Robert Morgan, Mayor

ORDINANCE NUMBER 26-___

An ordinance approving the plat of Jamestowne Square First Addition to the City of Beatrice, Gage County, Nebraska, as executed by the owner thereof, certified by the surveyor of said addition, approved by the City Engineer, and approved by the Planning and Zoning Commission of the City of Beatrice, Nebraska; repealing conflicting ordinances; and providing for publication in electronic form and an effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the plat of Jamestowne Square First Addition to the City of Beatrice, Gage County, Nebraska, as executed by the owners thereof, Christ Community Church of Beatrice, a Nebraska nonprofit corporation, on February 10, 2026; Joe E. Moening and Patricia Y. Moening, as joint tenants with rights of survivorship, and not as tenants in common, on February 10, 2026 and February 20, 2026; Stanley A. Fritzen and Denise A. Fritzen, husband and wife, on February 23, 2026; David E. Koch and Linda S. Koch, husband and wife, on February 10, 2026; Zachary Lauenstein and Heidi Lauenstein, husband and wife, on February 11, 2026; Ross Eickhoff and Cassandra Eickhoff, husband and wife, on February 11, 2026; and William R. Chace III and Ashley D. Chace, as joint tenants and not as tenants in common, on February 19, 2026, certified by Chris Witulski, Surveyor, L.S. 638 on February 4, 2026, and by James Burroughs, City Engineer, on February 10, 2026, and approved by the Planning and Zoning Commission of the City of Beatrice, Nebraska on March 2, 2026, be and the same is hereby approved.

SECTION 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage, approval, and publication in electronic form as provided by law.

PASSED AND APPROVED this 2nd day of March, 2026.

Attest:

Erin Saathoff, MMC, City Clerk	Robert Morgan, Mayor

COMMUNITY DEVELOPMENT
[illegible] Street | Beatrice NE 68310
Phone: 402.228.5330 Fax: 402.223.3252
community@beatrice.ne.gov

STAKE YOUR CLAIM
BEATRICE
CITY · BOARD OF PUBLIC WORKS

REVIEW NUMBER: 20250404

SUBDIVISION PRELIMINARY PLAT APPLICATION

APPLICANT(S) INFORMATION

Name(s): Christ Community Church
Address: 2727 Lincoln Street
Phone: 402-239-6795
Email: dan@cccbeatrice.com

OWNER(S) INFORMATION (if not Applicant)

Name(s):
Address:
Phone:
Email:

PROPOSED PROJECT DETAILS

(Attach location map of proposed subdivision to existing and proposed streets, public facilities, lots)

Present Zone: R1/R2 Proposed Zone: R1/R2 Lot(s): _____ Block: _____ Addition: _____

Legal Description: A Replat of Vacated Lots 9 through 15, Jamestowne Square and a part of the SW Quarter of the NE Quarter and a part of the NW Quarter of the SE Quarter of Section 35, Township 4 North, Range 6 East of the 6th Principal Meridian, Gage County, Nebraska

Description of Proposed Changes: Jamestowne Square Second Addition

List Exhibits or Plans Submitted: Vacation Letter, Current Tax Statements, Deeds, Surrounding Owners Detail, and Preliminary Plat

APPLICANT(S) SIGNATURE

I hereby certify that I have read and examined this application and affirm the above information, as well as any attached information, as true and correct. I also agree to comply with all applicable ordinances or laws of the City of Beatrice, Nebraska. I further certify that I am authorized to sign this Subdivision Final Plat Application.

Dan Martin — Signature — 8-19-25 — Date

Signature — Date

OFFICE USE ONLY

Application Fee: $150.00 Received By: Chet McCluney Date: 8/19/2025

Comments: Still need filing fees

City Engineer: _____ Date: _____

Com Dev Director: _____ Date: 8/19/2025

RECOMMENDATIONS

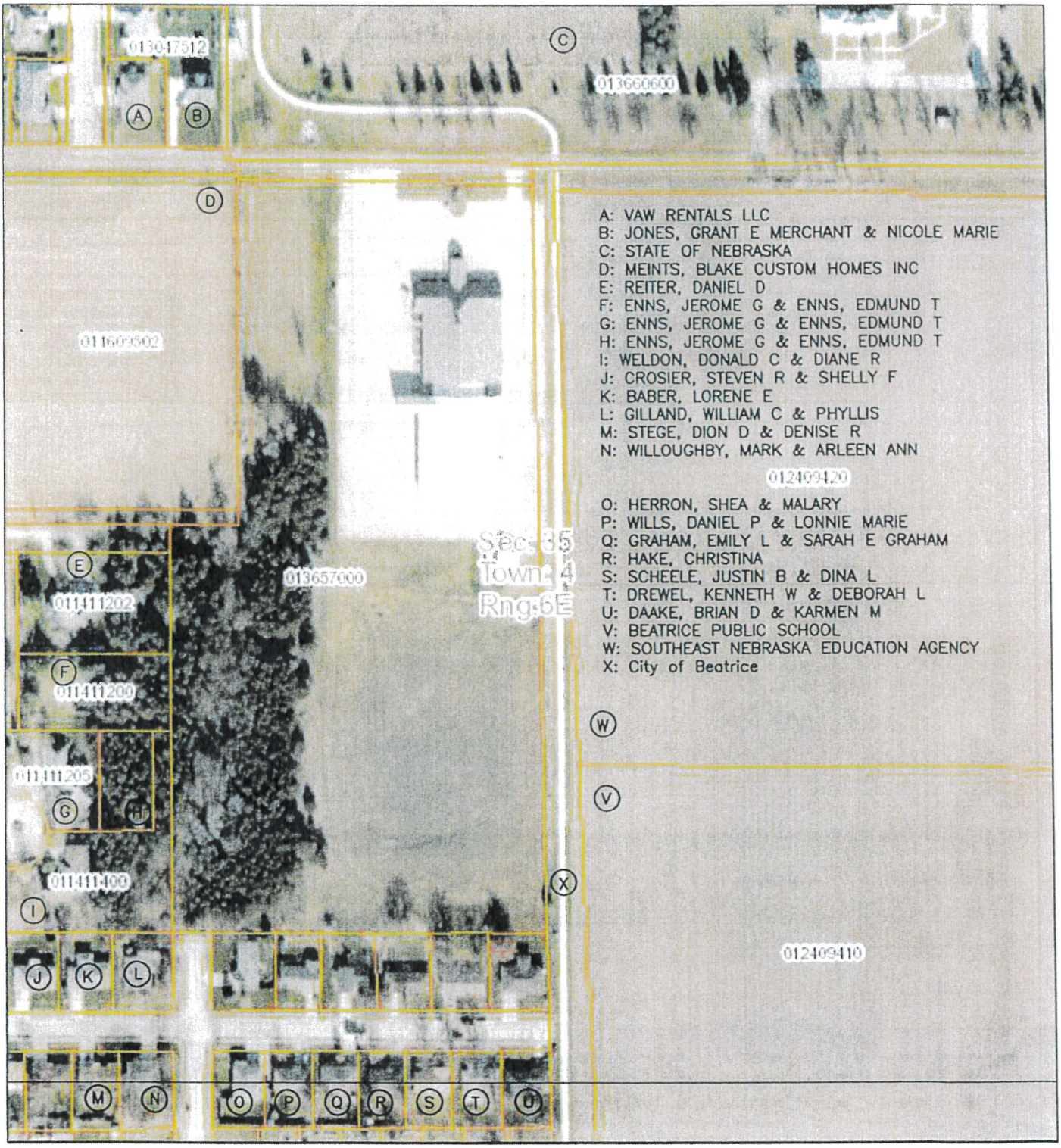
PLANNING & ZONING COMMISSION RECOMMENDATION to the City Council this ____ day of _____, 20____. ☐ Approved ☐ Denied

Planning and Zoning Chairman: _____ Date: _____

CITY COUNCIL RECOMMENDATION this ____ day of _____, 20____. ☐ Approved ☐ Denied

Mayor: _____ Date: _____

City Clerk: _____ Date: _____


013047512
013660600
011609502
013657000
011411202
011411200
011411205
011411400
012409420
012409410
Sec 35
Town 4
Rng 6E
A: VAW RENTALS LLC
B: JONES, GRANT E MERCHANT & NICOLE MARIE
C: STATE OF NEBRASKA
D: MEINTS, BLAKE CUSTOM HOMES INC
E: REITER, DANIEL D
F: ENNS, JEROME G & ENNS, EDMUND T
G: ENNS, JEROME G & ENNS, EDMUND T
H: ENNS, JEROME G & ENNS, EDMUND T
I: WELDON, DONALD C & DIANE R
J: CROSIER, STEVEN R & SHELLY F
K: BABER, LORENE E
L: GILLAND, WILLIAM C & PHYLLIS
M: STEGE, DION D & DENISE R
N: WILLOUGHBY, MARK & ARLEEN ANN
O: HERRON, SHEA & MALARY
P: WILLS, DANIEL P & LONNIE MARIE
Q: GRAHAM, EMILY L & SARAH E GRAHAM
R: HAKE, CHRISTINA
S: SCHEELE, JUSTIN B & DINA L
T: DREWEL, KENNETH W & DEBORAH L
U: DAAKE, BRIAN D & KARMEN M
V: BEATRICE PUBLIC SCHOOL
W: SOUTHEAST NEBRASKA EDUCATION AGENCY
X: City of Beatrice

Jamestowne Square First Addition

TO THE CITY OF BEATRICE

DEDICATION

A Replat of Vacated Lots 9 through 15, Jamestowne Square, City of Beatrice and a part of the Southwest Quarter of the Northeast Quarter and a part of the Northwest Quarter of the Southeast Quarter of Section 35, Township 4 North Range 6 East of the 6th Principal Meridian, Gage County, Nebraska.

The foregoing Addition being a Replat of Vacated Lots 9 thru 15, Jamestowne Square, City of Beatrice, and a part of the Southwest Quarter of the Northeast Quarter and a part of the Northwest Quarter of the Southeast Quarter of Section 35, Township 4 North, Range 6 East of the 6th P.M., Gage County, Nebraska, and being more particularly described by metes and bounds as follows:

For the purpose of this legal description, the basis of bearings is the North Right of Way line of Elk Street, having an assumed reference bearing of N 89°37'44" W.

Beginning at the Southeast Corner of Vacated Lot 15, Jamestowne Square; thence westerly N 89°37'44" W, on the South line of Vacated Lots 15, 14, 13, 12, 11, 10 and 9, Jamestowne Square, said line also being the North Right of Way line of Elk Street, 536.32 feet, to the Southwest corner of Vacated Lot 9, Jamestowne Square; thence northerly N 00°26'01" E, on the West line of Vacated Lot 9, Jamestowne Square, said line also being the East Right of Way line of 27th Street, 119.79 feet; thence westerly N 89°39'52" W, on the North Right of Way Line of 27th Street, 30.00 feet; thence northerly N 00°21'38" E, on the East Right of Way line of 27th Street as platted in Evergreen Addition, 623.87 feet, to a Point of Intersection on the North line of the Southeast Quarter of said Section, 35, said point also being a point of intersection on the Centerline of Grant Street; thence easterly N 89°57'53" E, on the South line of the North Half of Grant Street as Platted in Fitzwater Addition, 74.35 feet, to the Southeast Corner of Lot 2, Fitzwater Addition; thence northerly N 00°02'08" E, on the East line of Lot 2, Fitzwater Addition, 535.19 feet, to the Northeast Corner of Lot 2, Fitzwater Addition, said point also being a point of intersection on the South Right of Way line of Lincoln Street; thence easterly S 89°48'53" E, on said Right of Way line, 479.94 feet, to the Northeast Corner of Lot 1, Higgins Second Addition; thence southerly S 00°21'42" E, on the West line of Lot 1, Higgins Second Addition, 1163.08 feet, to the Northeast Corner of Vacated Lot 15, Jamestowne Square; thence southerly S 00°13'40" W, on the East line of said Vacated Lot 15, 120.03 feet, to the Southeast Corner of said Vacated Lot 15, said Corner also being the True Point of Beginning.

Containing a calculated area of 15.490 Acres or 674,756.97 Square feet, more or less. Subject to all easements, restrictions and reservations of record.

EASEMENTS:
The utility easements shown hereon are hereby dedicated for public use, as well as Easements of Record.

STREETS:
Streets shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

CITY COUNCIL APPROVAL

By order of the Mayor and City Council of the City of Beatrice, Nebraska, the foregoing plat of JAMESTOWNE SQUARE FIRST ADDITION is hereby approved this _____ day of _____, 2026.

Mayor _____ City Clerk _____

FILED FOR RECORD

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing plat was filed for Record and entered in Numerical Index on the _____ day of _____ 2026,

at ___ o'clock ___ m., and recorded as Instrument No. _____.

Register of Deeds _____ Deputy _____

PLANNING COMMISSION APPROVAL

By order of the Planning Commission the foregoing plat of JAMESTOWNE SQUARE FIRST ADDITION, is hereby approved this _____ day of _____, 2026.

Chairperson _____

Secretary _____

CITY ENGINEER'S APPROVAL

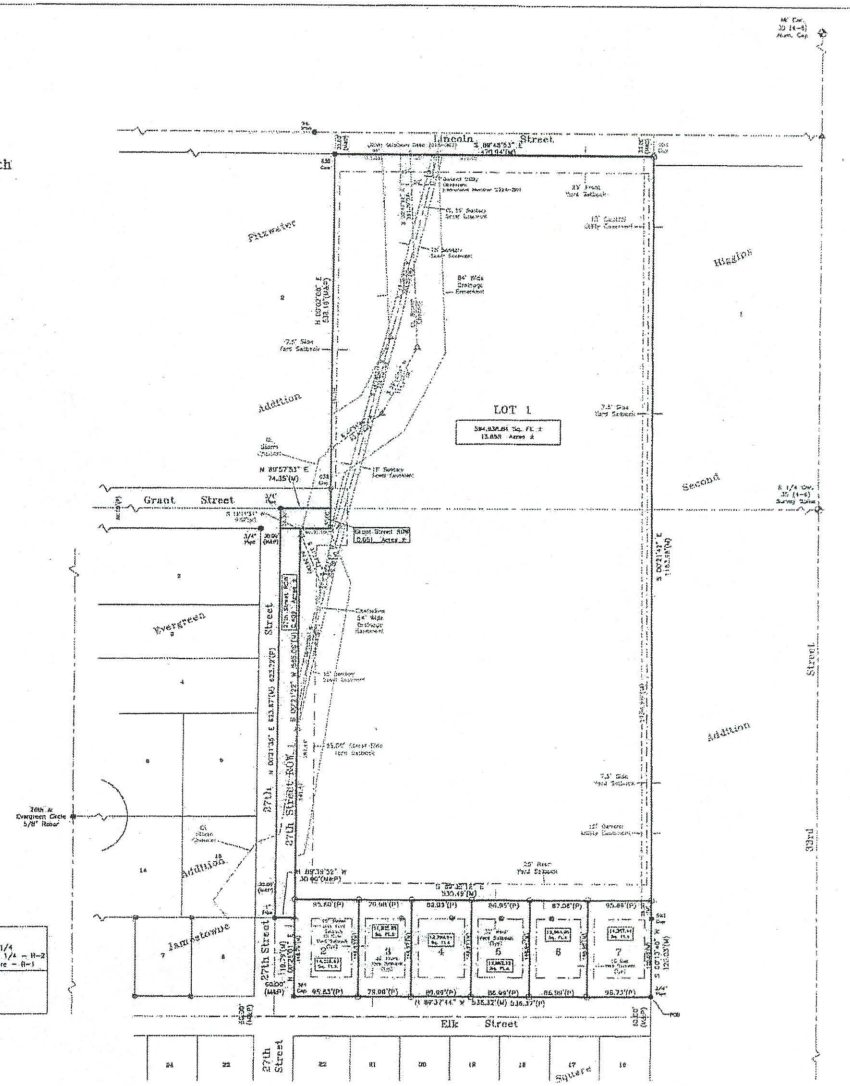
I, James Burroughs, City Engineer, approve this plat.

James Burroughs _____ Date _____

SURVEYOR'S CERTIFICATE

I, Chris Witulski, a Registered Professional Land Surveyor under the laws of the State of Nebraska, hereby certify that the foregoing survey was executed by me, or under my personal supervision. Permanent corners will be placed at all missing or remonumented corners, as shown hereon, within 30 days from approval of the Final Plat by the City of Beatrice City Council.

Chris Witulski – NE LS 638 _____ Date – JN 4788



Section Corner Description
Section 35, T4N, R6E of the 6TH P.M.

NE Cor.
Found Gage County Aluminum Cap at surface of asphalt.

34.60'-N to "X" mark in CP
86.74'-ESE to nail and shiner NE side corner pole
35.94'-NNW to hog nail and shiner SW side PP
87.47'-SW to nail and shiner NE side cable pole
1'-W to fence N
-On CL E-W road

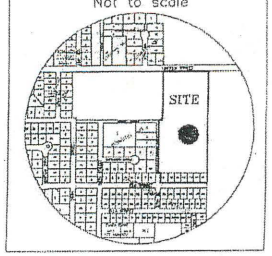
E 1/4 Cor.
Survey Spike in Concrete

20.76'-NE to Chiseled "X" in BOC
41.08'-NW to Chiseled "X" in BOC
61.04'-SW to Chiseled "X" in BOC
18.6'-N to CL N-S road

All Bearings are Assumed

Legend
- ⊕ = Section, Quarter, or Sixteenth Cor. Fnd.
- ● = Cor. Set
- ( ) = ½" Rebar w/LS6638 plastic cap, unless otherwise noted.
- BC = Brass Cap in Concrete
- SQ = ½" Square Iron
- M = Meas. Dist.
- (P) = Plat Dist.
- (D) = Deed Dist.
- (R) = Record Dist.
- (A) = Temp Point

GRAPHIC SCALE
100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.

VICINITY MAP
Not to scale


Jamestowne Square First Addition

TO THE CITY OF BEATRICE

IN TESTIMONY WHEREOF:

Joe E. Moening and Patricia Y. Moening, husband and wife, Owners of the property hereon described as Jamestowne Square First Addition, have caused these presents to be signed this _____ Day of _____2026

Joe E. Moening Patricia Y. Moening

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Joe E. Moening, Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Patricia Y. Moening, Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

IN TESTIMONY WHEREOF:

Stanley A. Fritzen and Denise A. Fritzen, as joint tenants with right of survivorship, and not as tenants in common, Owners of the property hereon described as Jamestowne Square First Addition, have caused these presents to be signed this _____ Day of _____2026

Stanley A. Fritzen Denise A. Fritzen

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Stanley A. Fritzen., Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Denise A. Fritzen, Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

IN TESTIMONY WHEREOF:

David E. Koch and Linda S. Koch, husband and wife, as joint tenants and not as tenants in common, Owners of the property hereon described as Jamestowne Square First Addition, have caused these presents to be signed this _____ Day of _____2026

David E. Koch Linda S. Koch

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, David E. Koch, Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Linda S. Koch, Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

IN TESTIMONY WHEREOF:

Christ Community Church of Beatrice, Nebraska, A Nebraska Non profit. Corporation, Owner of the property hereon described as Jamestowne Square First Addition, have caused these presents to be signed this _____ Day of _____2026

By: Title

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

This foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, ,Witness my hand and Notary Seal the day and year last above written.

By: Title

Notary Public

IN TESTIMONY WHEREOF:

Zachary Lauenstein and Heidi Lauenstein, a married couple, as joint tenants with right of survivorship and not as tenants in common, Owners of the property hereon described as Jamestowne Square First Addition, have caused these presents to be signed this _____ Day of _____2026

Zachary Lauenstein Heidi Lauenstein

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Zachary Lauenstein , Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Heidi Lauenstein , Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

IN TESTIMONY WHEREOF:

Ross Eickhoff and Cassandra Eickhoff, as joint tenants with right of survivorship and not as tenants in common, Owners of the property hereon described as Jamestowne Square First Addition, have caused these presents to be signed this _____ Day of _____2026

Ross Eickhoff Cassandra Eickhoff

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Ross Eickhoff, Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Cassandra Eickhoff , Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

IN TESTIMONY WHEREOF:

William R. Chace III and Ashley D. Chace, as joint tenants and not as tenants in common, Owners of the property hereon described as Jamestowne Square First Addition, have caused these presents to be signed this _____ Day of _____2026

William R. Chace III Ashley D. Chace

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, William R. Chace, III, Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Ashley D. Chace , Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

City of Beatrice
Community Development
Department

205 N. 4th Street
Beatrice, NE 68310

This letter is a request to Vacate all of Lots 9, 10, 11, 12, 13, 14, and 15, Jamestowne Square, City of Beatrice, NE.

A new Subdivision called Jamestowne Square Second Addition will follow once the vacation is completed.

Joe E. Moening

Patricia Y. Moening

David E. Koch

Linda S. Koch

Stanley A. Fritzen

Denise A. Fritzen

William R. Chace III

Ashley D. Chace

Zachary Lauenstein

Heidi Lauenstein

Ross Eickhoff

Cassandra Eickhoff

Dan Martin, Agent

ORDINANCE NUMBER 26-___

An ordinance approving the plat of Jamestowne Square First Addition to the City of Beatrice, Gage County, Nebraska, as executed by the owner thereof, certified by the surveyor of said addition, approved by the City Engineer, and approved by the Planning and Zoning Commission of the City of Beatrice, Nebraska; repealing conflicting ordinances; and providing for publication in electronic form and an effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BEATRICE, NEBRASKA:

SECTION 1. That the plat of Jamestowne Square First Addition to the City of Beatrice, Gage County, Nebraska, as executed by the owners thereof, Christ Community Church of Beatrice, a Nebraska nonprofit corporation, on February 10, 2026; Joe E. Moening and Patricia Y. Moening, as joint tenants with rights of survivorship, and not as tenants in common, on February 10, 2026 and February 20, 2026; Stanley A. Fritzen and Denise A. Fritzen, husband and wife, on February 23, 2026; David E. Koch and Linda S. Koch, husband and wife, on February 10, 2026; Zachary Lauenstein and Heidi Lauenstein, husband and wife, on February 11, 2026; Ross Eickhoff and Cassandra Eickhoff, husband and wife, on February 11, 2026; and William R. Chace III and Ashley D. Chace, as joint tenants and not as tenants in common, on February 19, 2026, certified by Chris Witulski, Surveyor, L.S. 638 on February 4, 2026, and by James Burroughs, City Engineer, on February 10, 2026, and approved by the Planning and Zoning Commission of the City of Beatrice, Nebraska on March 2, 2026, be and the same is hereby approved.

SECTION 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage, approval, and publication in electronic form as provided by law.

PASSED AND APPROVED this 2nd day of March, 2026.

Attest:

Erin Saathoff, MMC, City Clerk	Robert Morgan, Mayor

COMMUNITY DEVELOPMENT
[illegible] Street | Beatrice NE 68310
Phone: 402.228.5330 Fax: 402.223.3252
community@beatrice.ne.gov

STAKE YOUR CLAIM
BEATRICE
CITY · BOARD OF PUBLIC WORKS

REVIEW NUMBER: 20250404

SUBDIVISION PRELIMINARY PLAT APPLICATION

APPLICANT(S) INFORMATION

Name(s): Christ Community Church
Address: 2727 Lincoln Street
Phone: 402-239-6795
Email: dan@cccbeatrice.com

OWNER(S) INFORMATION (if not Applicant)

Name(s):
Address:
Phone:
Email:

PROPOSED PROJECT DETAILS

(Attach location map of proposed subdivision to existing and proposed streets, public facilities, lots)

Present Zone: R1/R2 Proposed Zone: R1/R2 Lot(s): _____ Block: _____ Addition: _____

Legal Description: A Replat of Vacated Lots 9 through 15, Jamestowne Square and a part of the SW Quarter of the NE Quarter and a part of the NW Quarter of the SE Quarter of Section 35, Township 4 North, Range 6 East of the 6th Principal Meridian, Gage County, Nebraska

Description of Proposed Changes: Jamestowne Square Second Addition

List Exhibits or Plans Submitted: Vacation Letter, Current Tax Statements, Deeds, Surrounding Owners Detail, and Preliminary Plat

APPLICANT(S) SIGNATURE

I hereby certify that I have read and examined this application and affirm the above information, as well as any attached information, as true and correct. I also agree to comply with all applicable ordinances or laws of the City of Beatrice, Nebraska. I further certify that I am authorized to sign this Subdivision Final Plat Application.

Dan Martin — Signature — 8-19-25 — Date

Signature — Date

OFFICE USE ONLY

Application Fee: $150.00 Received By: Chet McCluney Date: 8/19/2025

Comments: Still need filing fees

City Engineer: _____ Date: _____

Com Dev Director: _____ Date: 8/19/2025

RECOMMENDATIONS

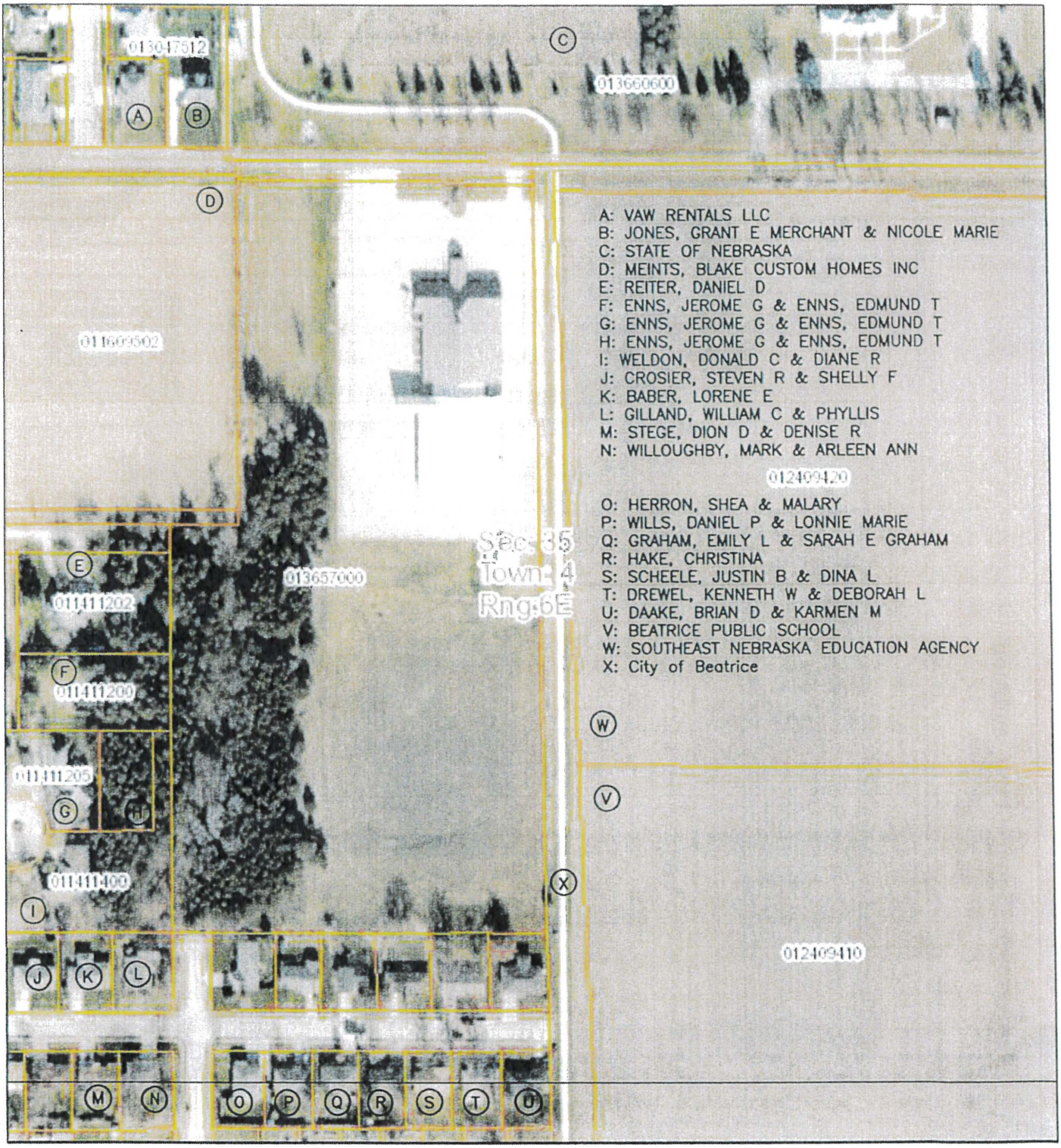
PLANNING & ZONING COMMISSION RECOMMENDATION to the City Council this ____ day of _____, 20____. ☐ Approved ☐ Denied

Planning and Zoning Chairman: _____ Date: _____

CITY COUNCIL RECOMMENDATION this ____ day of _____, 20____. ☐ Approved ☐ Denied

Mayor: _____ Date: _____

City Clerk: _____ Date: _____


013047512
013660600
011609502
013657000
011411202
011411200
011411205
011411400
012409420
012409410
Sec 35
Town 4
Rng 6E
A: VAW RENTALS LLC
B: JONES, GRANT E MERCHANT & NICOLE MARIE
C: STATE OF NEBRASKA
D: MEINTS, BLAKE CUSTOM HOMES INC
E: REITER, DANIEL D
F: ENNS, JEROME G & ENNS, EDMUND T
G: ENNS, JEROME G & ENNS, EDMUND T
H: ENNS, JEROME G & ENNS, EDMUND T
I: WELDON, DONALD C & DIANE R
J: CROSIER, STEVEN R & SHELLY F
K: BABER, LORENE E
L: GILLAND, WILLIAM C & PHYLLIS
M: STEGE, DION D & DENISE R
N: WILLOUGHBY, MARK & ARLEEN ANN
O: HERRON, SHEA & MALARY
P: WILLS, DANIEL P & LONNIE MARIE
Q: GRAHAM, EMILY L & SARAH E GRAHAM
R: HAKE, CHRISTINA
S: SCHEELE, JUSTIN B & DINA L
T: DREWEL, KENNETH W & DEBORAH L
U: DAAKE, BRIAN D & KARMEN M
V: BEATRICE PUBLIC SCHOOL
W: SOUTHEAST NEBRASKA EDUCATION AGENCY
X: City of Beatrice

Jamestowne Square First Addition

TO THE CITY OF BEATRICE

DEDICATION

A Replat of Vacated Lots 9 through 15, Jamestowne Square, City of Beatrice and a part of the Southwest Quarter of the Northeast Quarter and a part of the Northwest Quarter of the Southeast Quarter of Section 35, Township 4 North Range 6 East of the 6th Principal Meridian, Gage County, Nebraska.

The foregoing Addition being a Replat of Vacated Lots 9 thru 15, Jamestowne Square, City of Beatrice, and a part of the Southwest Quarter of the Northeast Quarter and a part of the Northwest Quarter of the Southeast Quarter of Section 35, Township 4 North, Range 6 East of the 6th P.M., Gage County, Nebraska, and being more particularly described by metes and bounds as follows:

For the purpose of this legal description, the basis of bearings is the North Right of Way line of Elk Street, having an assumed reference bearing of N 89°37'44" W.

Beginning at the Southeast Corner of Vacated Lot 15, Jamestowne Square; thence westerly N 89°37'44" W, on the South line of Vacated Lots 15, 14, 13, 12, 11, 10 and 9, Jamestowne Square, said line also being the North Right of Way line of Elk Street, 536.32 feet, to the Southwest corner of Vacated Lot 9, Jamestowne Square; thence northerly N 00°26'01" E, on the West line of Vacated Lot 9, Jamestowne Square, said line also being the East Right of Way line of 27th Street, 119.79 feet; thence westerly N 89°39'52" W, on the North Right of Way Line of 27th Street, 30.00 feet; thence northerly N 00°21'38" E, on the East Right of Way line of 27th Street as platted in Evergreen Addition, 623.87 feet, to a Point of Intersection on the North line of the Southeast Quarter of said Section, 35, said point also being a point of intersection on the Centerline of Grant Street; thence easterly N 89°57'53" E, on the South line of the North Half of Grant Street as Platted in Fitzwater Addition, 74.35 feet, to the Southeast Corner of Lot 2, Fitzwater Addition; thence northerly N 00°02'08" E, on the East line of Lot 2, Fitzwater Addition, 535.19 feet, to the Northeast Corner of Lot 2, Fitzwater Addition, said point also being a point of intersection on the South Right of Way line of Lincoln Street; thence easterly S 89°48'53" E, on said Right of Way line, 479.94 feet, to the Northeast Corner of Lot 1, Higgins Second Addition; thence southerly S 00°21'42" E, on the West line of Lot 1, Higgins Second Addition, 1163.08 feet, to the Northeast Corner of Vacated Lot 15, Jamestowne Square; thence southerly S 00°13'40" W, on the East line of said Vacated Lot 15, 120.03 feet, to the Southeast Corner of said Vacated Lot 15, said Corner also being the True Point of Beginning.

Containing a calculated area of 15.490 Acres or 674,756.97 Square feet, more or less. Subject to all easements, restrictions and reservations of record.

EASEMENTS:
The utility easements shown hereon are hereby dedicated for public use, as well as Easements of Record.

STREETS:
Streets shown on this plat and not heretofore dedicated to public use are hereby so dedicated.

CITY COUNCIL APPROVAL

By order of the Mayor and City Council of the City of Beatrice, Nebraska, the foregoing plat of JAMESTOWNE SQUARE FIRST ADDITION is hereby approved this _____ day of _____, 2026.

Mayor _____ City Clerk _____

FILED FOR RECORD

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing plat was filed for Record and entered in Numerical Index on the _____ day of _____ 2026,

at ___ o'clock ___ m., and recorded as Instrument No. _____.

Register of Deeds _____ Deputy _____

PLANNING COMMISSION APPROVAL

By order of the Planning Commission the foregoing plat of JAMESTOWNE SQUARE FIRST ADDITION, is hereby approved this _____ day of _____, 2026.

Chairperson _____

Secretary _____

CITY ENGINEER'S APPROVAL

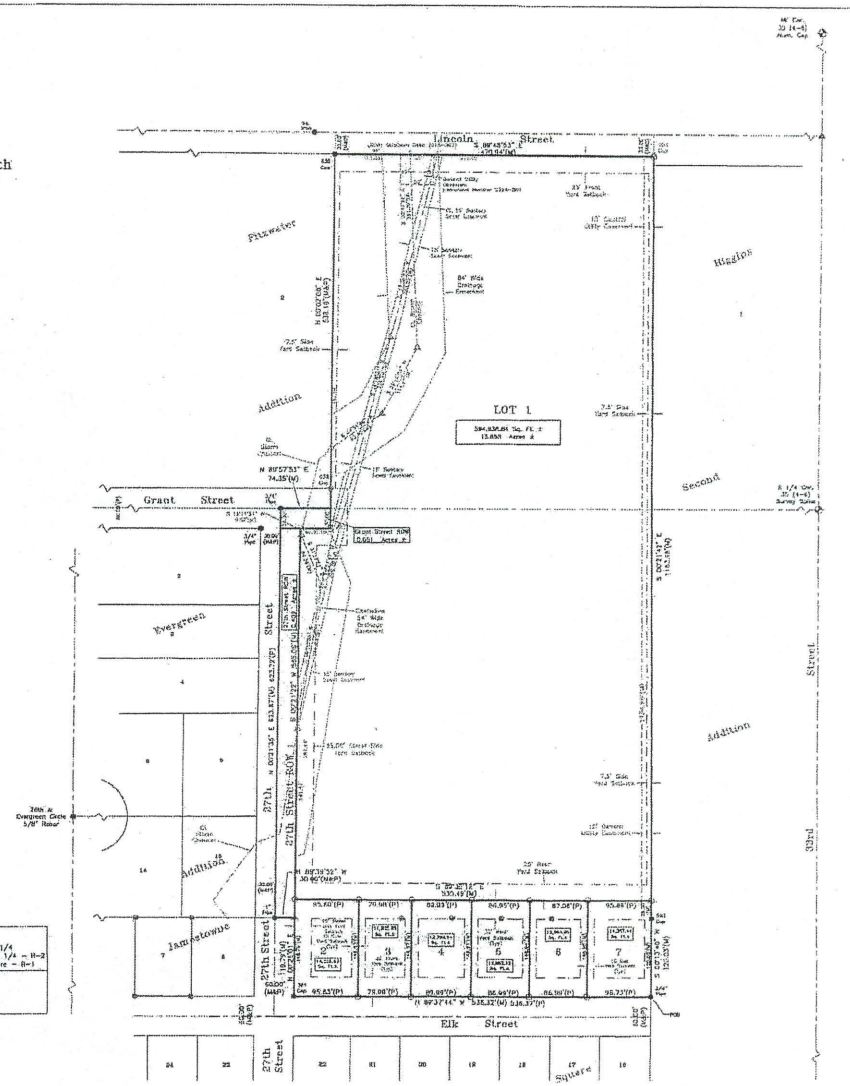
I, James Burroughs, City Engineer, approve this plat.

James Burroughs _____ Date _____

SURVEYOR'S CERTIFICATE

I, Chris Witulski, a Registered Professional Land Surveyor under the laws of the State of Nebraska, hereby certify that the foregoing survey was executed by me, or under my personal supervision. Permanent corners will be placed at all missing or remonumented corners, as shown hereon, within 30 days from approval of the Final Plat by the City of Beatrice City Council.

Chris Witulski – NE LS 638 _____ Date – JN 4788



Section Corner Description
Section 35, T4N, R6E of the 6TH P.M.

NE Cor.
Found Gage County Aluminum Cap at surface of asphalt.

34.60'-N to "X" mark in CP
86.74'-ESE to nail and shiner NE side corner pole
35.94'-NNW to hog nail and shiner SW side PP
87.47'-SW to nail and shiner NE side cable pole
1'-W to fence N
-On CL E-W road

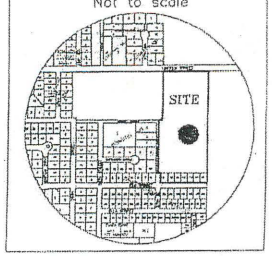
E 1/4 Cor.
Survey Spike in Concrete

20.76'-NE to Chiseled "X" in BOC
41.08'-NW to Chiseled "X" in BOC
61.04'-SW to Chiseled "X" in BOC
18.6'-N to CL N-S road

All Bearings are Assumed

Legend
- ⊕ = Section, Quarter, or Sixteenth Cor. Fnd.
- ● = Cor. Set
- ( ) = ½" Rebar w/LS6638 plastic cap, unless otherwise noted.
- BC = Brass Cap in Concrete
- SQ = ½" Square Iron
- M = Meas. Dist.
- (P) = Plat Dist.
- (D) = Deed Dist.
- (R) = Record Dist.
- (A) = Temp Point

GRAPHIC SCALE
100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.

VICINITY MAP
Not to scale


Jamestowne Square First Addition

TO THE CITY OF BEATRICE

IN TESTIMONY WHEREOF:

Joe E. Moening and Patricia Y. Moening, husband and wife, Owners of the property hereon described as Jamestowne Square First Addition, have caused these presents to be signed this _____ Day of _____2026

Joe E. Moening Patricia Y. Moening

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Joe E. Moening, Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Patricia Y. Moening, Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

IN TESTIMONY WHEREOF:

Stanley A. Fritzen and Denise A. Fritzen, as joint tenants with right of survivorship, and not as tenants in common, Owners of the property hereon described as Jamestowne Square First Addition, have caused these presents to be signed this _____ Day of _____2026

Stanley A. Fritzen Denise A. Fritzen

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Stanley A. Fritzen., Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Denise A. Fritzen, Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

IN TESTIMONY WHEREOF:

David E. Koch and Linda S. Koch, husband and wife, as joint tenants and not as tenants in common, Owners of the property hereon described as Jamestowne Square First Addition, have caused these presents to be signed this _____ Day of _____2026

David E. Koch Linda S. Koch

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, David E. Koch, Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Linda S. Koch, Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

IN TESTIMONY WHEREOF:

Christ Community Church of Beatrice, Nebraska, A Nebraska Non profit. Corporation, Owner of the property hereon described as Jamestowne Square First Addition, have caused these presents to be signed this _____ Day of _____2026

By: Title

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

This foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, ,Witness my hand and Notary Seal the day and year last above written.

By: Title

Notary Public

IN TESTIMONY WHEREOF:

Zachary Lauenstein and Heidi Lauenstein, a married couple, as joint tenants with right of survivorship and not as tenants in common, Owners of the property hereon described as Jamestowne Square First Addition, have caused these presents to be signed this _____ Day of _____2026

Zachary Lauenstein Heidi Lauenstein

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Zachary Lauenstein , Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Heidi Lauenstein , Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

IN TESTIMONY WHEREOF:

Ross Eickhoff and Cassandra Eickhoff, as joint tenants with right of survivorship and not as tenants in common, Owners of the property hereon described as Jamestowne Square First Addition, have caused these presents to be signed this _____ Day of _____2026

Ross Eickhoff Cassandra Eickhoff

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Ross Eickhoff, Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Cassandra Eickhoff , Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

IN TESTIMONY WHEREOF:

William R. Chace III and Ashley D. Chace, as joint tenants and not as tenants in common, Owners of the property hereon described as Jamestowne Square First Addition, have caused these presents to be signed this _____ Day of _____2026

William R. Chace III Ashley D. Chace

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, William R. Chace, III, Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

ACKNOWLEDGMENT OF NOTARY

STATE OF NEBRASKA } S.S.
COUNTY OF GAGE }

The foregoing instrument was acknowledged before me on this _____day of _____, 2026, by, Ashley D. Chace , Owner. Witness my hand and Notary Seal the day and year last above written.

Notary Public

Placer.ai

Civic Solutions

Best-in-class location analytics to help **civic leaders** boost performance, increase visibility, and drive economic success.



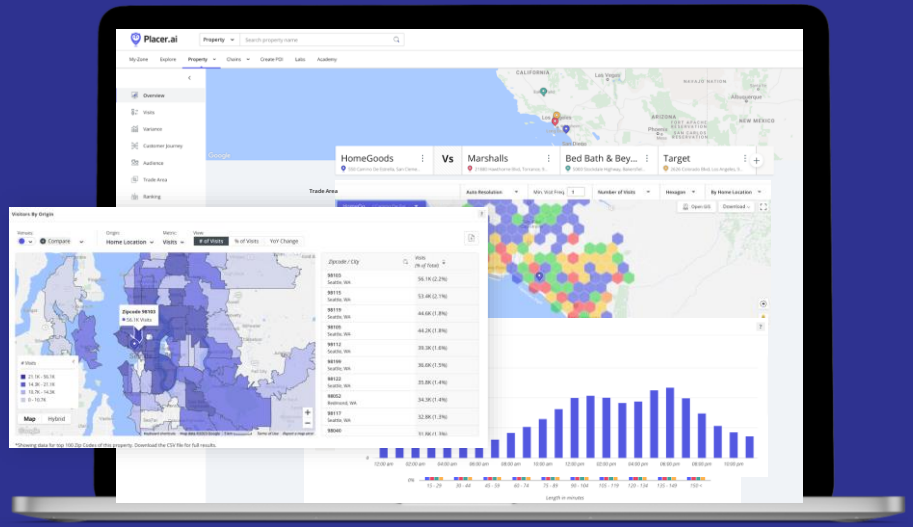
Placer.ai is the Leader in Privacy-Preserving Location Intelligence

Placer.ai is the most advanced location analytics platform describing physical locations, the people and businesses that interact with them, and the markets they inhabit.

Placer is loved and trusted by:

4500+
CUSTOMERS

30+
INDUSTRIES



CIVIC

City of Seattle
Downtown Long Beach Alliance
Centro San Antonio
Downtown Denver Partnership
Denver The Mile High City
City of Phoenix
Downtown Alliance
Grand Prairie Texas
Parks & Trails New York
Atlanta Downtown
DCBID Downtown Center BID
Downtown Washington DC

RETAIL

wayfair
Ashley
Steve Madden
Stater Bros. markets
Foot Locker
BJ's
GNC Live Well
Neiman Marcus
Floor & Decor
adidas
Luxottica
Grocery Outlet

COMMERCIAL REAL ESTATE

Tishman Speyer
Federal Realty Investment Trust
Regency Centers.
AEW
Macerich
Hines

FINANCE

J.P.Morgan
KeyBanc Capital Markets
Stifel

LEISURE

SeaWorld Parks & Entertainment
AMC Theatres
planet fitness

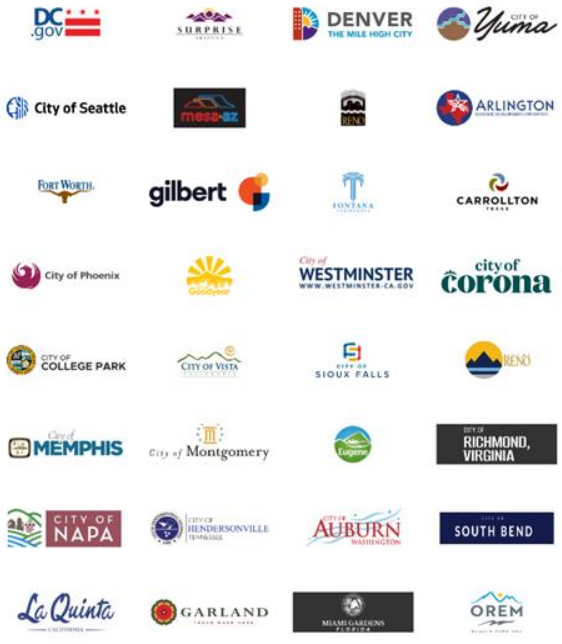
MEDIA

Audacy
OUTFRONT
Google

Placer.ai

Loved and trusted by 1,600+ Civic organizations

Cities



Economic Development Organizations



Tourism Authorities



States & Counties



Parks Districts



Tribes



Universities



Consulting & Other



How Placer.ai Works

Placer is powered by high-quality mobile location data and best-in-class proprietary technology.

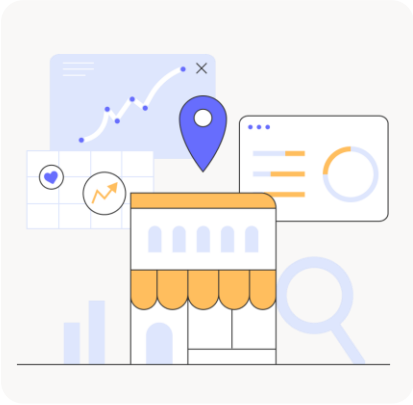
01 Observe Foot Traffic Data

Privacy-safe[1] foot traffic data from tens of millions of mobile devices to develop a detailed and comprehensive overview of US commercial activity.



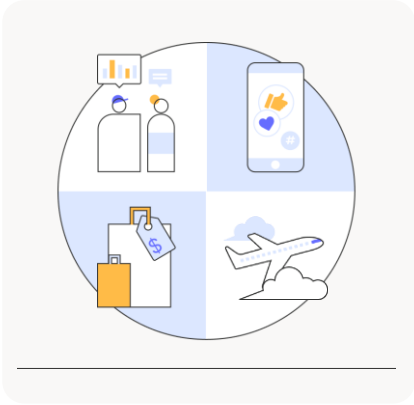
02 Analyze Every Location

Using machine learning, Placer accurately predicts foot traffic data throughout the U.S., from specific POIs to chains, markets, and regions.



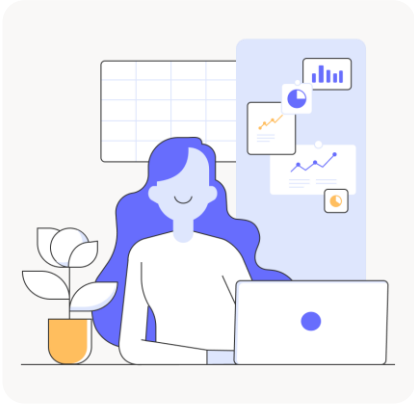
03 Enhance with 360° Data

Visitation data is enhanced with Placer Marketplace 3rd party datasets that further describe businesses, consumers, and markets.



04 Generate Actionable Insights

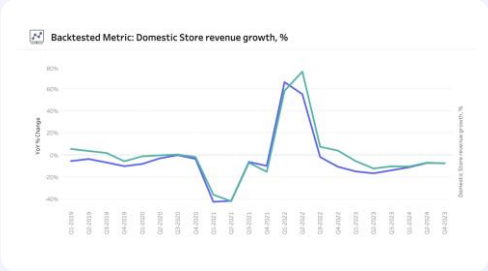
Robust, statistically significant insights into how people and places interact are presented via an intuitive UI, data feeds, or the Placer API.



[1] Placer.ai requires all data partners to get consumer opt-in or opt-out consent in accordance with applicable law. All data partners are vetted in a rigorous process to comply with applicable laws, regulations, and industry standards.

Placer’s Data Differentiators

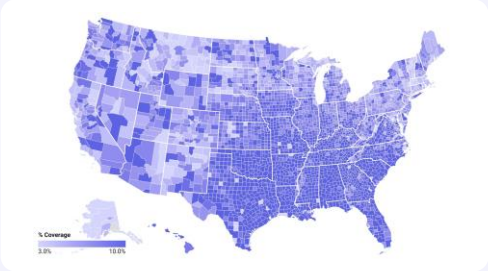
Placer’s best-in-class data delivers actionable insights for any location.



01

Unparalleled Accuracy

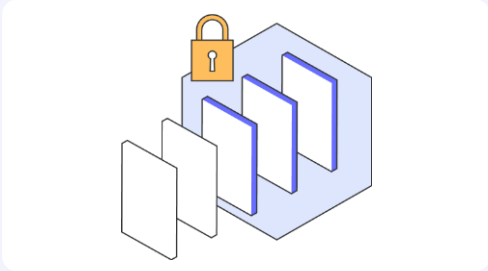
Placer’s data accuracy is continually validated against 1st party and authoritative data sources including credit card transactions, store revenue, vehicle and people counters, and other objective measurements — with correlations consistently exceeding 90%.



02

Breadth of Coverage

Placer’s panel covers every county in the U.S. and contains seven years of data history. We leverage a panel of tens of millions of devices and utilize machine learning to make accurate estimations for foot traffic across the country.



03

Privacy By Design

Placer requires its data partners to obtain opt-in/opt-out consent in accordance with applicable law. Our partners strip data identifiers, such as mobile advertising identifiers (“MAIDs”), names, other persistent device IDs, and contact information before we receive it.

Placer.ai Solutions for Civic Leaders

Table of Contents

Retail Analysis and Recruitment

Leverage critical demographic information such as average HHI and household size

Sales Tax Estimation

Correlate Visitation with Sales and reveal sales data for key sectors based on visitation history going back seven years

Business Attraction & Workforce Analysis

Reveal workforce potential and discover changes to workforce trends

Event Analysis

Measure turnout, increase sponsors and vendors, and analyze economic impact

Transportation / Parks & Open Space / Infrastructure

Reveal usage for any day and time and identify investment opportunities

COVID Recovery I ARPA

Understand the impact of economic events like COVID and recovery since 2019

Travel & Tourism

Discover visitation to any destination, attraction, convention center. Understand origin market and visitor journey

Marketing & Reports

Prove the effectiveness of marketing efforts on financial return, driving increased sales tax revenue

Support Local Business

Identify gaps in retail offerings. Provide insights about customer journey, dwell time, and marketing effectiveness.

01 **Attract the Best Fit Retailers**

The Problem

Civic leaders need to understand the true audience and trade area of any site in order to attract retailers most likely to perform well in a particular location. Lacking key market and location insights can lead conversations to stall with prospective tenants.

Placer's Solution

- **Demand Gap Analysis** (STI Gap analysis)
- **Leakage Study (XTRA and Favorite Places)**
- **Void Analysis**
- **Site Selection**
- **Trade Area Demographics & Psychographics**
- **Market Analysis** expands market profile



ANSWER QUESTIONS LIKE...

Q: What are the attributes of our target audience?

Q: Where are our best customers coming from?

Q: Where do visitors go before and after their visit?

Attract New Development
Case Study

Village of Fox Lake Attracts $335M in New Tourist Developments

The Challenge

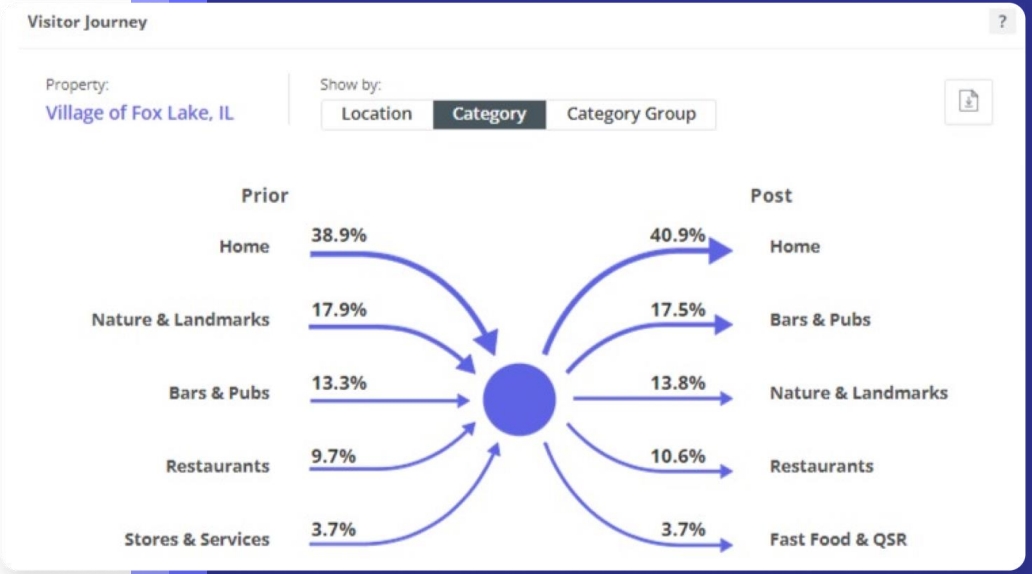
The Village of Fox Lake, Illinois, is situated near a chain of highly trafficked lakes. There had not been commercial development in 40 years and lake visitors had little to do in town. How could the city quantify visit traffic, then use that to attract new business?

Placer's Outcome

Using Placer, Fox Lake was able to quantify their strong traffic - 240k unique visitors, visiting 3+ times each year, with high HHI - then used that data to attract more than $335M in new development, including multiple hotels, a new marina, amphitheater, and more.

Explore the deck

See the full case study



Conversations with developers get serious when you can show objective data around how visitors behave, where they shop and eat, and more. After decades with no new development here in Fox Lake, Placer changed the game. We would not have won the development deals we did without its incredible data; it's paid for itself thousands of times over."

Donovan Day
Community and Economic Development Director

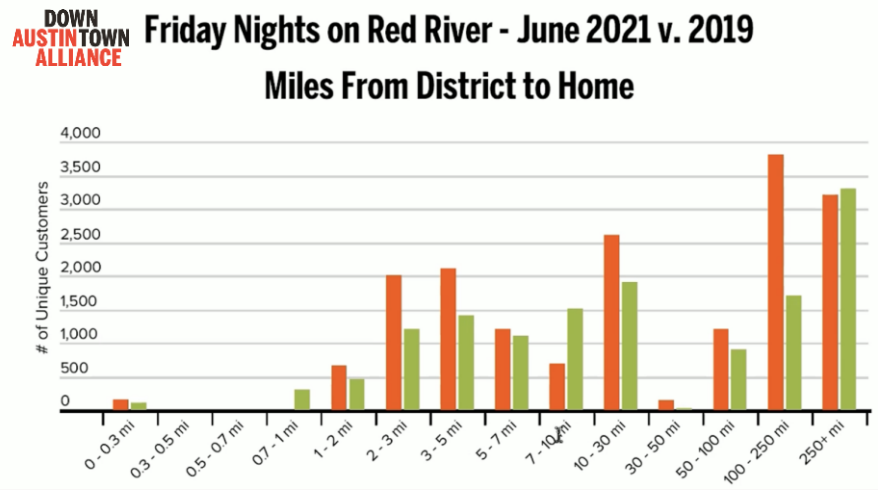
02 **Reveal Effectiveness of Marketing Efforts**

The Problem

Civic leaders need to optimize marketing strategy and prove ROI of marketing efforts, whether marketing to tourists in general or to drive attendance at a specific event.

Placer's Solution

- **True Trade Area** reveals visitor origin for any location on any day.
- **Visitation by Origin** shows top zip codes and Census blocks for visitors to any location.
- **Visitor metrics** for day of week, dwell time, and peak visit hours.
- **Variance** shows week over week, month over month, year over year trends.



Downtown Austin Alliance uses Placer to prove the effectiveness of their marketing efforts in attracting visitors from further distances, driving sales tax in downtown.

ANSWER QUESTIONS LIKE...

Q: Has weekday park visitation increased post-marketing campaign?

Q: What zip codes include the target audience for this upcoming event?

Q: What trending social media interests and topics do visitors have?

03 **Reveal True Value Of Local Attractions**

The Problem

Civic leaders need to understand the performance and potential of attractions, parks, venues and places of interest to make the best decision for their community.

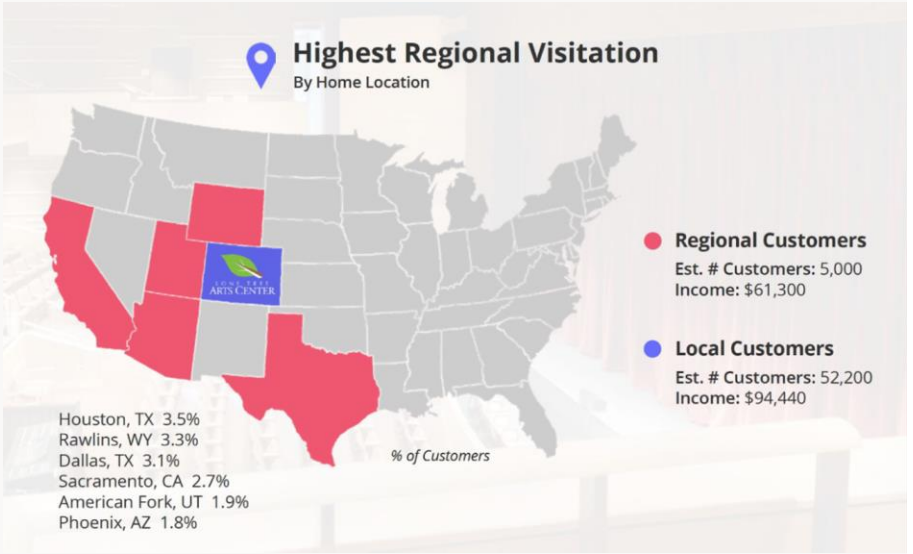
Placer's Solution

- **Visitation metrics**
- **True Trade Area**
- **Visitor Journey**
- **Visitor Demographics and Psychographics**
- **Competitors and Collaborators**

EXAMPLE: Lone Tree Arts Center

Placer showed 10% of visitors come from cities in Texas, Utah, Wyoming, Arizona, and California and illustrated the value of Arts Center to local businesses and hotels. As a result, they could optimize the ROI of marketing efforts with insights into local and regional visitors.

Lone Tree Arts Center showed itself to be a Regional Destination drawing more than 10% of visitors from 'home locations' in 5 different States



ANSWER QUESTIONS LIKE...

Q: What are the peak visitation times for this property during the weekday?

Q: How far away and from where do visitors come? How often do they visit?

Q: What does the visit trend say about venue usage year over year?

04 **Optimize and Measure Local Events**

The Problem

Civic leaders need granular insights to drive and measure attendance of local events (ticketed and non-ticketed) and to quantify their impact to local businesses. Typical ways to track attendance and engagement can be time consuming and costly.

Placer's Solution

- **Visitation metrics:** number of visitors, peak times, home locations, MoM, dwell time.
- **Visitor demographics:** home locations, HHI, brand affinities, consumer preferences.
- **Visitor Journey** routes, parking areas.
- **Favorite Places** other locations visited.
- **Economic Impact:** event visitors contribution to other businesses in the area.



Conduct Post-Event Analysis

Show how your event performed relative to average days of the week, and measure visitation performance - down to the hour!

Length of Stay
80 Minutes

Peak Time
2:00 PM - 3:00 PM

Income[1]
$65,000

1. Median Household Income

ANSWER QUESTIONS LIKE...

Q: Did our target audiences attend the event?

Q: Where are our best customers coming from?

Q: Where do visitors go before and after their visit?

Prove Event Impact & Win Grants
Case Study

Placer Helps Event Marketing Team Quantify Event Impact

The Challenge

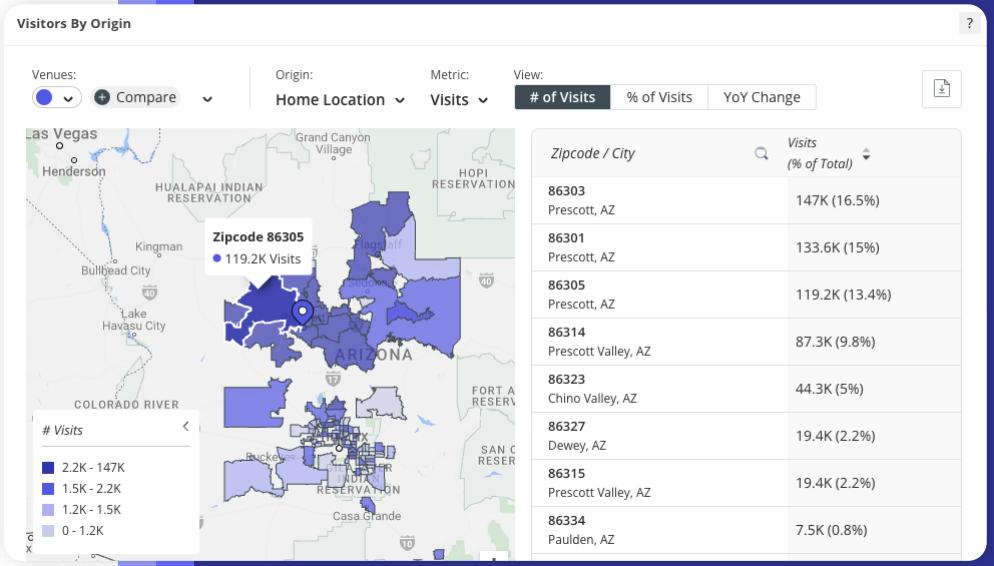
The City of Prescott, AZ hosts a 6 week Christmas celebration but couldn't accurately measure the attendance or impact of each event, or how best to market them. How can the Office of Tourism drive attendance and prove event value to the local economy?

Placer's Outcome

The city's Office of Tourism used Placer to track foot traffic and visit patterns over the 6 weeks, validating earlier targeted marketing efforts and showing an economic impact of $52M. This data helped the Christmas City organizers secure $200k in new grants.

Explore the deck

See the full case study



With Placer, we market events more efficiently than ever before... and have helped our partners land multiple grants to help put on the Christmas City event. Placer has been a wonderful asset to the Office of Tourism and our partners.

Cristina Binkley
Tourism & Economic Initiatives Coordinator

Increase Event Funding
Case Study

Dunwoody, Ga Secures $88k Budget For Annual Holiday Lights Park Event

The Challenge

The City of Dunwoody sought to secure increased funding for its annual Holiday Lights event. Anecdotal attendance estimates lacked precision and made it difficult to justify budget requests to city leaders. How could parks and rec show the event's popularity and secure the needed funding?

Placer's Outcome

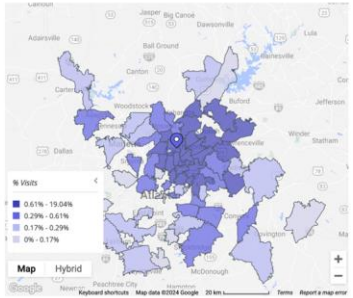
Using Placer.ai data, the City of Dunwoody demonstrated the event attracted 4x the original attendance estimates and has continued to grow since launching in 2020. With the data proving the event's popularity, the parks and rec team successfully secured a 10% greater budget for the Holiday Lights event.

Explore the deck

See the case study

Metrics - Brook Run Park

Metric Name	Dec 2023	Dec 2020
Visits	29K	15.8K
Visit Frequency	1.56	1.34
Visits YoY	+0.7%	+378.5%



When city leaders questioned the success of the event, we were happy to show that attendance was more than 4x what was unexpected. That gave them the confidence to increase our budget, helping us to deliver an event that our residents and guests have come to know and love."

Rachel Waldron
Parks and Recreation Director
The City of Dunwoody, GA

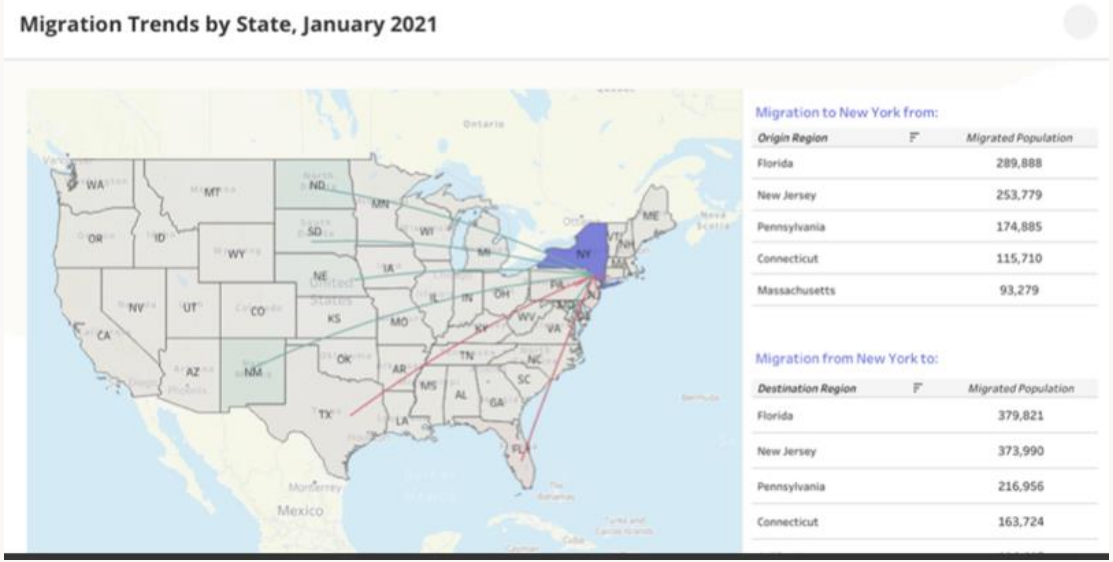
05 **Discover Changes To City Or District Over Time**

The Problem

Civic leaders need to understand changes to resident, visitor, and employee populations in their communities.

Placer's Solution

- **Movement of Residents, Visitors, and Employees**: origin location to destination based on time frame.
- **Demographics and Psychographics**, HHI, brand preferences, favorite places, work locations, home locations, age, ethnicity, race, psychographics.



ANSWER QUESTIONS LIKE...

Q: How are zipcode populations changing year over year?

Q: Where are old residents moving? New residents coming from?

Q: How many SNAP households do we have within the trade area?

06 **Leakage Analysis** (Favorite Places Outside a City or District)

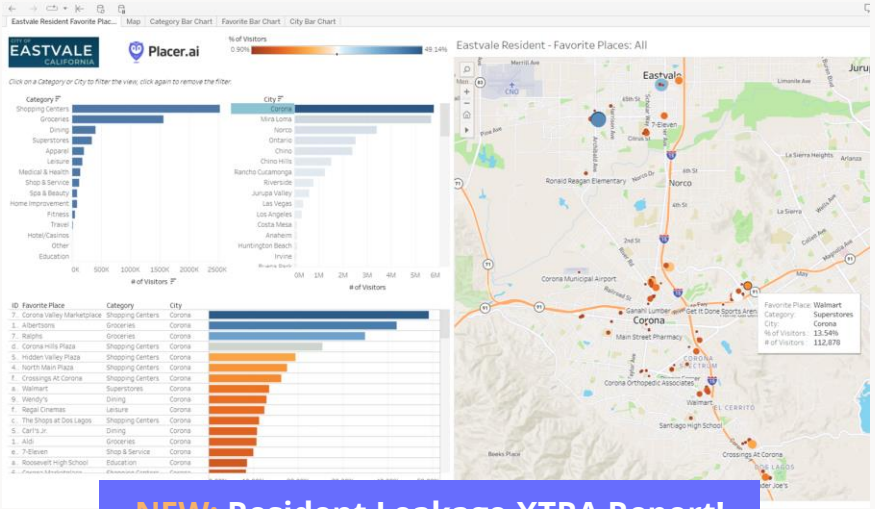
The Problem

Civic leaders need to understand to what degree and where do residents, visitors, and employees shop outside the City or District Boundary.

Placer's Solution

- **Leakage Report** for any city or district.
- **Gap Analysis** total leakage amount for every retail category.
- **Favorite Places:** Top locations outside the district/city visited by residents, employees, and visitors.
- **Visitation metrics** for retail category plus travel and hotel.
- **Average ticket size** for chain locations.

CITY OF EASTVALE



NEW: Resident Leakage XTRA Report!

ANSWER QUESTIONS LIKE...

Q: Which retail categories contribute to leakage?

Q: What top venues in other cities are your residents visiting? How often?

Q: What sales revenue and tax was lost as a result of leakage?

07 **Public Realm**

The Problem

Civic leaders need to understand how changes to streets, parks and open spaces benefit the community in order to assess ROI and equity.

Placer's Solution

- **Visitation Metrics** before and after intervention: total visits, peak visit times, dwell time, prior and post locations, distance traveled to destination.
- **True Trade Area** reveals home and work location for visitors.
- **Favorite Places** reveals locally visited businesses.
- **Variance** compares month over month and year over year



	Est. # of Visitors	Est. # of Visits
Before:	53.4K	77.5K
After:	68K	97.2K



ANSWER QUESTIONS LIKE...

Q: What can we learn about our target audience?

Q: Where are our best customers coming from?

Q: Where do visitors go before and after their visit?

Urban Regeneration Funding Case Study

Downtown Kansas City Secures $85M To Cover Interstate & Create Urban Community Park

The Challenge

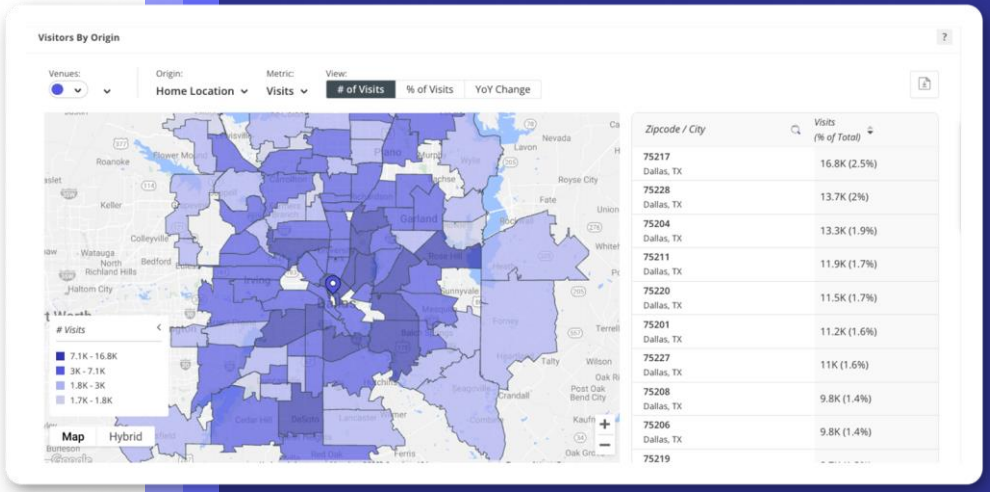
After decades of growth, Kansas City, MO wants to revitalize its urban core with the South Loop Project, a project to reconnect divided neighborhoods by building a vibrant downtown park space over I-670. How could Downtown KC prove the widespread impact of the park, rally public support, and secure necessary funding?

Placer's Outcome

Using Placer to analyze the similar Klyde Warren Park in Dallas, TX, Downtown KC used insights around regional draw, year-round activation, visitation by zip code, and more to show the park's positive city impact, helping attract $85M in investments to date.

Explore the deck

See the full case study



"With Placer, data goes beyond opinions. That data helped our state representatives, state senators, city council, private and philanthropic donors see how their constituents would benefit. I don't know how we could have done it without Placer."

Tommy Wilson
Director of Business Recruitment & Research,
Downtown Council of Kansas City

08 **Analyzing Public Investments** (Equity and ROI)

The Problem

Civic leaders need to understand usage of public parks and facilities to show how investments improve the space and support surrounding businesses, and to understand who benefits from public improvements.

Placer's Solution

- **True Trade Area**: home and work locations of visitors
- **Visitor Journey**: Popular routes. Post and Prior locations.
- **Visitor Metrics**: Day of week, time of day, peak time, and overall dwell time for venue.



The city of San Antonio was considering a bond measure to raise a few million dollars to upgrade a downtown Park. Debate centered on *who* would benefit from additional investment in downtown.

ANSWER QUESTIONS LIKE...

Q: Where do visitors to the park come from? How often do they come?

Q: How does weekday and weekend usage compare?

Q: What are the top customer segments for this public asset?

Sports Tourism Investment Case Study

Kalamazoo Wins 82% Hotelier Approval, Projected to Double Tourism Impact with $45M Sports Facility

The Challenge

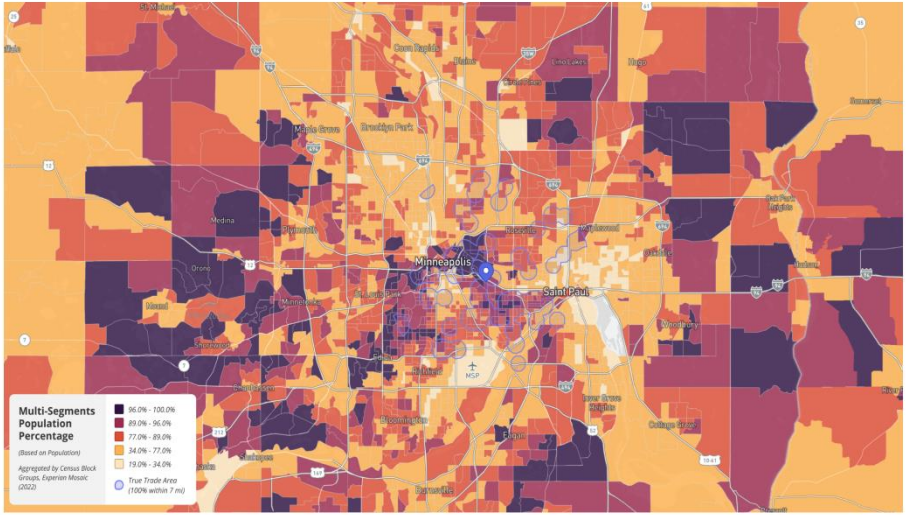
To fund a new indoor sports complex, Discover Kalamazoo proposed a 4% accommodations assessment across county hotels. How could Placer help Discover Kalamazoo demonstrate economic impact — and build the stakeholder support needed to pass a countywide referendum?

Placer's Outcome

Placer insights helped Kalamazoo demonstrate that sporting events drove hotel stays across the entire county — not just near the venue. The new indoor sports facility is now underway, projected to generate 36,000 new hotel room nights annually, create 628 jobs, and deliver $48.6 million in economic impact.

Explore the deck

See the full case study



We were able to show that every hotel in the county would benefit — not just the ones near the site. Placer has strengthened our credibility as a data-driven organization, earned us a seat at the table in broader economic development discussions, and helped us build the public support we needed to move the referendum forward."

Jane Ghosh
President & CEO
Discover Kalamazoo

09 **Optimize Resources, Define District, Justify Assessments**

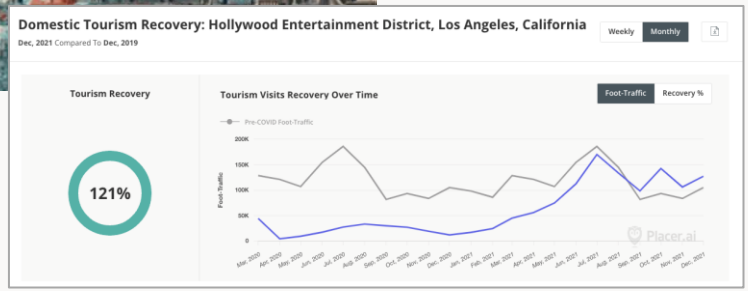
The Problem

Civic leaders need to optimize resources for marketing, cleaning, safety, and district promotion. For example, during the peak of COVID in 2020, stakeholders voted to 'end' the assessment for the Tourism Overlay Zone. How could they get the data to justify timing for reauthorization of the assessment?

Placer's Solution

- **Visitor metrics** - when is it used? by whom? for how long?
- **TTA home and work locations** for visitors
- **Distance** traveled by visitors
- **Origination by Market XTRA report** reveals home locations of visitors staying overnight





THE HOLLYWOOD PARTNERSHIP

"Bottom line, we had the analytics to demonstrate the compelling case that Board members needed in order to make the difficult decision to re-start the assessment."



ANSWER QUESTIONS LIKE...

Q: How long do visitors typically stay in the area? Where do they go?

Q: How far do visitors travel? What are their home and work zip codes?

Q: What percentage of visitors stay overnight in the district?

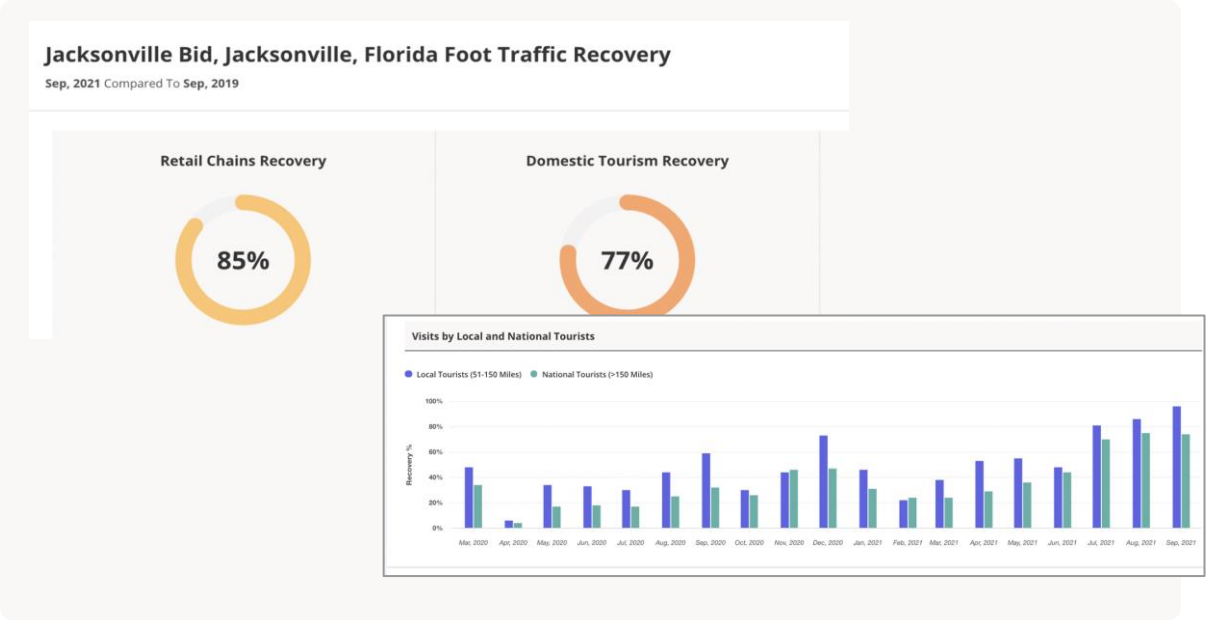
10 **COVID Recovery**

The Problem

Civic leaders need to understand the impact of COVID and how retail and tourism have recovered since 2019.

Placer's Solution

- **COVID Recovery Dashboard**
- **Retail and Tourism Recovery score** for every city, county, state and district.
- **Retail score** by category and zipcode.
- **Domestic Tourism** recovery score.



ANSWER QUESTIONS LIKE...

Q: How does the local economy compare to performance in 2019?

Q: What categories are performing well? What categories are struggling?

Q: How do you compare with another district, city, or county?

Develop Revitalization Plan
Case Study

Redevelopment Resources Partners with Studio GWA to Develop Downtown Revitalization Plan

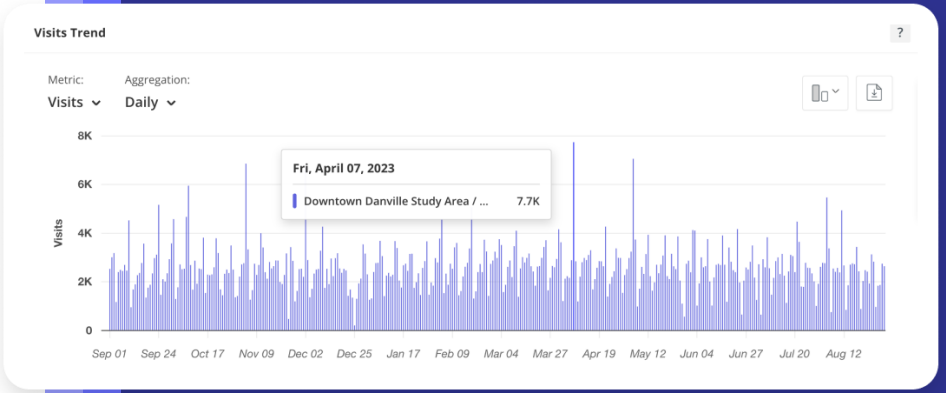
The Challenge

The City of Danville (Danville, IL), issued an RFP as a result of a COVID-19 recovery grant received from the Illinois Department of Commerce (DCEO). Intrigued by visitation insights available from Placer, the city chose the Studio GWA/RR consultant team. What specific insights could RR glean for the city to leverage existing momentum?

Placer's Outcome

Using Placer data on visit trends, demographics, and void analysis, Redevelopment Resources showed strong post-COVID recovery in the downtown area and identified potential tenants for nine sites key to revitalizing the area. The City of Danville approved the plan and is scoping implementation.

See the full case study



Placer helps decision makers who are risk-averse acquire the data they need to confidently make their decisions. Its concrete, objective, and granular data gives insights that eyeball estimates and surveys simply cannot offer."

Kristen Fish-Peterson
CEO, Redevelopment Resources

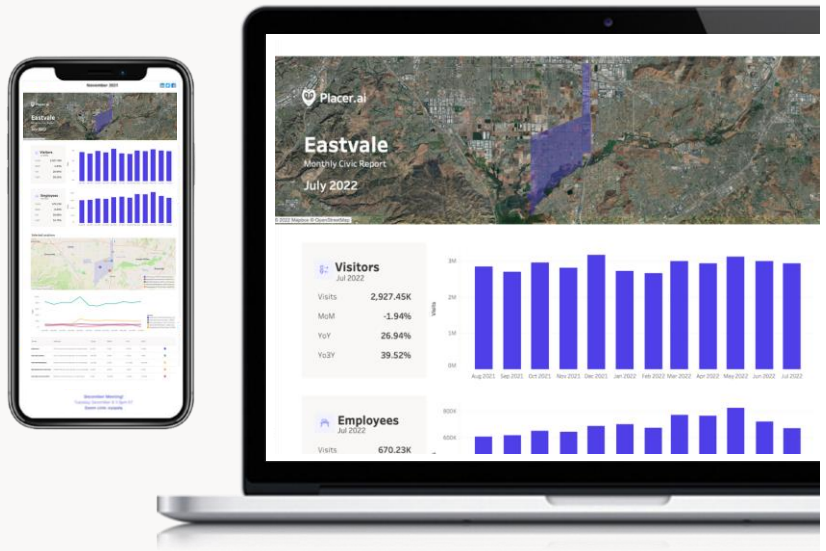
Monthly Reports

Data at your fingertips

Get a snapshot of your City, County, District plus Points of Interest. See the visitation trends and overall metrics for a primary point of interest, whether it be an entire city, a district, or a venue(s). Evaluate category trends for retail, office, restaurants, hotels.

- **Overall Metrics** for primary point of interest (could be entire city, district, or venue(s).
- **Category Trends** for retail, office, restaurants, hotels.
- **POI Widget** for any venue, open space, district, group

HOW IT WORKS:
Get reports delivered direct to your inbox. Share data with local leaders, business and property owners, stakeholders, real estate professionals, granting agencies, etc. Promote content via email, social media, and websites.



Website Embed Widgets

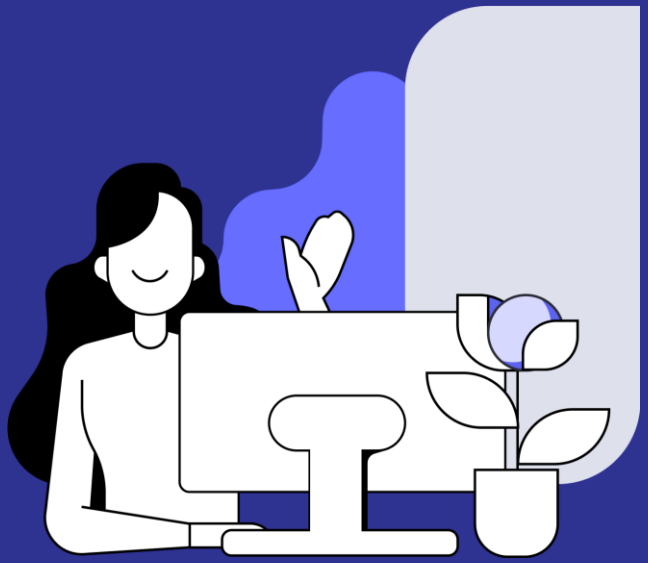
Share real-time foot traffic data about your community

Enhance your website with real time foot traffic data. Use Zip Code Foot Traffic Data to track changes to retail, dining, and visitor traffic in every zip code. Viewed as Regional Change and Monthly Trends. Note: Data is based on visits to existing POIs in Placer. Customers can add unlimited POIs.



Insights Made Easy: Flexible Data, Support Guaranteed

Placer offers flexible data exploration and delivery options to best fit your existing workflow – and a team of dedicated service professionals to **support you every step of the way**.



24/7 Platform Access

Explore and analyze on-demand with self-service access to the world's leading location analytics platform

Automated Data Feeds & API

Employ automated data delivery via Placer's customizable data feeds and API. Also available via marketplace partnerships, including Snowflake and AWS.

White-Glove Service

Enjoy expert strategic guidance from your team of dedicated support professionals, or engage our analytical research team for bespoke analysis and insights.

Ready to Learn More?

NEXT STEPS

- [x] Placer.ai Platform Demo
- [ ] Cross-Functional Intros & Demos
- [ ] Data Validation
- [ ] Sign the Contract!
- [ ] Onboarding & Training
- [ ] Long-term Partnership

Placer.ai

Thank You

www.placer.ai



Related Resources

CASE STUDY

Placer Helps Prescott, AZ Office of Tourism Quantify Annual Event Impact, Secures $200K in Grants

View the Deck

Explore Case Study

CASE STUDY

BusinessFlare helps Tequesta, FL develop response plan to pending bridge closure

View the Deck

Explore Case Study

CASE STUDY

Garden City, KS Uses Placer To Inform Sales and Tax Projections, Lands National Coffee Retailer

View the Deck

Explore Case Study

CASE STUDY

Village of Fox Lake Attracts $335M in New Tourist Developments

View the Deck

Explore Case Study



Related Resources

CASE STUDY

Grand Forks Wins National $100k Grant to Revitalize Town Square

View the Deck

Explore Case Study

CASE STUDY

Tourism Dependent City Uses Placer To Improve Sales Tax Revenue Forecasting By 37%

Explore Case Study

CASE STUDY

Downtown Kansas City Secures $85M To Cover Interstate & Create Urban Community Park

View the Deck

Explore Case Study

CASE STUDY

Dunwoody, GA secures $88k budget for annual holiday lights event

View the Deck

Explore Case Study





Appendix

Background slides

PLACER'S DATA DIFFERENTIATORS

Unparalleled Accuracy

Highest-Quality Data

Placer.ai derives its insights from the largest, high-quality mobile device panel available, and benchmarks against authoritative data sources.

Verified Truth Set

Placer.ai data is constantly validated by top retailers against credit card transactions, store revenue, vehicle and people counters, and other objective measurements.

Best Buy

96.7%
correlation to domestic store revenue growth



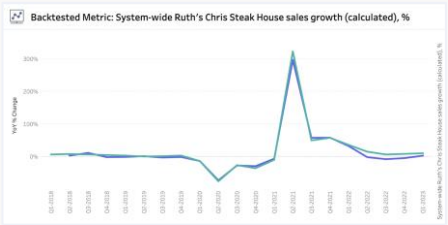
TX Alcoholic Beverage Commission

96%
correlation to sales of alcoholic beverages



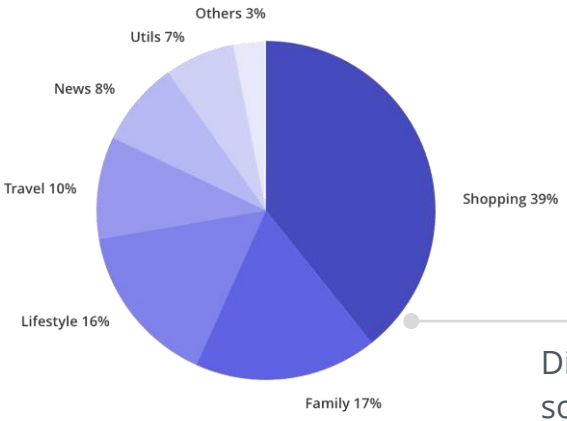
Ruth's Chris Steakhouse

99.6%
correlation to Ruth's Chris sales numbers

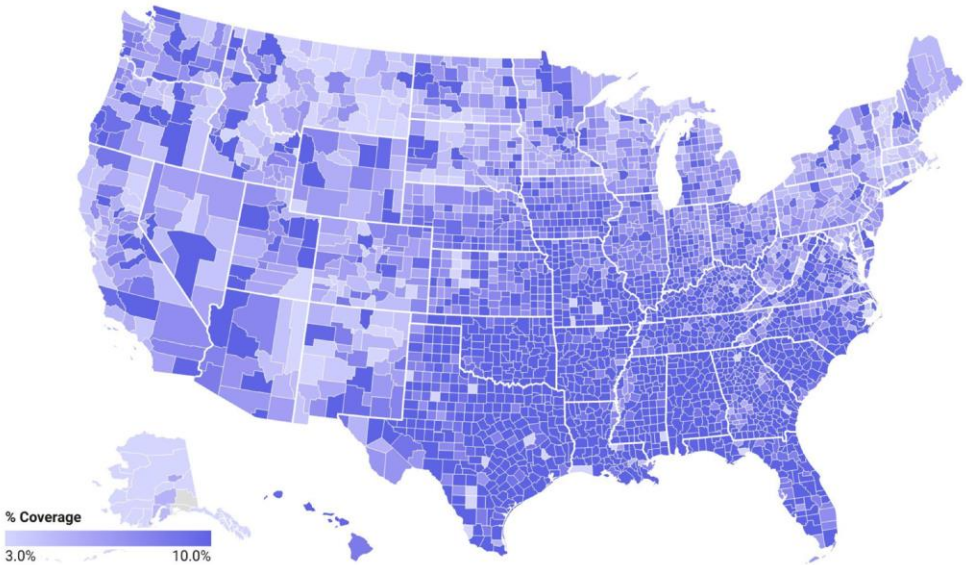


Broad, High-Quality Coverage

Placer's broad, diverse, and high-quality data partnerships provide visibility into tens of millions of mobile devices, forming a **statistically significant panel** which accurately reflects the real-world movement of the entire U.S. population.



Diverse data sources



PLACER'S DATA DIFFERENTIATORS

Privacy By Design

Placer's unique and unwavering commitment enables **exclusive partnerships** and **future-proofs our business.**



We Don't Collect User Identifiers

All data we receive is stripped of identifiers, including MAIDs, email addresses and phone numbers through our proprietary *differential privacy service* (DPS) — keeping all PII out of our data.



We Invest Heavily in Data Security

We use end-to-end encryption to protect data in transit and at rest, using a centralized key management system and rotating keys. We also employ the ISMS from ISO 27001, including a risk management program based on the ISO 31000. All data is collected, stored, and processed only on US servers.



We Never Share User Level Data

We only provide aggregated statistical information about physical locations, such that every bit of information preserves K-anonymity of 50.

PLACER'S DATA DIFFERENTIATORS

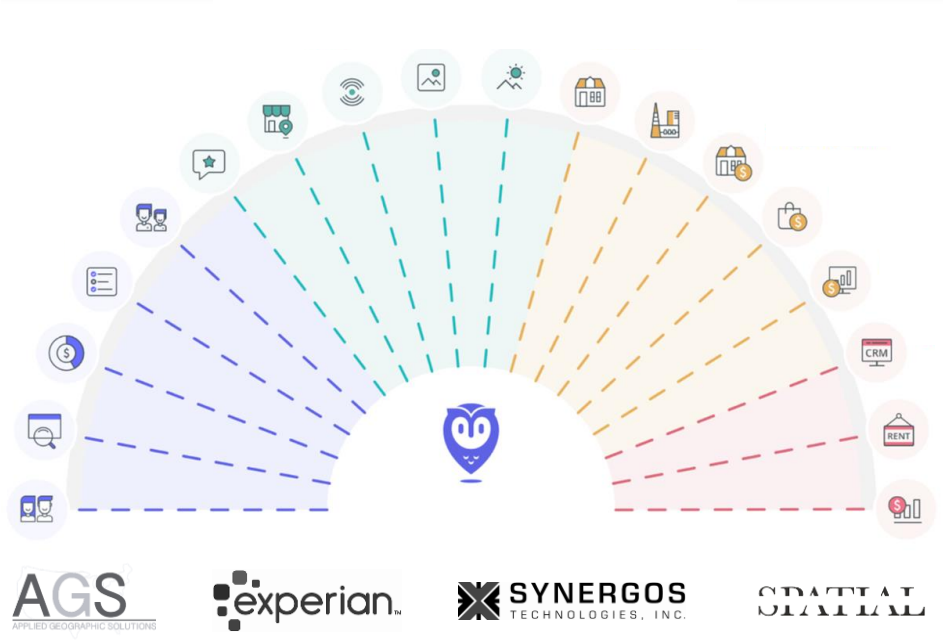
The Placer Marketplace

Dozens of Third Party Data Sets

The Placer Marketplace provides streamlined access to 20+ third party demographic, psychographic, and behavioral data from industry leaders like Experian, Mosaic, and STI.

360° Consumer Understanding

The powerful combination of Placer's True Trade Area and industry-leading external data sets allows for robust and nuanced analysis of consumers and markets.



Over 1300 Civic Clients Across the Country...

Including Cities, Counties, Districts, Economic Development Organizations, Travel and Tourism DMOs, Chambers of Commerce, Downtowns, Conference Centers, etc.



"Conversations get serious when you can show objective data around how visitors behave, where they shop and eat, and more. After decades with no new development here in Fox Lake, Placer changed the game. We would not have won the development deals we did without its incredible data; it's paid for itself thousands of times over."



Donovan Day

Community & Economic Development Director

Village of Fox Lake. IL