

**CITY CODE  
OF  
TILDEN  
NEBRASKA**

**2014**

**Compiled by  
MICHAEL T. BROGAN, City Attorney**

**Tilden, Nebraska**

**Updated to 8-18-15**

**CERTIFICATE**

STATE OF NEBRASKA )  
 ) ss.  
COUNTY OF MADISON )

I, Silver Sibert, certify that I am the City Clerk of the City of Tilden, (Antelope and Madison Counties), Nebraska, and that Ordinance No. 494, a copy of which follows, was passed and approved by the Mayor and Council of the City of Tilden on April 8, 2014, as required by law. Ordinance No. 494 adopted the *City Code of Tilden, Nebraska (2014)* in its entirety, in loose leaf book form.

DATED this April 8, 2014.

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Silver Sibert  
City Clerk

**ORDINANCE NO. 494**

AN ORDINANCE TO COMPILE ALL THE ORDINANCES OF THE CITY OF TILDEN, NEBRASKA; PROVIDING FOR THE CODIFICATION OF THE GENERAL ORDINANCES OF THE CITY OF TILDEN, NEBRASKA; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR THE ADOPTION OF THE OFFICIAL CODE OF THE CITY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF TILDEN, that:

Section 1. From and after the date of passage of this Ordinance, the Official City Code of the City of Tilden, compiled by Michael T. Brogan, City Attorney, and incorporating all ordinances of a general nature passed and approved through and including Ordinance No. 493, and hereby approved and accepted, shall be the Official Code of all Ordinances of a general and permanent character of the City.

Section 2. There is hereby adopted, as a method of perpetual codification, the loose leaf type of binding together with the continuous supplemental service whereby each newly adopted Ordinance of a general nature, amending, altering, adding to, or deleting provisions of this Official City Code is identified by the proper catch line, and following preparation by the City Attorney, is inserted in the proper place in each of the official copies.

Section 3. At least three copies of this City Code shall at all times be on file and available for inspection in the office of the Clerk.

Passed and Approved by the Mayor and Council this 8th day of April, 2014.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

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TITLE I

ADMINISTRATIVE

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## CHAPTER 1

### ADOPTION OF OFFICIAL CODE

#### SECTION:

- 1-1-1: Title
- 1-1-2: Acceptance
- 1-1-3: Amendments
- 1-1-4: Construction of Words
- 1-1-5: Definitions

1-1-1: **TITLE:** This compilation and codification of the general ordinances of the City of Tilden is hereby declared to be and shall hereafter constitute the Official City Code of the City of Tilden. Any reference made to the number of any Section contained herein shall be understood to refer to the position of the same under its appropriate Title heading, its Chapter heading, and its Section heading, and to the general penalty clause relating thereto, as well as to the Section itself, when reference is made to this Code by title in any legal document.

1-1-2: **ACCEPTANCE:** The City Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of a general and permanent effect of the City.

1-1-3: **AMENDMENTS:** Any ordinance amending this Code shall set forth Sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this Code. All such amendments or revisions by ordinance shall be immediately forwarded to the printer and the ordinance material shall be prepared for insertion in its proper place in each copy of this City Code. Each such replacement page shall be properly identified and shall be inserted in each copy of this City Code within thirty (30) days from the date of its final passage.

1-1-4: **CONSTRUCTION OF WORDS:** Whenever any word in any Section of this City Code importing the plural number is used, in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this City Code by words importing the singular number only, or the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any Section of this City Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.



1-1-5: DEFINITIONS: The term "knowingly" imports only a knowledge that the facts exist which brings the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.

The term "neglect," "negligence," "negligent," and "negligently" imports a want of such attention to the nature or probable consequences of the act or omission as a prudent man ordinarily bestows in acting in his own concern.

The term "officer" shall include officers and boards in charge of departments and members of such boards. The word "City," "Clerk," "Treasurer," or other such title shall mean City Clerk, City Treasurer, or other City officer as the use may be applicable.

The term "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

The term "person" shall be deemed to include any person, firm, association, corporation, or any organization of any kind.

The term "personal property" includes every description of money, goods, chattels, effects, evidence of rights in action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

The term "streets" includes alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

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

The term "willfully" when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.

The terms "written" and "in writing" may include printing.

Words prohibiting anything being done, except in accordance with a license or permit or authority from a board or officer, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done.

## CHAPTER 2

### SAVING CLAUSE

#### SECTION:

- 1-2-1: Repeal of General Ordinances
- 1-2-2: Public Utility Ordinances
- 1-2-3: Pending Suits

1-2-1: **REPEAL OF GENERAL ORDINANCES:** All general ordinances of the City passed prior to the passage of this Code are hereby repealed, except such as are referred to herein as being still in force or are by necessary implication herein reserved from repeal (subject to the saving clauses herein contained) from which are excluded the following ordinances which are not hereby repealed: tax levy ordinances, appropriation ordinances, ordinances relating to boundaries and annexations, franchise ordinances, and other ordinances granting special rights to persons or corporations, contract ordinances and ordinances authorizing the execution of a contract or the issuance of warrants, salary ordinances, ordinances establishing, naming or vacating streets, alleys or other public places, improvement ordinances, bond ordinances, ordinances relating to elections, ordinances relating to the transfer or acceptance of real estate by or from the City, all special ordinances, and zoning ordinances as amended, excepting as this Code may contain conflicting provisions in which case this Code shall be considered as amending such ordinance in respect to such conflicting provision only.

1-2-2: **PUBLIC UTILITY ORDINANCES:** No ordinance relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this Code or by virtue of the preceding Section, excepting as this Code may contain provision for such matters, in which case this Code shall be considered as amending such ordinance or ordinances in respect of such provisions only.

1-2-3: **PENDING SUITS:** No new ordinance shall be construed or held to repeal a former ordinance, whether such former ordinance is expressly repealed or not, as to any offense committed against such former ordinance or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that the proceedings thereafter shall conform to the ordinances in force at the time of such proceedings, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance takes effect.

The Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance making any new provisions upon the same subject or in any other ordinance.

Nothing contained in this or the preceding Sections shall be construed as abating any action now pending under or by virtue of any general ordinance of the City herein repealed; or as discontinuing, abating, modifying or altering any penalty accrued or to accrue, or as waiving any right of the City under any ordinance or provision thereof in force at the time of adoption of this Code.

## CHAPTER 3

### PENALTY

#### SECTION:

- 1-3-1: Penalty
- 1-3-2: Default; Labor
- 1-3-3: License
- 1-3-4: Application
- 1-3-5: Liability of Officers

1-3-1: PENALTY: Whenever the doing of any act or the omission to do any act constitutes a breach of any Section or provision of this Code and no specific penalty is provided for such breach, any violation of such Section or provision shall be punishable by a fine of not to exceed five hundred dollars (\$500.00) for any one offense, recoverable with costs, and in default of payment by imprisonment in jail for a period not to exceed ten (10) days or both such fine and imprisonment.

1-3-2: DEFAULT; LABOR: Any person in default of payment of any fine or costs imposed may be required to work out such fines and costs upon the public streets, or at any other place that may be provided, at the rate of forty dollars (\$40.00) per day for each day the defendant shall actually work.

1-3-3: LICENSE: Any license granted by the City may, at the direction of the Council, be revoked or suspended, after notice and hearing before the Council, for any violation by the holder of such license, or his agents, servants or employees, of any of the laws, rules and regulations pertaining to the business for which such license was issued, in addition to any other penalties provided by law for such violation.

1-3-4: APPLICATION: The penalty provided in this Chapter shall be applicable to every Section of this Code the same as though it were a part of each and every separate Section. Any person convicted of a violation of any Section of this Code, where any duty is prescribed or obligation imposed, or where any act which is of a continuing nature is forbidden or declared to be unlawful, shall be deemed guilty of a misdemeanor.

In all cases where the same offense is made punishable or is created by different clauses or Sections of this City Code, the prosecuting officer may elect under which to proceed; but not more than one (1) recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever the doing of any act or the omission to do any act constitutes a breach of any Section or provision of this Code and there shall be no fine or

penalty specifically declared for such breach, the provisions of this general penalty clause shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

1-3-5: LIABILITY OF OFFICERS: No provision of this Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the Council to impose such fine or penalty on such officer or employee is specifically and clearly expressed in the Section creating the duty.

## CHAPTER 4

### WARDS

#### SECTION:

1-4-1: Wards, Defined

1-4-2: Polling Places

1-4-1: **WARDS, DEFINED:** The City of Tilden shall be divided into three wards, described as follows:

(a) First Ward shall consist of all territory in the City lying and situated west of the center of Center Street.

(b) Second Ward shall consist of all territory in the City lying and situated east of the center of Center Street and south of the center of Fourth Street, and a line extending from the center of Fourth Street to the east line of the City limits.

(c) Third Ward shall consist of all territory in the City lying and situated east of the center of Center Street and north of the center of Fourth Street, and a line extending from the center of Fourth Street to the east line of the City limits.

1-4-2: **POLLING PLACES:** Each ward shall have a polling place or polling places to be selected as provided by law.

## CHAPTER 5

### COUNCIL

#### SECTION:

- 1-5-1: Members; Qualification; Term
- 1-5-2: Meetings; Quorum
- 1-5-3: Rules of Order
- 1-5-4: President of Council
- 1-5-5: Appointments

1-5-1: MEMBERS; QUALIFICATION; TERM: The Council shall consist of two (2) members for each ward, who shall be qualified electors of the City or residents of the wards from which elected. One (1) Councilmember for each ward shall be elected at each municipal election in even numbered years to serve for a term of four (4) years. The term of office of each Councilmember shall begin the first Tuesday of the month following the day of his election. Upon that day the Councilmembers shall assemble and organize. Any vacancy in the Council shall be filled at the next annual election.

1-5-2: MEETINGS; QUORUM: Regular meetings of the Council shall be held at the Council Chambers on the second Tuesday of each month, and special meetings shall be held whenever called by the Mayor or any four (4) Councilmembers. Two-thirds (2/3) of all the Councilmembers shall constitute a quorum for the transaction of any business, but a lesser number may adjourn, from time to time, and compel the attendance of absent members.

1-5-3: RULES OF ORDER: Council meetings shall be conducted in accordance with the procedure set forth in the most recent revision of the book entitled "Roberts' Rules of Order" so far as the same is applicable thereto.

1-5-4: PRESIDENT OF COUNCIL: The Council shall elect one (1) of the Councilmembers as President of the Council and he or she shall preside at all meetings of the Council in the absence of the Mayor. In the absence of the president, the Council shall elect one (1) of its own body to occupy the place temporarily, who shall be styled Acting President of the Council. The President and Acting President, when occupying the place of Mayor, shall have the same privilege as other members of the Council. All acts of the President or Acting President while acting as Mayor shall be as binding upon the Council and the City as if done by the Mayor.

1-5-5: APPOINTMENTS: At the organizational meeting of the Council, held as provided in Section 1-5-1 of this Code, the Mayor, with the approval of a majority of the Council, shall appoint such officers, commissions, boards, and standing committees as may exist under this Code, as amended or supplemented.

## CHAPTER 6

### MAYOR

#### SECTION:

- 1-6-1: Powers and Duties
- 1-6-2: Veto Power
- 1-6-3: Legislative Recommendations
- 1-6-4: Pardons

1-6-1: **POWERS AND DUTIES:** The Mayor shall preside at all the meetings of the Council and shall have the right to vote when his or her vote shall be decisive on any pending matter, legislation or transaction. He or she shall have the superintending control of all the officers and affairs of the City, and shall take care that the provisions of this Code and other laws of the City are complied with. He or she may administer oaths, and shall sign the commissions and appointments of all the officers appointed in the City.

1-6-2: **VETO POWER:** The Mayor shall have the power to approve or veto any ordinance passed by the Council, and to approve or veto any order, by-law, resolution, award of or vote to enter into any contract, or the allowance of any claim; provided, such measure may be passed over his or her veto by a vote of two-thirds (2/3) of all the members elected to the Council, notwithstanding the veto. If the Mayor neglects or refuses to sign any ordinance, order, by-law, resolution or other measure, and to return the same with his or her objections in writing at the next regular meeting of the Council, the same shall become a law without signature. The Mayor may veto any item of any appropriation bill, and approve the remainder thereof, and the item so vetoed may be passed by the Council over the veto as in other cases.

1-6-3: **LEGISLATIVE RECOMMENDATIONS:** The Mayor shall, from time to time, communicate to the Council such information and recommend such measures as in his or her Opinion may tend to the improvement of the finances of the City, the police, health, comfort and general prosperity of the City, and shall have jurisdiction over all places within five (5) miles of the corporate limits for the enforcement of health or quarantine regulations.

1-6-4: **PARDONS:** The Mayor shall have the power to remit fines and forfeitures after conviction, and to grant reprieves and pardons for all offenses under the laws of the City.



## CHAPTER 7

### ORDINANCES AND RESOLUTIONS

#### SECTION:

- 1-7-1: Enactment of Ordinances and Resolutions
- 1-7-2: Passage of Ordinances and Resolutions
- 1-7-3: Style of Ordinances; Publication

1-7-1: ENACTMENT OF ORDINANCES AND RESOLUTIONS: All ordinances and resolutions, or orders for the appropriation or payment of money, shall require for their passage or adoption the concurrence of a majority of all members elected to the Council. Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the Council vote to suspend this requirement. In case such requirement shall be suspended, such ordinances shall be read by title and then moved for final passage. Three-fourths of the Council may require a reading of any such ordinance in full before enactment under either procedure set out in this section. Ordinances shall contain no subject which shall not be clearly expressed in the title, and no ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended, and the ordinance or section so amended shall be repealed; provided, for an ordinance revising all the ordinances of the City, the title need only state that the ordinance revises all the ordinances of the City. Under such title all the ordinances may be revised in sections and chapters, or otherwise, and corrected, added to, and any part suppressed, and may be repealed with or without saving clause as to the whole or any part, without other title.

1-7-2: PASSAGE OF ORDINANCES AND RESOLUTIONS: On the passage or adoption of every by-law or ordinance, and every resolution or order to enter into a contract by the Council, the yeas and nays shall be called and recorded. To pass or adopt any by-law, ordinance or any such resolution or order, a concurrence of a majority of the whole number of members elected to the Council shall be required. All appointments of the officers by the Council shall be made viva voce; and the concurrence of a like majority shall be required, and the names of those, and for whom they voted, on the vote resulting in an appointment, shall be recorded.

1-7-3: STYLE OF ORDINANCES; PUBLICATION: The style of all ordinances shall be: "Be it ordained by the Mayor and Council of the City of Tilden." All ordinances of a general nature shall, before they take effect, be published, within fifteen days after they are passed, (1) in some newspaper published in the City, but if no paper is published in the City, then by posting a written or printed copy thereof in each of three public places in the City, or (2) by publishing the same in book or pamphlet form; provided, in case of riot, infectious or contagious diseases, or other impending danger, failure of public

utility, or any other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the Mayor, posted in at least three of the most public places in the City. Such emergency ordinance shall recite the emergency and be passed by a three-fourths vote of the Council, and entered of record on the Clerk's minutes. The passage, approval, and publication or posting of all ordinances shall be sufficiently proved by a certificate under seal of the City from the Clerk, showing that such ordinance was passed and approved, and when and in what paper the same was published, or when and by whom and where the same was posted. When ordinances are printed in book or pamphlet form, purporting to be published by authority of the Council, the same need not be otherwise published, and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances as of the dates mentioned in such book or pamphlet, in all courts without further proof.

## CHAPTER 8

### OFFICERS AND EMPLOYERS

#### SECTION:

- 1-8-1: Salaries; Statutory Officers
- 1-8-2: Salaries; Other Officers and Employees
- 1-8-3: Fees Earned; Disposition
- 1-8-4: No Diminution or Increase During Term
- 1-8-5: Mileage, Expenses, Clerical Assistance
- 1-8-6: Merger of Officers or Employments
- 1-8-7: Bonds of Officers
- 1-8-8: Qualifications of Officers
- 1-8-9: Term of Office
- 1-8-10: Vacancy
- 1-8-11: Oaths

1-8-1: SALARIES; STATUTORY OFFICERS: Salaries of the Mayor, each Councilmember, and the City Attorney of the City of Tilden shall be payable monthly or quarterly and set in such amounts as fixed and determined by the Council by resolution at the time of their employment or when the annual budget is made or at any other time. Claims for the salaries of such officers as fixed herein need not be verified as other claims against the City, and warrants for the amounts due shall be issued as a matter of course.

1-8-2: SALARIES; OTHER OFFICERS AND EMPLOYEES: The salaries or wages of all other officers and employees of the City of Tilden shall be payable semi-monthly and set in such amounts as fixed and determined by the Council by resolution at the time of their employment or when the annual budget is made or at any other time.

1-8-3: FEES EARNED, DISPOSITION: In consideration of the foregoing salaries paid city officers and employees, all fees earned by any or all of them in connection with their official duties, unless otherwise provided by ordinance, shall be the property of the City and shall be promptly paid over to the Treasurer.

1-8-4: NO DIMINUTION OR INCREASE DURING TERM: The compensation of any officer whose election or appointment is required by Chapter 17 of the Nebraska Revised Statutes, as amended, shall not be increased or diminished during the term for which he or she was elected or appointed.

1-8-5: MILEAGE, EXPENSES, CLERICAL ASSISTANCE: The salaries and compensation herein fixed shall not be construed to preclude the additional payment of mileage and expenses to City officers and employees, if and when claims are duly filed, audited and allowed therefore; clerical assistance in the offices of the Mayor, City Clerk-City Treasurer, and City Attorney, as approved

and ratified from time to time by the Council, is hereby authorized and claims therefore out of the proper fund may be presented, audited and allowed monthly.

1-8-6: MERGER OF OFFICES OR EMPLOYMENTS: The Mayor and City Council may, by ordinance, merge elective offices, appointive offices, and employments, except Mayor and Councilmember, so that one or more offices or employments may be held by the same officer or employee at the same time; provided, the offices and employments so merged shall be limited to the combination of official duties for which are agreed compensation shall be paid; provided further, the salary or compensation of the officer or employee holding the merged offices or employments, shall not be in excess of the maximum amount provided by law for the salary or compensation of the offices or employments so merged, and shall be included in the annual estimate and annual appropriation bill.

1-8-7: BONDS OF OFFICERS: Before entering upon the duties of their respective offices and within the time limited by law, each of the following officers shall execute a bond to the City with good and sufficient sureties in the penal sums hereinafter set forth:

Clerk	\$1,000.00
Treasurer	1,000.00
Police Chief	1,000.00
Other Police Officers	1,000.00
Water Commissioner	5,000.00
Electrical Inspector	1,000.00
Plumbing Inspector	1,000.00

Provided, if any other bonded city officer is appointed and qualifies for the office of Plumbing Inspector, no additional bond shall be given or required. All bonds furnished pursuant to the provisions of this Section shall be approved by the Council. They shall be presented for approval at the time of the appointment or election of the officers and shall run to the City and any person who may be injured by reason of a breach of the condition of such bond, and all bonds shall be conditioned for the faithful and true performance of the sworn duties of the office to which the principal has been elected or appointed, whether imposed by the provisions of this Code or by the laws of the State imposing duties and obligations upon the officers of the City. Bond shall be filed with the Clerk and shall be recorded by him or her in the bond record of the City.

1-8-8: QUALIFICATIONS OF OFFICERS: All officers shall be qualified electors of the City, entitled to vote at all elections.

1-8-9: TERM OF OFFICE: All officers appointed by the Mayor and confirmed by the Council shall hold the office to which they are appointed to coincide with the complete term of the Mayor. Appointed officers may be removed via public hearing and on the action of the Mayor and majority of the elected Council.

1-8-10: VACANCY: Vacancies in elective offices may be filled by appointment by the Mayor with the concurrence of the majority of the Council to hold office until the next general election.

1-8-11: OATHS: All officers of the City whether elected or appointed shall, before entering upon the duties of their respective offices, declare and subscribe the oath of office prescribed in Chapter 11 of the Nebraska Revised Statutes.

## CHAPTER 9

### CLERK

#### SECTION:

1-9-1: Appointment

1-9-2: Duties

1-9-1: APPOINTMENT: The Mayor shall, by and with the consent of the Council, appoint a Clerk to hold office until his or her successor is appointed and qualified, unless sooner removed by the appointing authority.

1-9-2: DUTIES: The Clerk shall have the custody of all laws and ordinances, and shall keep a correct journal of the proceedings of the Council; he or she shall also keep a record of all the outstanding bonds against the City, showing the number and amount of each for and to whom issued; and when any bonds are purchased, or paid, or canceled, the record shall show the fact. In his or her annual report he or she shall describe particularly the bonds issued and sold during the year, and the terms of sale, with each and every item of expense thereof.

He or she shall make at the end of each month a report showing the amount of appropriation to each fund, and the whole amount of warrants drawn thereon. He or she shall cause notice of a special meeting of the Council to be served on all members of the Council, whenever requested by the Mayor or any four (4) members of the Council to do so; such notice shall state the time when and the purpose for which the special meeting is to be held. The Clerk, in addition to the duties hereinbefore imposed, shall also keep a record of all licenses issued by him or her under the provisions of this Code, and he or she shall cause the publication and procure and preserve certificates evidencing the same, of all resolutions, ordinances, notices and other actions required to be published.

He or she shall have the custody of the Corporate Seal of the City and shall certify and attest by his or her signature and the Seal of the City, all public instruments, official acts, copies of original documents, records or proceedings whenever requested to do so and shall perform such other and further additional duties as the Mayor and Council, from time to time, may by resolution or otherwise request.

## CHAPTER 10

### TREASURER

#### SECTION:

1-10-1: Appointment

1-10-2: Duties

1-10-1: APPOINTMENT: The Mayor shall, by and with the consent of the Council, appoint a Treasurer to hold office until his or her successor is appointed and qualified, unless sooner removed by the appointing authority.

1-10-2: DUTIES: The Treasurer shall: be the custodian of all money belonging to the City; keep a separate account of each fund or appropriation, and the debts and credits belonging thereto; give to every person paying money into the treasury a receipt therefore, specifying date of payment, and on what account paid; file a copy of such receipts, except tax receipts, with his or her monthly reports.

He or she shall at the end of each and every month, and as often as may be requested by any member of the Council, render an account to the Council, under oath, showing the state of the treasury at the date of such account, the amount of money remaining in each fund and the amount paid therefrom and the balance of money in the treasury. He or she shall also accompany such account with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her with vouchers held by him or her, which shall be filed with his or her account in the office of the Clerk, and shall produce and show all funds shown by such report to be on hand, or satisfy the Council or its committee that such funds are in his or her custody or control. If the Treasurer neglects or fails for the space of ten (10) days from the end of each and every month to render his or her account, strictly in accordance with the provisions of this Chapter, his or her office may, by resolution of the Mayor and Council, be declared vacant, and the Mayor shall appoint and the Council confirm some person to fill the vacancy, until the next election for City officers.

## CHAPTER 11

### ATTORNEY

#### SECTION:

- 1-11-1: Appointment
- 1-11-2: Duties
- 1-11-3: Term of Office

1-11-1: APPOINTMENT: At the first meeting of the Council, succeeding his election, the Mayor shall, by and with the consent of a majority of the Council, appoint an Attorney and such Attorney may be removed for cause at any time by a vote of a majority of all the members of the Council with the approval of the Mayor.

1-11-2: DUTIES: The Attorney shall be the legal advisor of the Council and City officers, and shall commence, prosecute and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the City or that may be ordered by the Council. The Attorney shall attend meetings of the Council, when requested by it, and give an opinion, upon request of the Council or any City officer, either orally or in writing, on all matters of law in which the interests of the city may be involved. The Attorney shall draw such ordinances, bonds, contracts, franchises, and other writings as may be required in the administration of the affairs of the City, and shall examine and render an opinion on all bonds, contracts, franchises, and documents upon which the Mayor and Council are required to act. The Attorney shall perform such other duties as may be imposed upon him or her by general law or by ordinance. The Attorney may appoint a deputy city attorney whose duties shall be prescribed by ordinance.

1-11-3: TERM OF OFFICE: The Attorney shall hold office until the end of the term for which the Mayor was elected or until his successor has been appointed and has qualified. The Attorney shall be an attorney of good ability and standing and licensed to practice law in the State of Nebraska.



## CHAPTER 12

### PHYSICIAN

#### SECTION:

1-12-1: Appointment

1-12-2: Duties

1-12-1: APPOINTMENT: The Mayor shall, by and with the consent of the Council, appoint a Physician to hold office until his successor is appointed and qualified, unless sooner removed by the appointing authority.

1-12-2: DUTIES: The Physician shall be a member of the Board of Health and perform the duties devolving upon him or her as medical advisor of such board. It shall be his or her duty immediately to investigate any case of personal injury where liability may be asserted against the City. The results of such investigation shall be furnished in writing to the Mayor. It shall further be his or her duty to give counsel and advice to City officers upon City medical and sanitary matters, and perform such further duties as may be prescribed by ordinance.

## CHAPTER 13

### ENGINEER

#### SECTION:

1-13-1: Appointment

1-13-2: Duties

1-13-1: APPOINTMENT: The Mayor shall, by and with the consent of the Council, appoint an Engineer to hold office until his or her successor is appointed and qualified, unless sooner removed by the appointing authority.

1-13-2: DUTIES: The Engineer shall make a record of the minutes of surveys and of all work done for the City, including sewers, extensions of water system and heating system, electric light and sewerage system and power plant, if any. He or she shall, when directed by the Mayor and Council, accurately make all such plats, sections, profiles and maps as may be necessary in any work for the City. He or she shall upon request of the Mayor and Council make estimate of the costs of labor and material which may be done or furnished by contract with the City, and make all surveys, estimates and calculations necessary for the establishment of grades, bridges or culverts and for the building, constructing or repairing of any public improvement of the City and file the same with the Clerk. All records of the Engineer shall be public records, shall belong to the City and shall be turned over to his or her successor. He or she shall, when directed by the Mayor and Council, inspect all works of public improvement, and, if found to be properly done, shall accept the same and forthwith report his acceptance to the Council. He or she shall estimate the cost of all proposed municipal utilities and public improvements, together with any extensions thereof, which the Council proposes to construct or improve. The Mayor and Council, whenever they deem it expedient, may employ a Special Engineer to make or assist in making any particular estimate or survey. He or she shall perform such other duties in the line of his work as may be requested or required by the Mayor and Council.

CHAPTER 14

[Reserved]

## CHAPTER 15

### IMPEACHMENT

#### SECTION:

- 1-15-1: Removal; Causes
- 1-15-2: How Charge May be Made
- 1-15-3: Failure to Appear and Deny Charge
- 1-15-4: Charge Denied; Proceedings
- 1-15-5: Notice; How Served
- 1-15-6: Trial; How Conducted

1-15-1: **REMOVAL; CAUSES:** All City officers may be charged, tried and removed from office for official misconduct in the manner and for the causes following:

- (A) For habitual and willful neglect of duty.
- (B) For gross impartiality.
- (C) For oppression.
- (D) For extortion.
- (E) For corruption.
- (F) For malfeasance in office.
- (G) For conviction of a felony.
- (H) For drunkenness.

1-15-2: **HOW CHARGE MAY BE MADE:** Any person may make such charge in writing and under oath, specifying the nature of the misconduct or malfeasance and file the same with the Clerk. Such charge and specifications shall be read at any regular meeting of the Council, or at any special meeting called therefore and a copy of such charge, certified by the Clerk, together with a notice to show cause at the next regular meeting of the Council, why he or she should not be removed from office, shall be served upon the officer so accused, at least five (5) days before the time fixed to show cause.

1-15-3: **FAILURE TO APPEAR AND DENY CHARGE:** In case any officer accused as aforesaid shall neglect to appear and file a denial in writing, or render a satisfactory reason for not doing so, at the first regular meeting of the Council, after being notified in the manner provided herein, the charge and specifications shall be taken as true and the Council shall declare the office vacant.

1-15-4: **CHARGE DENIED; PROCEEDINGS:** In case any officer accused as aforesaid shall file a denial of such charge and specifications in writing, the Council shall forthwith proceed to hold a hearing on the charge against such officer. If, after such hearing at which the officer shall have a right to be heard, the Council is satisfied that the officer is guilty of any of the offenses

herein mentioned, the Council shall cause such finding to be entered upon its minutes and declare the office vacant.

1-15-5: NOTICE; HOW SERVED: The notice provided for in Section 1-15-2 may be served by any police officer of this City, and the return of such officer shall be sufficient evidence of the service of the same. Service and return of every such notice shall be in the manner provided by law for the service of summonses in state courts.

1-15-6: HEARING; HOW CONDUCTED: The proceedings at the hearing of any person under the provisions of this Chapter shall be as nearly like those in ordinary actions at law as the nature of the case will admit.

## CHAPTER 16

### ELECTIONS

#### SECTION:

1-16-1: Elections; Date; Time

1-16-2: Partisan Election

1-16-1: ELECTIONS; DATE; TIME: The City of Tilden shall hold its municipal election for the year 1984 and all succeeding municipal elections, on the date of the statewide general election for the State of Nebraska. Such election shall be held in accordance with the provisions of Chapter 32 of the Nebraska Revised Statutes, as amended. At the time of the general municipal election for the year 1986, and every four years thereafter, there shall be elected a Mayor who shall serve for four years. At each municipal election in even numbered years starting in 1984, there shall also be elected one Councilmember for each Ward who shall serve for four years.

1-16-2: PARTISAN ELECTION: Candidates for election to municipal office shall file and run on a partisan basis as provided by Chapter 32 of the Nebraska Revised Statutes, as amended.

## CHAPTER 17

### DEPOSITORY

#### SECTION:

- 1-17-1: Deposit of Funds
- 1-17-2: Local Bank Deposits
- 1-17-3: Bond or Pledge

1-17-1: DEPOSIT OF FUNDS: The City Treasurer shall deposit and at all times keep on deposit, in state or national banks, of approved and responsible standing, all money collected, received or held by the Treasurer under the terms and conditions hereinafter set forth and subject to all regulations provided by law.

1-17-2: LOCAL BANK DEPOSITS: If there is one or more banks in the City of Tilden that shall apply for the privilege of keeping such money and furnish the security for repayment of deposits, as provided by law, such bank or banks shall be selected as such depositories. If two or more banks are located within the City of Tilden and both apply for the privilege of keeping such money and furnish the security required by law, then the Treasurer shall not give a preference to any one or more of them in the money that may be deposited. Deposits may be kept in interest bearing accounts or securities in the bank or banks as are paying the maximum allowable interest on such interest bearing accounts or securities. Nothing in this Chapter shall authorize the Treasurer to place money in any bank in excess of the limitations provided by state or federal law.

1-17-3: BOND OR PLEDGE: The Council shall require from all such banks a bond in such penal sum as may be the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation, or, in lieu thereof, may accept a pledge of sufficient assets of any bank to secure the payment of all deposits and accretions. The Council shall approve such bond or pledge.

## CHAPTER 18

### REVENUE AND FINANCES

#### SECTION:

- 1-18-1: Fiscal Year
- 1-18-2: Property Tax; Levy
- 1-18-3: Annual Appropriation Bill
- 1-18-4: Expenditure
- 1-18-5: Warrants; Issuance

1-18-1: FISCAL YEAR: The fiscal year of the City shall commence on the first day in October.

1-18-2: PROPERTY TAX; LEVY: The Mayor and Council shall have power to levy and collect taxes for all municipal purposes on all real estate and personal property within the corporate limits of the City taxable according to Nebraska law. All City taxes, both real and personal, except special assessments otherwise provided for, shall become due on the first day of December of each year.

At the time provided for by law, the Council shall cause to be certified to the County Clerk the percentage on the dollar of taxes levied for all purposes by them on the taxable property within the City for the year then ensuing, as shown by the assessment roll for such year, including all special assessments and taxes. The Clerk shall place the same on the proper tax list to be collected in the manner provided by law for the collection of state and county taxes.

1-18-3: ANNUAL APPROPRIATION BILL: Before October 1 of each year, the City Council shall pass an ordinance, to be termed the annual appropriation bill, in which the Council may appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the City, not exceeding in the aggregate the amount of tax authorized to be levied. The ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. Any balance unexpended and unobligated at the end of the fiscal year shall, unless reappropriated, lapse to the general fund.

1-18-4: EXPENDITURES: The Mayor and City Council shall have no power to appropriate, issue or draw any order or warrant on the Treasurer for money, unless the same has been appropriated or ordered by ordinance, or the claim for the payment of which such order or warrant is issued has been allowed as provided in Sections 1-19-2 and 1-19-3, and funds for the class or object out of which such claim is payable have been included in the adopted budget statement or transferred according to law.



1-18-5: WARRANTS; ISSUANCE: All warrants drawn upon the Treasury must be signed by the Mayor and countersigned by the Clerk, stating the particular fund to which the same is chargeable, the person to whom payable, and for what particular object. No money shall be otherwise paid than upon such warrants so drawn. Each warrant shall specify the amount included in the adopted budget statement for such fund upon which it is drawn, and the amount already expended of such fund.

## CHAPTER 19

### CONTRACTS; CLAIMS

#### SECTION:

- 1-19-1: Contracts; Appropriation Required
- 1-19-2: Claims; Filing; Costs
- 1-19-3: Claims; Allowance; Payment

1-19-1: CONTRACTS; APPROPRIATION REQUIRED: No contract shall be made by the Council or any committee or member thereof and no expense shall be incurred by any of the officers or departments of the City, whether the object of the expenditure shall have been ordered by the Council or not, unless an appropriation shall have been previously made concerning such expense, except as herein otherwise expressly provided.

1-19-2: CLAIMS; FILING; COSTS: All claims against the City must be presented to the Council in writing, with a full account of the items, and no claim or demand shall be audited or allowed unless presented as provided for in this section. No costs shall be recovered against the City in any action brought against it for any unliquidated claim which has not been presented to the Council to be audited, nor upon claims allowed in past, unless the recovery shall be for a greater sum than the amount allowed, with the interest due.

1-19-3: CLAIMS; ALLOWANCE; PAYMENT: Upon the allowance of claims by the Council, the order for their payment shall specify the particular fund or appropriation out of which they are payable as specified in the adopted budget statement. No order or warrant shall be drawn in excess of eighty-five percent of the current levy for the purpose for which it is drawn, unless there shall be sufficient money in the treasury at the credit of the proper fund for its payment; provided, that in the event there exists at the time the warrant is drawn, obligated funds from the federal government or the State of Nebraska, or both, for the general purposes of such warrant, then such warrant may be drawn in excess of eighty-five percent of the current levy for the purpose for which it is drawn to the additional extent of one hundred percent of such obligated federal or state funds. No claim shall be audited or allowed unless an order or warrant for the payment thereof may be legally drawn.

TITLE II

COMMISSIONS AND BOARDS

Subject	Chapter
Board of Health .....	1
Library Board .....	2
Board of Park and Recreation Commissioners.....	3
Joint Planning Commission .....	4
Hospital Board .....	5
Cemetery Board .....	6
Board of Housing Rehabilitation .....	7
Tree Board .....	8
Municipal Facilities Corporation .....	9
Community Development Agency .....	10

## CHAPTER 1

### BOARD OF HEALTH

#### SECTION:

- 2-1-1: Board Created
- 2-1-2: Records
- 2-1-3: Quarantine
- 2-1-4: Sanitation

2-1-1: **BOARD CREATED:** A Board of Health is hereby created in and for the City, which Board shall consist of four (4) members, the Mayor, who shall be chairman, a physician, who shall be medical advisor, the President of the City Council, and the Chief of Police, who shall be secretary and quarantine officer. A majority of the Board shall constitute a quorum and shall enact rules and regulations, which shall have the force and effect of law, to safeguard the health of the people of the City, and prevent nuisances and unsanitary conditions.

2-1-2: **RECORDS:** The Board of Health shall keep a record of all its transactions, which records shall be filed with the City Clerk and made a public record of the City to be accessible to the public for inspection in the office of the Clerk during hours such office is open.

2-1-3: **QUARANTINE:** It shall be the duty of the physician medical advisor, upon receiving a report of a contagious or infectious disease, to determine the nature and extent of the disease, and if he or she determines the disease to be malignant and dangerous to health and life, he or she shall quarantine the patient and all persons exposed to the disease by forbidding them from leaving the house or building wherein the disease is found until after danger has passed.

The physician medical advisor, and the Chief of Police, shall have the right to enter, at all reasonable hours, any house or building within the City in which they shall have reason to believe that any person is confined with a contagious disease, or to enforce any rules and regulations enacted by the Board of Health.

2-1-4: **SANITATION:** The Board of Health, by rules and regulations, shall provide an orderly method for the removal of garbage, rubbish, trash, or waste from private premises to the designated City dumping ground. No such substances shall be dumped or disposed of in or near Giles Creek within the corporate limits of the City.

## CHAPTER 2

### LIBRARY BOARD

#### SECTION:

- 2-2-1: Library Established
- 2-2-2: Library Board
- 2-2-3: Board Procedure and Powers
- 2-2-4: Librarians and Regulations
- 2-2-5: Reports to Council
- 2-2-6: Library Fund
- 2-2-7: Donations
- 2-2-8: Destruction of Library Property; Penalty

2-2-1: **LIBRARY ESTABLISHED:** The public library and reading room now existing in the City is hereby established and continued as a public library and reading room which shall be forever kept and maintained by the City and shall be known as the Tilden Public Library and Reading Room. Whenever in this ordinance there shall be used the words "library" the same shall be construed to include the Tilden Public Library and Reading Room.

2-2-2: **LIBRARY BOARD:** A Library Board is hereby created in and for the City, which Board shall consist of five (5) members to be appointed from the citizens at large, of which Board neither the Mayor nor any member of the City Council shall be a member. Members shall be appointed by a majority vote of the City Council. In 1984 and every fourth year thereafter, two members shall be appointed for four-year terms. In 1986 and every fourth year thereafter, three members shall be appointed for four-year terms. The City Council shall fill for the unexpired term any vacancy by resignation, removal, or otherwise. No member shall receive any pay or compensation for services as a member of the Library Board.

2-2-3: **BOARD PROCEDURE AND POWERS:** The members shall, at their first meeting in July of each year, organize by electing from their number a president, secretary, and such other officers as may be necessary. Three of such Board shall constitute a quorum; provided, any motion, resolution, or order passed by the Board in order to be valid shall require the vote or assent of three members of the Library Board. The members shall have the power to adopt such by-laws, rules, and regulations for their guidance and for the government of the library as they may deem expedient, subject to the supervision and control of the Mayor and Council and not inconsistent with this ordinance. Any by-laws, rules, or regulations established by the Library Board may be amended by the Mayor and Council. The Board shall have exclusive control of the expenditure of all money collected or donated to the credit of the library fund, and the exclusive control of all library property, and of the renting or construction of any library building and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set

apart for that purpose. The City Treasurer shall be treasurer ex officio of the Library Board and as such shall have physical custody of all of the Board's funds, moneys, credits, securities, and financial assets.

2-2-4: LIBRARIANS AND REGULATIONS: The Library Board shall have power to appoint a suitable librarian and assistants, to fix their compensation, and remove appointees at pleasure, and shall have power to establish such regulations for the government of such library as may be deemed necessary for its preservation, and to maintain its usefulness and efficiency they shall fix and impose by general rules, penalties, and forfeitures for trespass or injury upon or to the library building, grounds, rooms, books, or other property or for the failure to return any book or for violation of any by-law or regulation, and shall have and exercise such power as may be necessary to carry out the spirit and intent of this ordinance in establishing and maintaining a public library.

2-2-5: REPORTS TO COUNCIL: The Library Board shall, on or before the second Monday in June each year, make a report to the Mayor and Council of the condition of their trust on the first day of June of each year, showing all funds received and expended, numbers of books or periodicals on hand, newspapers, and current literature subscribed for or donated to the reading room department; the number of books or periodicals purchased or acquired by gift during the year, the number lost or missing, the number of visitors attending, the number and character of books loaned or issued, with such statistics, information, and suggestions as may be deemed of general interest or as the Council may require, which report shall be verified by affidavit of the proper officers of the Board; and the Library Board shall make such other reports from time to time as the Mayor and Council shall request or order.

2-2-6: LIBRARY FUND: There shall be levied and appropriated annually for the support and maintenance of a public library and reading room a tax of not more than one and one-half mills upon the dollar of the actual valuation of real and personal property of City; and the same shall be levied, appropriated, collected, and expended and known as the library fund. All funds received by the Board or by any librarian or assistant of the library from any source for the use and support thereof, shall be paid monthly to the City Treasurer. All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of such public library shall be kept for the use of such library, separate and apart from other funds of the City, and shall be drawn upon and paid out by the City Treasurer upon vouchers signed by the president of the Library Board, and authenticated by the secretary of such Board, and shall not be used or disbursed for any other purpose or in any other manner.

2-2-7: DONATIONS: Any person may make any donation of money, lands, or property for the benefit of such library, and the title to the property donated may be made to and shall vest in the City for the public library, and such property shall thereupon be exempt from taxation. The president shall have the power to release, upon full payment, any mortgage constituting a credit to the library fund outstanding in the name of such Library Board and the signature

of the president on any such release shall be authenticated by the secretary of the Board. The president and secretary in like manner, upon resolution duly passed and adopted by the Board, may renew any such mortgage.

2-2-8: DESTRUCTION OF LIBRARY PROPERTY; PENALTY: Any person who willfully, maliciously, or intentionally writes upon, injures, defaces, tears, or destroys any book, periodical, engraving, or property or thing of any value belonging to the public library shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense.

## CHAPTER 3

### BOARD OF PARK AND RECREATION COMMISSIONERS

#### SECTION:

- 2-3-1: Board Created
- 2-3-2: Board Procedure and Powers
- 2-3-3: Park Fund
- 2-3-4: Destruction of Park Property
- 2-3-5: Fishing in Park Pond
- 2-3-6: Use of Park Pond

2-3-1: **BOARD CREATED:** A Board of Park and Recreation Commissioners is hereby created in and for the City, which Board shall consist of five (5) members to be appointed from the citizens at large, of which Board neither the Mayor nor any member of the City Council shall be a member. Members shall be appointed by the Mayor with the advice and consent of the Council. In 1984 and every fourth year thereafter, two members shall be appointed for four year terms. In 1986 and every fourth year thereafter, three members shall be appointed for four-year terms. The Mayor with the advice and consent of the Council shall fill for the unexpired term any vacancy by resignation, removal, or otherwise.

2-3-2: **BOARD PROCEDURE AND POWERS:** The members shall, at their first meeting each year, organize by electing from their number a president, secretary, and such other officers as may be necessary. Three of such Board shall constitute a quorum; provided, any motion, resolution, or order passed by the Board in order to be valid shall require the vote or assent of three members of the Board. The Board of Park and Recreation Commissioners shall have the management and control of all parks, parked areas within the limits of public streets, public grounds for recreational and conservational purposes, playgrounds, air fields, athletic fields, swimming pools, and all other recreational facilities belonging to the City.

2-3-3: **PARK FUND:** The Mayor and Council shall each year make and levy a tax of not exceeding one mill on the dollar of actual valuation on all real estate and personal property within the City, taxable according to the laws of this State; and the levy, when collected, shall be put into the City Treasury and shall constitute the park fund of the City. The funds so collected shall be used for laying out, maintaining, improving, and beautifying City parks and recreational facilities, and for the payment of salaries and wages of persons employed in the performance of labor done on the various municipal activities under the jurisdiction of the Board of Park and Recreational Commissioners. All moneys derived from taxation, donation, or any other source intended to be used for park purposes in and for the City, shall be held by the City Treasurer and kept separate and apart from all other funds. All claims against the park fund shall be audited by the Board of Park and Recreation Commissioners and



warrants for payment of claims shall be drawn by the president of the Board and shall be countersigned by the secretary thereof, and no park funds shall be disbursed in any other manner or shall be used for any purpose other than park and recreation purposes. A report of the doings of the Board shall be submitted to the Mayor and Council on or before the second Monday in April of each year. All warrants so drawn and countersigned shall be paid by the City Treasurer out of the park fund. The City Treasurer shall be treasurer ex officio of the Board.

2-3-4: DESTRUCTION OF PARK PROPERTY: Any person who shall cut down, injure, or destroy any tree, plant, or shrub, or who shall injure or destroy any building, equipment, or facilities belonging to the City, and installed in its parks or on any other public property used in connection with any municipal activity under the jurisdiction of the Board of Park and Recreation Commissioners, or who shall commit any waste of any kind upon the property of such activity, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not less than twenty five dollars (\$25.00), nor more than five hundred dollars (\$500.00).

2-3-5: FISHING IN PARK POND: Fishing is permitted in the pond of the Tilden Community Park from the bank of the pond only. Limitations are as follows: Largemouth Bass, 21 inch minimum length limit and 1 fish daily bag limit; Panfish, 5 fish daily bag limit; Channel Catfish, 3 fish daily bag limit. The City shall cause proper signs to be made, erected and maintained, setting forth these regulations. A violation of any provision of this section, shall be punishable, upon conviction, by a fine not exceeding five hundred dollars (\$500.00) for each offense.

2-3-6: USE PARK POND: No one shall be allowed to place or use motorized boats or motorized watercraft of any kind in the pond of the Tilden Community Park at any time. No one shall be allowed to swim or wade in the pond of the Tilden Community Park at any time. No one shall be allowed to ice skate or otherwise enter onto any ice on the pond of the Tilden Community Park at any time. The City shall cause proper signs to be made, erected and maintained, setting forth these regulations. A violation of any provision of this section, shall be punishable, upon conviction, by a fine not exceeding five hundred dollars (\$500.00) for each offense.

## CHAPTER 4

### JOINT PLANNING COMMISSION

#### SECTION:

- 2-4-1: Municipal Plan Authority
- 2-4-2: Authority for Joint Planning Commission

2-4-1: MUNICIPAL PLAN AUTHORITY: The City of Tilden is authorized to make, adopt, amend, extend, and carry out a municipal plan as provided by law.

2-4-2: AUTHORITY FOR JOINT PLANNING COMMISSION: The City of Tilden is authorized to join with any incorporated villages, cities, or counties that are eligible and may wish to participate in the creation of the Madison County Joint Planning Commission through the execution of an intergovernmental agreement. The Mayor and Council of the City of Tilden is authorized, for and on behalf of the City, to execute such an agreement for participation by the City, as its corporate act and deed under its corporate name and seal.

## CHAPTER 5

### HOSPITAL BOARD

#### SECTION:

- 2-5-1: Board Created
- 2-5-2: Appointment and Term of Members
- 2-5-3: Organization and Officers of the Board
- 2-5-4: Powers and Duties of the Board
- 2-5-5: Accountable to the Council
- 2-5-6: Hospital Funds

2-5-1: **BOARD CREATED:** There is hereby created a Hospital Board for the City of Tilden to have charge of the Tilden Community Hospital, to be composed of five (5) members who shall be residents of the City, and who shall be appointed by the Mayor with the approval of the Council. The members of the Hospital Board shall serve without pay.

2-5-2: **APPOINTMENT AND TERM OF MEMBERS:** The terms of the initial Board shall commence April 1, 1993, and one (1) member shall be appointed for a one (1) year term, two (2) members for two (2) year terms, and two (2) members for three (3) year terms. As the term of the initial members expire, each year, on or before April 1, the members shall be appointed or reappointed for terms of three (3) years.

2-5-3: **ORGANIZATION AND OFFICERS OF THE BOARD:** The annual meeting of the Board shall be held on the second Tuesday of March of each year in the City Auditorium, at which time the business of the past year shall be completed, the new member or members of the Board installed, and the Board shall elect from its membership, a Chairman, Vice Chairman, and Secretary. Three (3) members of the Board shall constitute a quorum. The Board shall meet monthly on the second Tuesday of each month. It shall be the duty of the Chairman to call a special meeting whenever necessary, or when requested by two (2) members of the Board. The meetings of the Board shall be open to the public and shall in all respects, including notice, comply with the public meetings law. The proceedings of the Board shall be preserved in record books, and the Board shall keep the record books at the office of the City Clerk, open to public inspection.

2-5-4: **POWERS AND DUTIES OF THE BOARD:** It shall be the duty of the Hospital Board to have charge of the Tilden Community Hospital, including the power to establish rules for the management, operation, and use of the same.

2-5-5: **ACCOUNTABLE TO THE COUNCIL:** The Board shall quarterly in July, October, January and April of each year, commencing July, 1993, render a report, in writing, of the operations of the Hospital to the Council, including a report of income and expenses, and make recommendations to the Council.

2-5-6: HOSPITAL FUNDS: All accounts against such hospital funds shall be audited by the Hospital Board, and warrants against such funds shall be drawn by the Chairman, and warrants so drawn shall be paid by the City Treasurer out of such fund.

## CHAPTER 6

### CEMETERY BOARD

#### SECTION:

- 2-6-1: Board Created
- 2-6-2: Appointment and Term of Members
- 2-6-3: Organization and Officers of the Board
- 2-6-4: Secretary
- 2-6-5: Powers and Duties of the Board
- 2-6-6: Accountable to the Council
- 2-6-7: Cemetery Funds
- 2-6-8: Offenses, Penalties

2-6-1: **BOARD CREATED:** There is hereby created a Cemetery Board for the City of Tilden to consist of six members who shall be selected from the citizens at large of the City and who shall be appointed by the Mayor with the approval of the Council. The members of the Cemetery Board shall serve without pay. The Cemetery Board as heretofore appointed, shall constitute the Cemetery Board until the expiration of the terms of the respective members.

2-6-2: **APPOINTMENT AND TERM OF MEMBERS:** In July, 1987, two members shall be appointed to two year terms, two members appointed to four year terms, and two members appointed to six year terms. The terms of the two year members shall expire in July of the second year. At the first meeting of the Council in July of each odd numbered year hereafter, the Mayor shall appoint, subject to the approval of the Council, two members of the Cemetery Board for the term of six years, to fill the vacancies created by the expiration of the terms of the two retiring members. Vacancies occurring in membership of the Board other than by expiration of the terms of the members shall be filled by appointment in like manner and shall be for the unexpired term of the retiring member.

2-6-3: **ORGANIZATION AND OFFICERS OF THE BOARD:** The annual meeting of the Board shall be held on the second Tuesday of July of each year in the City Hall, at which time the business for the past year shall be completed, the new members of the board installed and the Board organized for the ensuing year. At such meeting the Board shall elect from their membership a President and Vice-President. Four members of the Board shall constitute a quorum. The Board shall meet quarterly on the second Tuesday of the month, and when the President calls a special meeting. It shall be the duty of the President to call a special meeting when requested by two members of the Board. The meetings of the Board shall be open to the public, and prior notice of the meeting shall be posted by the Secretary of the Board. The proceedings of the Board shall be preserved in record books, and the Board shall keep the record books at the office of the City Clerk, and such records shall be open to the public as other records of the City.

2-6-4: SECRETARY: The Cemetery Board shall appoint a Secretary from its membership. The duties of the Secretary, in addition to attendance at all meetings of the Board and keeping the records of the proceedings and accounts of the Board, shall be as prescribed by the Board. The Secretary shall have charge of the sale of lots, the preparation of certificates of title thereto, and shall keep a record of all transfers of title, opening of graves, burials, etc., as reported to him or her by the sexton. The Secretary shall collect and receive all monies to become due to the Cemetery Board from the operation of the cemetery and shall deposit the same with the City Treasurer.

2-6-5: POWERS AND DUTIES OF THE BOARD: It shall be the duty of the Cemetery Board to have the entire control and management of the City Cemetery, known as the Tilden City Cemetery, to survey, plat, lay out, improve, and beautify the same in the manner deemed by the Board for the best interest of the City and the inhabitants thereof. The Board may by resolution prescribe rules and regulations for enclosing and adorning, planting and landscaping of all the lots and for the erection of monuments, markers, and other ornaments which may be maintained thereon. Such rules shall be uniform as to particular sections of the cemetery but may vary in the different sections. The Board shall fix the price of lots and the proportion thereof which shall be placed to the credit of the Cemetery Investment Fund, and shall determine the maximum number of lots which may be acquired by any person, or persons, or group of persons. The right of ownership of lots or the ornamentation and care of the same shall not be dependent upon or distinguished by any religious sect or creed. The Board shall also by resolution fix the hours the cemetery shall be open. The Board shall employ a sexton to have charge of the cemetery and may employ such other help as they deem necessary and proper. It shall be the duty of the Board to uniformly maintain the entire cemetery with respect to mowing of grass, sprinkling, seeding and keeping the same clean and free from rubbish. The Board shall pay all lawful claims for expenses incurred by it from the Tilden City Cemetery Account held by the City Treasurer. Such checks for payment shall be signed by the Mayor and City Treasurer.

2-6-6: ACCOUNTABLE TO THE COUNCIL: The Board shall semi-annually, in January and July of each year, render a report in writing of its official accounts and a statement of the lots sold and of its receipts and disbursements. It shall, annually, during July of each year, furnish to the Council an estimate of the annual expenses, and make recommendations to the Council of such sums as may be necessary to raise by taxation for the maintenance of the cemetery.

2-6-7: CEMETERY FUNDS: The following funds are hereby established to be kept by the City Treasurer:

A. CEMETERY FUND: This fund shall consist of all monies received by the Cemetery Board on account of maintenance charges, opening of graves, etc., and in addition thereto the proceeds of any taxes levied by the Council for cemetery purposes, together with interest upon all investments carried in the

Cemetery Investment Fund. Warrants upon this fund shall be paid by the Treasurer when properly drawn by the Cemetery Board as above provided.

B. CEMETERY INVESTMENT FUND: This fund shall consist of that portion of the selling price of lots as determined by the Cemetery Board which shall be allocated to the perpetual care of the cemetery, together with any donations, bequests, or other endowment funds received for the benefit of the cemetery and any principal payments returnable to the fund from previous investments. Warrants upon this fund shall only be drawn for the purpose of investment and reinvestment and shall be signed by the Cemetery Investment Board consisting of the Mayor, City Treasurer and City Clerk. The City Treasurer shall be the custodian of all bonds, certificates, notes, mortgages, and other indicia of title to investments owned by the City for the perpetual care of the cemetery, and for that purpose may rent a safety deposit box with the approval of the Mayor for the safe keeping thereof. All such investments shall be made in the name of the Tilden City Cemetery and shall be made by and under the provision and control of the Cemetery Investment Board as provided by law.

2-6-8: OFFENSES, PENALTIES: Any person who shall wrongfully destroy, mutilate, deface, injure, or remove any tomb, monument, marker or gravestone, or any fence, railing mausoleum, or structure within the Tilden City Cemetery; or, who shall wrongfully destroy, cut, break, injure, or remove any tree, shrub, or plant therein; or who shall enter the cemetery at any time prohibited by the regulations of the Cemetery Board, or who shall violate any of the rules and regulations of the Cemetery Board with respect to planting of trees, shrubs, or plants, or the construction, placing, or maintenance of markers, monuments, fences, or other enclosures about their lots; or who shall wrongfully enter or destroy any tomb or mausoleum shall be deemed guilty of a misdemeanor and upon being found guilty shall be fined in any sum not less than \$25.00 nor more than \$500.00.

## CHAPTER 7

### BOARD OF HOUSING REHABILITATION

#### SECTION:

- 2-7-1: Board Created
- 2-7-2: Appointment and Term of Members
- 2-7-3: Organization and Officers of the Board
- 2-7-4: Accountable to the Council
- 2-7-5: Rehabilitation Funds

2-7-1: **BOARD CREATED:** There is hereby created a Housing Rehabilitation Board for the City of Tilden to formulate written guidelines for the administration of the housing rehabilitation program and to recommend such guidelines to the Council for adoption. The Housing Rehabilitation Board shall further act as an advisory board and shall monitor the program, recommending additions, corrections and amendments to the Council as is necessary and appropriate. The Housing Rehabilitation Board shall further act as an advisory board and shall monitor the program, recommending additions, corrections and amendments to the Council as is necessary and appropriate. The Housing Rehabilitation Board shall be composed of five (5) members who shall be residents of the City or shall have a Tilden residential mailing address, and who shall be appointed by the Mayor with the approval of the Council. The members of the Housing Rehabilitation Board shall serve without pay.

2-7-2: **APPOINTMENT AND TERM OF MEMBERS:** The terms of the initial Board shall commence June 2, 1998, and at the December, 1998, Council meeting, one member shall be appointed for a one-year term, one for a two-year term, one for a three-year term, one for a four-year term, and one for five-year term. As the terms of the initial members thereafter expire each year, on or before the December Council meeting, the members shall be appointed or reappointed for terms of five (5) years.

2-7-3: **ORGANIZATION AND OFFICERS OF THE BOARD:** The annual meeting of the Board shall be held in the month of December each year in the City Auditorium, at which time the business of the past year shall be completed, the new member or members of the Board installed, and the Board shall elect from its membership, a Chairman, Vice Chairman, and Secretary. Three (3) members of the Board shall constitute a quorum. The Board shall adopt a set of bylaws, which shall be approved by the Mayor and Council, to regulate meeting procedures and other matters relative to the operation of the Board. The meetings of the Board shall be open to the public in all respects, and shall be publicized by notice complying with the open meetings law. The proceedings of the Board shall be preserved in record books, and the Board shall keep the record books at the office of the City Clerk, open to public inspection.



2-7-4: ACCOUNTABLE TO THE COUNCIL: The Board shall render written reports to the council, on at least an annual basis, of the operation of the housing rehabilitation program, including a financial report, and shall make recommendations to the Council.

2-7-5: REHABILITATION FUNDS: All accounts and charges against City funds shall be audited by the Housing Rehabilitation Board, and warrants against such funds shall be drawn by the chairman, and warrants so drawn shall be paid by the City Treasurer upon approval by the Council.

## CHAPTER 8

### TREE BOARD

#### SECTION:

- 2-8-1: Board Created
- 2-8-2: Appointment and Term of Members
- 2-8-3: Organization and Officers of the Board
- 2-8-4: Powers and Duties of the Board
- 2-8-5: Definitions
- 2-8-6: Street Tree Species to be Planted
- 2-8-7: Spacing
- 2-8-8: Distance from Curb and Sidewalk
- 2-8-9: Distance from Street Corners and Fire Hydrant
- 2-8-10: Utilities
- 2-8-11: Public Tree Care
- 2-8-12: Tree Topping
- 2-8-13: Pruning, Corner Clearance
- 2-8-14: Dead or Diseased Tree Removal on Private Property
- 2-8-15: Removal of Stumps
- 2-8-16: Interference with Tree Board
- 2-8-17: Arborists License and Bond
- 2-8-18: Review by City Council
- 2-8-19: Violation, Penalty

2-8-1: **BOARD CREATED:** There is hereby created and established a Tree Board for the City of Tilden to consist of five members who shall be appointed by the Mayor with the approval of the Council. The members of the Tree Board shall serve without pay.

2-8-2: **APPOINTMENT AND TERM OF MEMBERS:** The term of the five persons to be appointed by the Mayor shall be three years except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, that member's successor shall be appointed for the unexpired portion of the term.

2-8-3: **ORGANIZATION AND OFFICERS OF THE BOARD:** The Board shall choose its own officers and make its own rules and regulations. A majority of the members shall be a quorum for the transaction of business. The Board shall meet at least quarterly throughout the year. The meetings of the Board shall be open to the public and shall in all respects, including notice, comply with the public meetings law. The proceedings of the Board shall be preserved in journal, and the Board shall keep the journal at the office of the City Clerk, open to public inspection.

2-8-4: **POWERS AND DUTIES OF THE BOARD:** It shall be the responsibility of the Board to study, investigate, council, and to develop and update annually, and administer, a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon its acceptance and approval shall constitute the official city tree plan for the City of Tilden. The Board, when requested by the City Council, shall consider, investigate, make findings, reports and recommendations on any special matter coming within the scope of its work.

2-8-5: **DEFINITIONS:** "Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying within the City right-of-way on either side of all streets, avenues, or ways within the City. "Park trees" are herein deemed as trees, shrubs, bushes and all other woody vegetation in City parks having individual names, and all other areas owned by the City, or to which, the public has free access as a park.

2-8-6: **STREET TREE SPECIES TO BE PLANTED:** The following list constitutes the official street tree species for Tilden, Nebraska. No species other than those included in this list may be planted as street trees without written permission of the Tree Board.

<u>Small Trees</u>	<u>Medium Trees</u>	<u>Large Trees</u>
Apricot	Ash, Green	Coffeetree,
Crabapple,	Hackberry	Kentucky
Flowering	Honeylocust (thornless)	Maple, Silver
Golden Rain Tree	Linden or Basswood	Maple, Sugar
Hawthorne	Mulberry, Red	Oak, Bur
Pear, Bradford	(fruitless, male)	Sycamore
Redbud	Oak, English	Sycamore,
Soapberry	Oak,Red	London plantree
Lilac	Pecan	Cottonwood
Peach, Flowering	Birch, River	(cottonless male)
Plum, Purpleleaf	Persimmon	
Serviceberry	Poplar, White	
	Sassafras	

2-8-7: **SPACING:** The spacing of street trees will be in accordance with the three species size classes listed in Section 6 of this Chapter, and no trees may be planted closer together than the following: Small Trees, 30 feet; Medium Trees, 40 feet; and Large Trees, 50 feet; except in special plantings designed or approved by a landscape architect.

2-8-8: **DISTANCE FROM CURB AND SIDEWALK:** The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in Section 6 of this Chapter, and no trees may be planted closer to any curb or sidewalk than the following: Small Trees, 2 feet; Medium Trees, 3 feet; and Large Trees, 4 feet.

2-8-9: DISTANCE FORM STREET CORNERS AND FIRE HYDRANT: No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 10 feet of any fire hydrant.

2-8-10: UTILITIES: No street trees other than those species listed as Small Trees in Section 6 of this Chapter shall be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

2-8-11: PUBLIC TREE CARE: The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect or other pest. This Section does not prohibit the planting of street trees by adjacent property owners, provided that the selection and location of such trees is in accordance with Sections 6 through 10 of this Chapter.

2-8-12: TREE TOPPING: It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Chapter at the determination of the Tree Board.

2-8-13: PRUNING, CORNER CLEARANCE: Every owner of any tree overhanging any street or right-of-way within the City shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight feet (8') above the surface of the street or sidewalk. Such owners shall remove all dead, diseased or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The City shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

2-8-14: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY: The City shall have the right to cause the removal of any dead or diseased trees on private property within the City, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The Tree Board will notify in writing the owners of such trees. Owners shall, at their own expense, remove such trees within thirty days after receipt of such notice. In the event of failure of owners to

comply with such provisions, the City shall have the authority to remove such trees and levy and assess the cost of removal upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements.

2-8-15: REMOVAL OF STUMPS: All stumps of street trees and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

2-8-16: INTERFERENCE WITH TREE BOARD: It shall be unlawful for any person to prevent, delay or interfere with the Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this Chapter.

2-8-17: ARBORISTS LICENSE AND BOND: It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees with the City without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance; provided, however, that no license shall be required of any public service company or City employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$100,000.00 for bodily injury and \$100,000.00 for property damage indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

2-8-18: REVIEW BY CITY COUNCIL: The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the City Council which shall hear the matter and make a final decision.

2-8-19: VIOLATION, PENALTY: Any violation of any provision of this Chapter, including any rule or regulation adopted hereunder, shall be punishable, upon conviction, by a fine not exceeding five hundred dollars (\$500.00) for each offense.

## CHAPTER 9

### MUNICIPAL FACILITIES CORPORATION

#### SECTION:

- 2-9-1: Formation Approval
- 2-9-2: Articles of Incorporation

2-9-1: **FORMATION APPROVAL:** On November 12, 2003, the Mayor and City Council approved the formation of a not-for-profit corporation under Nebraska law, for the purpose of acquiring specified and suitable buildings, equipment, and facilities for the lease of the same to the City.

2-9-2: **ARTICLES OF INCORPORATION:** The Mayor and City Council also approved the form of the Articles of Incorporation for the corporation, called the City of Tilden Municipal Facilities Corporation, which Articles, after the appointment of the initial three (3) directors, were filed with the Nebraska Secretary of State on February 6, 2004.

## CHAPTER 10

### COMMUNITY DEVELOPMENT AGENCY

#### SECTION:

2-10-1: Agency Created

2-10-2: Agency Functioning

2-10-1: AGENCY CREATED: There shall be and there is hereby created in and for the City of Tilden an agency to be known as the Community Development Agency of the City of Tilden, Nebraska, which shall consist of the Mayor and City Council and which agency shall exercise all of the power and authority granted to a community redevelopment authority in Nebraska Revised Statutes section 18-2101 to 18-2144 and sections 18-2147 to 18-2153, as amended.

2-10-2: AGENCY FUNCTIONING: The agency hereby created shall function in the same manner as the Mayor and City Council and shall exercise such powers as are set forth in the above described statutes and in the manner as shall be deemed appropriate from time to time by the Mayor and City Council as the governing body of the City of Tilden, and as determined by resolution or ordinance duly adopted by such governing body from time to time.

TITLE III

DEPARTMENTS

Subject	Chapter
Water and Sewer Department .....	1
Fire Department .....	2
Police Department .....	3



## CHAPTER 1

### WATER AND SEWER DEPARTMENT

#### SECTION:

- 3-1-1: Water Commissioner
- 3-1-2: Consumers Contract
- 3-1-3: Water and Sewer Rates
- 3-1-4: Accounts to be Kept
- 3-1-5: Bimonthly Statements
- 3-1-6: Delinquent Charges
- 3-1-7: Refusal of Service
- 3-1-8: Service Pipe Charges
- 3-1-9: Stopcocks; Placement
- 3-1-10: Separate Stops Required
- 3-1-11: Turning Water Off
- 3-1-12: Depth of Pipes
- 3-1-13: Drinking Fountains
- 3-1-14: Fire Hydrants
- 3-1-15: Private Fire Protection
- 3-1-16: Duties of Consumers
- 3-1-17: Duties of Police
- 3-1-18: Sewer Commissioner
- 3-1-19: Duties
- 3-1-20: Water and Sewer Connections
- 3-1-21: Cesspools Prohibited
- 3-1-22: Improper Use of Sewers
- 3-1-23: Roof Drainage
- 3-1-24: Violation, Penalty
- 3-1-25: Water Wells and Other Facilities

3-1-1: **WATER COMMISSIONER:** The Mayor shall, by and with the consent of the Council, appoint a competent person to act as Water Commissioner to hold office for one fiscal year or until a successor is appointed and qualified. The Water Commissioner shall be appointed on the first day of May annually, and shall serve unless sooner removed by the appointing authority. It shall be the duty of the Council, to have the general management and control of the system of waterworks, mains, portion or extension of any system of waterworks or water supply in the City.

3-1-2: **CONSUMERS CONTRACT:** The rules, regulations, and water rates herein specified shall be considered a part of the contract with every person supplied with water through the waterworks system of the City and every such person, by taking water, shall be considered held to consent to be bound thereby, and when any of the provisions of this Chapter or other laws of the City pertaining thereto are violated, the water shall be cut off from the building or place of such violation, and the water shall not be turned on again except by order of the Water Commissioner and on payment of turning on same, and

upon such other terms as the Water Commissioner shall determine, and a satisfactory understanding with the party shall be had that no further cause for complaint shall arise. The fee to be charged and collected by the Water Commissioner in all cases for cutting off and turning on water for patrons shall be the sum of fifteen dollars (\$15.00). Applicants for water service shall be required to accompany their application with a service deposit of not less than thirty five dollars (\$35.00), the precise amount to be determined by the Water Commissioner, to insure payment of water bills and other charges.

3-1-3: WATER AND SEWER RATES: (A) There shall be a use and service charge for each connection to the water and sanitary sewer system of the City according to the following schedule of rates, billed monthly, and payable on the first day of each month following billing, with new rates effective June 1, 2015 (the Council shall review these rates every year hereafter):

	<u>Sanitary Sewer</u>	<u>Water Operations &amp; Maintenance</u>
Residential	\$ 36.00	\$ 16.00
Commercial	67.00	20.00
School/Westwood Homes/Prairie View	238.00	135.00
Permanent Non-resident	72.00	32.00
Municipal	exempt	exempt

(B) 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 the operation, maintenance, or replacement of the treatment works, shall pay for such increase costs. The charge to each such user will be determined by the responsible plant operating personnel and approved by the Mayor and City Council.

(C) The user charge rates established in this Chapter shall apply to all users of a similar category, regardless of their property location within the City limits. Users seeking to purchase water from the City, and are not obtaining the water through a regular service, may purchase water from the City at the rate of \$10.00 per 1,000 gallons consumed.

(D) The City will review the user charge system at least every five years, and revise user charge rates as necessary to ensure that the system generates adequate revenues to pay the costs of operation and maintenance including replacement and that the system continues to provide for the proportional distribution of operation and maintenance including replacement costs among users and user classes.

(E) Each user shall be notified on an annual basis, on their July 1st billing, of user charges which are attributable to the wastewater system.

3-1-4: ACCOUNTS TO BE KEPT: It shall be the duty of the Water Commissioner to keep and cause to be kept a separate, detailed and accurate account of all user and service charges due from each customer with debits and credits, as the case may be. All funds collected through operation of this Chapter shall be placed in separately designated funds, and the funds therein shall be expended only to pay costs of annual operation and maintenance of the waterworks and sewer system, including replacement and costs associated with debt retirement of bonded capital associated with financing the treatment works which the City may by ordinance designate to be paid by the user charge system, or to be used for construction or additions to such waterworks and sewer systems.

3-1-5: BIMONTHLY STATEMENTS: All users shall be billed bimonthly. Billings for any particular period shall be made within thirty days after the end of that period. Payments are due when the billings are made. Any payment not received within thirty (30) days after the billing is made shall be delinquent.

3-1-6: DELINQUENT CHARGES: A late payment penalty of 10 percent of the user charge bill will be added to each delinquent bill for each thirty days of delinquency. When any bill is thirty (30) days in default, rendition of water and/or sewer service to such premises shall be discontinued until such bill is paid following due notice and opportunity for hearing.

3-1-7: REFUSAL OF SERVICE: The City may refuse to furnish water service to the occupants of any premises against which the City holds a lien for water rent. The Water Commissioner shall notify in writing, or cause to be notified in writing, nonoccupying owners of premises or their agents whenever their tenants or lessees are sixty (60) days delinquent in the payment of water rent. It shall be the duty of the Water Commissioner on the first day of July of each year, or at any other time when he shall deem it necessary, or when ordered by the Council to report to the Council a list of all unpaid amounts due for water which are three (3) months or more past due, together with a description of the property or real estate upon or for which the same was used or supplied. Such reports shall be examined and each approved by the Council by resolution, levying such delinquent water rental or charges by the Water Commissioner as a special assessment against the real estate, and shall be certified by the Clerk to the County Clerk, giving the amount due and a description of the property or real estate upon or for which City water was used or supplied, the same to be collected as other taxes by the County Treasurer.

3-1-8: SERVICE PIPE CHARGES: Applicants for water will be charged from the main of the street to the curb line for all service pipe and trenching and the Water Commissioner shall have the power to make such arrangements with plumbers or others as may be deemed expedient to carry this Section into effect.

3-1-9: STOPCOCKS; PLACEMENT: Every service pipe must be provided with a stop and waste cock for each consumer, easily accessible, and so situated

that the water can be conveniently shut off and drained from pipes. Stopcocks shall be of such patterns as shall be approved by the Water Commissioner.

3-1-10: SEPARATE STOPS REQUIRED: When a service pipe supplies two or more distinct premises or tenements there shall be provided, subject to the control of the Water Commissioner, a separate stop for each of the premises or tenements, so the water supply may be shut off from one without interfering with the supply to others.

3-1-11: TURNING WATER OFF: When the water has been turned off from the premises of any consumer he or she shall not turn it on nor permit it to be turned on without the written consent of the Water Commissioner.

3-1-12: DEPTH OF PIPES: All service pipes must be laid as much under the surface of the ground as the main pipe in the street and in all cases be so protected as to prevent rupture by freezing.

3-1-13: DRINKING FOUNTAINS: No hydrant, except for public drinking fountains, shall be placed within the limits of any street unless such hydrant be securely closed and protected against general use, and no drinking fountain shall be erected for public use which has openings by which it can be used as a source of domestic supply.

3-1-14: FIRE HYDRANTS: All the hydrants erected in the City for the purpose of extinguishing fire are hereby declared to be public hydrants and no person, other than members of the Fire Department, city employees and officers, and then only for the use and purpose of the Fire Department, shall open any of the hydrants or attempt to draw water from the same, or at any time uncover or remove any protection from any of such hydrants or in any manner interfere with the same.

3-1-15: PRIVATE FIRE PROTECTION: If proprietors of lumber yards, manufactories, halls, stores, elevators, warehouses, hotels or public buildings, regular consumers of water from the waterworks, wish to lay larger pipes with hydrant and hose couplings to be used in case of fire, they will be permitted to connect with street mains at their own expense, upon application to the Water Commissioner and under his or her direction, and will be allowed the use of water for fire purposes only free of charge.

3-1-16: DUTIES OF CONSUMERS: Consumers must keep their own service pipes and attachments in good order and from being frozen. No reduction in rates will be made for the time any service pipe may be frozen or out of use for any reason or cause. If any part of the service pipe or fixtures is not wanted for use the consumer shall notify the Water Commissioner at once and have the same removed and disconnected and shall pay the expense of so doing, and a proper reduction in rates will be made from that date. No person shall wilfully or carelessly break, injure or deface, interfere with or disturb any building, machinery, apparatus, fixtures or appurtenance to the waterworks of the City, or any public or private hydrant, hose, water trough or stopcock, meter, water

supply or service pipe or any part thereof, nor shall any person deposit anything in any stopcock box, or commit any act tending to obstruct or impair the intended use of any of the herein mentioned property, without permission of the Water Commissioner, or except in cases hereinafter or otherwise regulated by the provisions of this Code.

3-1-17: DUTIES OF POLICE: It shall be the duty of the Chief of Police or special or regular police officers to report to the Water Commissioner all cases of leakage and all violations of any of the provisions of this Chapter that may be brought to their attention or notice and they shall enforce observance of all such provisions so far as they have authority so to do.

3-1-18: SEWER COMMISSIONER: The Water Commissioner shall be Sewer Commissioner ex officio, and shall have general control over the systems of sewerage of the City. He or she shall supervise all repairs made from time to time to the original construction or any extensions to all systems of sewerage and drainage within the City. No bond shall be required of the Sewer Commissioner as such. The Sewer Commissioner and employees shall have free access to private premises upon which sewer services are located or being constructed.

3-1-19: DUTIES: The duties of the Sewer Commissioner shall also be as follows: (1) To keep an accurate and complete record of connections made to the sewer, and keep posted to date a sectional map of Y branches furnished for this purpose. (2) To keep the public sewer and appurtenances clean and in good working order. (3) To issue permits for sewer connections. (4) To inspect sewer connections. (5) To enforce the rules and regulations set forth herein, and also all state and local laws relating to sewer construction, repair and operation. (6) To prepare rules and regulations governing sewer services with respect to privies, cesspools or septic tanks, when permitted; construction of house drains; specifications for construction of all new or the reconstruction of all old plumbing work; gas water heaters, including those of the instantaneous, automatically controlled type; quality of connection, separate connections, house drains, soil pipes, waste pipes, sand traps, steam exhaust, blow-off or drip pipes, urinal troughs, bar wastes, grease traps, garage wastes, drain, soil waste or vent pipes, water closets in buildings, old or condemned plumbing, openings for future use; minor repairs; and any or all other matters relevant to plumbing which affect the public health or safety. (7) To submit the rules and regulations thus prepared for consideration of the Mayor and Council; and when adopted by the Mayor and Council such rules and regulations shall be promulgated according to law and thereafter deemed and considered a part of this section.

3-1-20: WATER AND SEWER CONNECTIONS: The owners of all premises to which the City water and sewer system is available must employ a licensed plumber or drainlayer to make the necessary sewer connections to the premises. The owner or his agent shall, before making any repair, replacement or connection to the system, procure from the Sewer Commissioner a permit in writing so to do. Such permit shall be issued on printed forms furnished by the

Sewer Commissioner, and in no case shall be issued to a person other than a licensed plumber. All service or lateral sewer pipe laid hereafter in the streets or alleys within the corporate limits of the City shall be four inches in diameter. Applicant or owner of the premises to be sewerred, within or without a lateral sewer district, at his own expense shall, in all cases construct sewer improvements, bring sewer pipe from main, trunk line or lateral sewer in street or alley, nearest applicant's premises where Y or junction is or should be located, to a point in the street near owner's outer sidewalk line or to a point near owner's lot line if connection is made to main sewer in an alley and therefrom to and upon the premises to be sewerred. All service sewer pipe laid on premises of owner shall be four inches in diameter. All repairs or replacements to service sewer pipes between main sewer in street or alley and owner's lot line shall be made by the City at expense of owner of premises served. All repairs or replacements to service sewer pipes on premises of owner shall be made by owner at expense of owner.

3-1-21: CESSPOOLS PROHIBITED: It shall be and is hereby declared unlawful for the owner or owners, lessee or lessees, occupant or occupants of any real property within the City, situated upon any street or alley along which, opposite such real property, is or shall be any sewer main or lateral, to keep, use, maintain or have any privy vault, cesspool, hole or other means or contrivance for the disposal of sewage or other refuse, otherwise than by disposal thereof into such sewer main or lateral.

3-1-22: IMPROPER USE OF SEWERS: No person shall throw or deposit or cause or permit to be thrown or deposited in any vessel or receptacle connected with the public sewer, solid matter, oily wastes, acid, battery water, garbage, hair, ashes, fruit, vegetables, peelings, refuse, rags, sticks, cinders or any other matter or thing whatever except human excrement, urine, the necessary closet paper, liquid slops, and drainage of such character.

For further regulation of the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, see Ordinance No. 368, passed and approved October 1, 1991, a complete copy of which may be inspected in the office of the City Clerk.

3-1-23: ROOF DAMAGE: It is hereby declared unlawful to connect roof drains or to suffer or permit roof drains to be connected in any manner with the sanitary sewer system of the City.

3-1-24: VIOLATION, PENALTY: Any violation of any provisions of this Chapter, including any rule or regulation adopted hereunder, shall be punishable, upon conviction, by a fine not exceeding five hundred dollars (\$500.00) for each offense.

3-1-25: WATER WELLS AND OTHER FACILITIES:

(A) From and after the effective date of this ordinance, it shall be unlawful for any person, corporation or other legal entity to drill or operate any

of the following facilities within the corporate limits of the City of Tilden without first having obtained a proper permit from the City's governing body: potable water well; any other well; sewage lagoon; absorption or disposal field for water; cesspool; dumping grounds; feedlot; livestock pasture or corral; chemical product storage facility; petroleum product storage facility; pit toilet; sanitary landfill; septic tank; sewage treatment plant; sewage wet well.

(B) In order to obtain a permit to drill or operate any of the facilities listed in Section 1, the owner of the property on which the proposed facility is to be located must make application on the proper form provided by the City of Tilden. Such application must be presented to the City Council at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the above-described facilities, the City Council shall approve or deny the permit.

(C) Under no circumstances shall the City Council approve any permit to drill or operate any of the below described facilities within the indicated number of feet from any City of Tilden municipal water well:

<u>Category</u>	<u>Distance</u>
Non-potable Water Well	1,000 feet
Sewage Lagoon	1,000 feet
Absorption or Disposal Field for Waste	500 feet
Cesspool	500 feet
Dump	500 feet
Feedlot or Feedlot Runoff	500 feet
Corral	500 feet
Pit Toilet	500 feet
Sanitary Landfill	500 feet
Chemical or Petroleum Product Storage	500 feet
Septic Tank	500 feet
Sewage Treatment Plant	500 feet
Sewage Wet Well	500 feet
Sanitary Sewer Connection	100 feet
Sanitary Sewer Manhole	100 feet
Sanitary Sewer Line	100 feet
Sanitary Sewer Line (permanently water tight)	10 feet

(D) In the event any of the above-described facilities are installed or operated without first having obtained a permit from the City of Tilden and within the designated number of feet from any city water supply, then such facilities shall be deemed a nuisance and the governing body shall abate such facility as a public nuisance. In addition thereto, any person or entity violating any of the terms of this ordinance shall, upon conviction thereof, be fined up to five hundred dollars (\$500.00), plus court costs. After conviction, in addition to any other penalty imposed hereunder, the City Council may, in its discretion, revoke any business license of the offender and/or seek restitution for actual damages caused due to such violation.

3-1-26: MANDATORY WATER HOOK-UP: All persons residing within 300 feet of a water main shall be required, upon notice by the City Council, to hook-up the residence with the water system.

3-1-27: MANDATORY SEWER HOOK-UP; REPAIRS; NOTICE; PROCEDURE: All private property within the City, located upon any street or alley through which, opposite, or abutting such private property, runs, or hereafter shall run any main, belt line, or lateral sanitary sewer, shall be equipped with a proper connection to such main, belt line, or lateral sanitary sewer for all disposal of all sewage. It shall be the duty of the owner of any such private property so situated, upon 10 days notice as hereinafter provided, to make or cause to be made and to maintain and repair proper connections with the sewer main or lateral, and to install or cause to be installed proper sewer pipe connections to convey such refuse into the main or lateral. If the owner of such property shall fail or neglect for 10 days after the service of notice, to comply with this regulation, to make the connection, to install such drainage pipes, or to make any repairs which may be necessary therein, the City Clerk or her designated agent shall cause the same to be done and the cost thereof, when certified by the City Clerk to the Mayor and City Council, shall be by the City Council assessed against the property as a special assessment, the same to be collected as other special assessments and special taxes as provided by law, or the cost may be recovered by civil suit brought by the City Attorney, when directed by motion of the City Council, in the name of the City against the owner. The notice hereinbefore referred to shall be in writing and shall be served by the Chief of Police, under direction from the City Clerk, upon the owner or owners of record of any such property, either by personal service, or constructive service by publication of notice in a legal newspaper published in or of general circulation in the City. Such notice shall describe the real estate required to be connected with the sewer and shall notify and direct the owner to make such connection or to make repairs to existing connections within 10 days after the service thereof, and upon failure to do so, the City Clerk or her designated agent, will cause such connection or repairs to be made and will certify the cost and expense thereof to the Mayor and City Council for assessment against the property or for civil suit to be brought against the owner in the name of the City; provided, if such notice is made by publication, the same shall be published one time in a legal newspaper for a period of time at least 10 days preceding the day when the City undertakes to make the connection or repairs pursuant to the provisions of this section. In the event of notice by publication, the City Clerk or City Attorney shall within 5 days after publication send a copy of the published notice by United States mail to each person interested in the real estate involved whose post office address is known to them after diligent investigation and inquiry, and within 10 days after the publication shall make and file in the office of the City Clerk an affidavit that this procedure has been accomplished.



## CHAPTER 2

### FIRE DEPARTMENT

#### SECTION:

- 3-2-1: Department Created
- 3-2-2: Fire Prevention
- 3-2-3: Duties of Fire Chief
- 3-2-4: Duties of Assistant Fire Chief
- 3-2-5: Duties of Fire Fighters
- 3-2-6: Fires Outside City Limits
- 3-2-7: Mutual Aid Agreement

3-2-1: DEPARTMENT CREATED: There is hereby created a Fire Department which shall consist of a Fire Chief, Assistant Fire Chief, and such other personnel as may be provided for by the Mayor and Council. Compensation for officers and personnel of the Fire Department shall be as fixed from time to time by the Mayor and Council. All members of the Fire Department shall be at all times covered by insurance.

3-2-2: FIRE PREVENTION: Every possible action shall be taken by all members of the Fire Department to eliminate fire hazards and to provide for fire prevention methods and operations within the City.

3-2-3: DUTIES OF FIRE CHIEF: The duties of the Fire Chief shall be to generally supervise and conduct the activities and duties of the Fire Department, to be the official representative of the Fire Department, to make or authorize inspections for fire prevention purposes, to have supervision of all members of the Fire Department, and to perform any and all other duties as is usual and customary to be performed by a Fire Chief.

3-2-4: DUTIES OF ASSISTANT FIRE CHIEF: The duties of the Assistant Fire Chief shall be the same as the duties of the Chief when the Fire Chief is absent, and he shall be subject to the instructions of the Fire Chief. The Assistant Fire Chief shall have the rank of Deputy Chief.

3-2-5: DUTIES OF FIRE FIGHTERS: It shall be the duty of all members of the Fire Department to provide for the immediate answering of all fire calls and to fight all fires in the best and most modern available methods. Members shall see to the care and maintenance of all fire fighting equipment and have such equipment in constant workable condition at all times.

It shall be the duty of all officers and employees of the Fire Department to attend to the duties of their respective positions under the orders of the Fire Chief, or in case of his or her absence or inability to serve, the Assistant Chief.

3-2-6: FIRES OUTSIDE CITY LIMITS: Members of the Fire Department shall be considered as acting in the performance and within the scope of their duties in fighting fire or saving lives or property outside the corporate limits of the City, if and when directed to do so by the Fire Chief or by some person authorized to act for the Fire Chief.

3-2-7: MUTUAL AID AGREEMENT: The Council may from time to time enter into a contract or agreement with surrounding communities or rural fire district for the benefit and mutual aid to the City and the district in fighting fires and the prevention thereof.

## CHAPTER 3

### POLICE DEPARTMENT

#### SECTION:

- 3-3-1: Department Created
- 3-3-2: Duties of Police Chief
- 3-3-3: Duties of Police Officers
- 3-3-4: Special Police
- 3-3-5: Badges
- 3-3-6: Abuse of Prisoners
- 3-3-7: Officers to Report
- 3-3-8: Resisting an Officer

3-3-1: DEPARTMENT CREATED: There is hereby created a Police Department which shall consist of a Police Chief and such other personnel as may be provided for by the Mayor and Council. The Mayor shall have further power to appoint additional police temporarily when any emergency may require such appointment. Compensation for all members of the Police Department shall be as fixed from time to time by the Mayor and Council. All members of the Police Department shall be at all times covered by insurance.

The Mayor, by and with the consent of the Council, shall appoint such a number of regular police officers as may be necessary. All police officers appointed by the Mayor and Council shall be removable at any time by the Mayor. A police officer, including the Police Chief, may appeal such removal or other disciplinary action to the Council. To appeal the Mayor's order of removal or other disciplinary action, a police officer shall, within thirty (30) days of receiving such order, file with the Clerk a written statement of intent to appeal the order and the grounds for such appeal. At the time of filing, the Clerk shall inform the officer of the date and time of the hearing before the Council, which may be at the next regularly scheduled Council meeting in which the appeal can be placed on the meeting agenda. At the hearing before the Council, which shall be chaired by the Council President, the officer filing the appeal shall first have the right to be heard and to present evidence to the Council for its consideration. The Mayor or any other individual imposing disciplinary action shall then have the right to respond to the appeal and to present evidence. The officer shall thereafter have a final opportunity to be heard. Not later than thirty (30) days following the adjournment of the meeting at which the hearing was held, the Council shall vote to uphold, reverse or modify the removal or disciplinary action. The failure of the Council to act within thirty (30) days or the failure of the majority of the elected Council members to vote to reverse or modify the removal or disciplinary action shall be construed as a vote to uphold the removal or disciplinary action. The decision of the Council shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged removal or disciplinary action was necessary for the proper management and the effective operation of

the Police Department in the performance of its duties under the statutes of the State of Nebraska. Nothing in these sections shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer by the appropriate authority, pending the hearing authorized herein, in cases of gross misconduct, neglect of duty, or disobedience of orders.

3-3-2: DUTIES OF POLICE CHIEF: The Police Chief shall have control and supervision of the Police Department and shall have authority to designate the places and times where police officers are to patrol and shall be accountable to the Council for the faithful discharge of their duties. The powers conferred upon the Chief of Police shall, at all times be subject to the supervision of the Mayor and Council and the duties imposed by the Nebraska Revised Statutes.

3-3-3: DUTIES OF POLICE OFFICERS: The police officers of the City including the Police Chief shall perform such duties as the Mayor and Council and Police Chief shall, from time to time, direct, and they shall arrest all offenders against the laws of the State and of the City, and keep them in the City or County Jail, to prevent their escape until trial can be had before the proper officer.

3-3-4: SPECIAL POLICE: Any person desiring the services of a special police officer in or about his or her business or property, upon agreeing to defray all expenses of maintaining such police officer, may have any suitable person named for such special police officer duly appointed as such. Special police officers shall take the same oath of office and have the powers of regular police officers in the discharge of their duties. Special police officers so appointed shall be exclusively appointed and employed in the protection of the person, business or property of such person at whose request they were respectively appointed and they shall be subject only to the control of such person who shall be responsible for the pay of such officer, and the City shall in no case incur any liability of any character whatever by reason of the appointment of such officer.

3-3-5: BADGES: Each police officer of the regular force shall be provided with a suitable badge or insignia of office which shall be worn in a conspicuous place upon his or her person at all times when on duty. If any police officer is guilty of malfeasance in office, or of drunkenness or insubordination, the Police Chief shall forthwith take away the officer's badge, and report the case at once to the Mayor and Council who shall investigate the case and dismiss such officer from office, or immediately and without unnecessary delay restore him or her to duty.

3-3-6: ABUSE OF PRISONERS: No police officer shall unnecessarily beat or abuse any prisoner in his or her custody or the custody of another officer.

3-3-7: OFFICERS TO REPORT: All police officers shall, when going on duty and upon going off duty, report to the Police Chief or such other officer in charge.

3-3-8: RESISTING AN OFFICER: It shall be unlawful for any person to wilfully obstruct, resist, abuse or oppose any police officer, while the police officer is acting in the discharge of his or her duties.

TITLE IV

BUILDING REGULATIONS

Subject	Chapter
Building Code .....	1
Plumbing Code .....	2
Electrical Code.....	3
Gas Regulations .....	4
Awnings; Marquees; Signs .....	5
Mechanical Code .....	6
Property Maintenance.....	7
Residential Code.....	8

CHAPTER 1  
BUILDING CODE

SECTION:

4-1-1: Adoption of Building Code

4-1-1: BUILDING CODE:

(A) Adopted by reference. A certain document, one (1) copy which is on file in the office of the city clerk of the City of Tilden, Nebraska, and available for public inspection at any reasonable time, being marked and designated as the “2006 International Building Code” as published by The International Code Council, Inc., is hereby adopted as the building code of the City of Tilden, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in division (B) of this section.

(B) Additions, insertions and changes. The following sections of the building code adopted in division (A) of this section are hereby revised as follows:

Section 101.1. Insert: The City of Tilden, Nebraska.

Section 104.1. General. Add the following after the last sentence:

The code official shall also be responsible for zoning ordinance enforcement, issuance of street excavation permits and curb grind permits, attendance at all planning commission meetings, board of adjustment meetings, and all meetings pertinent to this position.

Insert the following after Sec. 104.7:

Section 104.7.1. Accounting: The code official shall keep an accurate account of all fees collected and such collected fees shall be turned in daily to the city clerk.

Section 105.2. Amend item 1 under “Building” to read as follows:

1. One-story detached accessory structures used as playhouses and similar uses, provided the floor area does not exceed 64 square feet.

Section 106.3.1. Delete this section.

Section 108.2. Schedule of permit fees. Insert the following fee schedule:

## BUILDING PERMIT FEES

The following fees shall be assessed and paid to the City of Tilden for building permit issuance:

### NEW CONSTRUCTION AND ADDITIONS:

Ground floor and above	\$0.20 per finished square foot
Finish basement	\$0.13 per finished square foot
Unfinished basement	\$0.10 per finished square foot
Garage	\$0.10 per finished square foot

### REMODEL AND BASEMENT FINISH:

Remodel of basement or finish	\$0.16 per finished square foot
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### UNFINISHED/ACCESSORY STRUCTURES:

Garages, accessory buildings, decks and warehouses	\$0.13 per square foot
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### COMMUNICATION TOWERS:

New tower	\$5.00 per foot of height
Co-locate on tower	\$2.50 per foot of height

### LOCATE MANUFACTURED HOME IN MOBILE HOME PARK

\$100.00

### SWIMMING POOLS:

In-ground	\$100.00
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### SIGNS:

0-99 sq. ft	\$ 25.00
100-199 sq. ft.	\$ 50.00
200-300 sq. ft.	\$100.00

### MISCELLANEOUS/MINIMUM PERMIT FEE

\$ 25.00

Work that commences prior to submitting permit application will be assessed a fee three times the normal permit fee.

All inspections requiring a third inspection and each subsequent inspection thereafter will be assessed a \$50.00 reinspection fee.

Section 113.4. Violation penalties. Amend to read as follows:

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, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or



certificate issued under the provisions of this code, shall be guilty of an offense punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 114.2. Issuance. Amend to read as follows:

Upon notice from the code official, work on any building or structure that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work, however, a written notice as provided for in this section shall be given as soon as practicable following the work stoppage order.

Section 114.3. Unlawful continuance. Amend to read as follows:

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 to remove a violation or unsafe condition, shall be liable for a fine of not more than five hundred dollars (\$500.00).

Section 1013.3. Insert the following at the end of the first paragraph and prior to Exceptions:

Required guards shall not be constructed with horizontal rails or other ornamental pattern that results in a ladder effect.

Section 1013.3. Exceptions. Delete item 5.

Section 1612.3. Establishment of flood hazard areas. Amend to read as follows:

To establish flood hazard areas, the governing body has adopted flood hazard maps and regulations as set forth in Article 8 of the City of Tilden Zoning Ordinance and Subdivision Regulations (adopted July 9, 2003). The adopted flood hazard maps and supporting data are hereby adopted by reference and declared to be part of this section.

Section 3410.2. Applicability. Insert: June 14, 2011.

Adopt Appendix B – Board of Appeals.

Adopt Appendix F – Rodent Proofing.

## CHAPTER 2

### PLUMBING CODE

#### SECTION:

- 4-2-1: Plumbing Code
- 4-2-2: [Reserved]
- 4-2-3: License Required
- 4-2-4: Application for License
- 4-2-5: Bond, Conditions

#### 4-2-1: PLUMBING CODE:

(A) Adopted by reference. A certain document, one (1) copy which is on file in the office of the city clerk of the City of Tilden, Nebraska, being marked and designated as the "International Plumbing Code 2006" and all Appendices, as published by The International Code Council, is hereby adopted as the plumbing code of the City of Tilden, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in division (B) of this section.

(B) Additions, insertions and changes. The following sections of the plumbing code adopted in division (A) of this section are hereby revised as follows:

Section 101.1: Insert: City of Tilden, Nebraska.

Section 106.2: Exempt work. Amend to read as follows:

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 provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets.

3. The replacement of faucets and fixtures and water closets, provided the fixtures are not being relocated.

Section 106.6.1 Work commencing before permit issuance. Amend to read as follows:

Any person who commences any work on a plumbing system before obtaining the necessary permits shall be subject to a fee three times the normal permit fee.

Section 106.6.2: Insert the following fee schedule:

#### PLUMBING PERMIT FEES

Plumbing permit fees for any construction project shall be assessed a fee based on the rate of \$10.00 for the first trap installation, \$5.00 for each additional trap installation and \$.01 (one cent) per finished square foot.

Sanitary sewer line installation fees shall be based on the following rates:

4-inch line	\$12.00 per 100 feet of line or fraction thereof
Greater than 4-inch line	\$20.00 per 100 feet of line or fraction thereof

Private water line installation fees shall be based on the following rate:

Up to and including 1-inch line	\$12.00 per 100 feet of line or fraction thereof
Greater than 1-inch line	\$20.00 per 100 feet of line or fraction thereof

Minimum permit fee	\$25.00
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Work that commences prior to submitting permit application will be assessed a fee three times the normal permit fee.

All inspections requiring a third inspection and each subsequent inspection thereafter will be assessed a \$50.00 reinspection fee.

Section 106.6.3: Amend to read as follows:

Fee Refunds. The building official is authorized to establish a refund policy.

Section 108.4: Violation penalties. Amend to read as follows:

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements hereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty

of an offense, punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5: Stop work orders. Amend to read as follows:

Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code 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 to remove a violation or unsafe condition, shall be liable to a fine of not more than five hundred dollars (\$500.00).

Section 109: Means of Appeal. Delete this section in its entirety.

Section 305.6: Freezing. Amend to read as follows:

Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subjected to freezing temperature unless adequate provision is made to protect such pipes from freezing by insulation or heat or both. Water service piping shall be installed at a minimum of 60 inches below finished grade.

Section 305.6.1: Sewer depth. Amend to read as follows:

Building sewers that connect to public sewage disposal systems shall be installed to a minimum depth of 48 inches unless otherwise approved by the code official.

Section 306.3: Backfilling. Amend to read as follows:

Loose earth free from rocks, broken concrete, frozen chunks and other rubble, shall be placed in the trench in 6-inch layers and tamped in place to existing grade. The backfill under and beside the pipe shall be compacted for pipe support. Backfill shall be brought up evenly on both sides of the pipe so that the pipe remains aligned. In any instance where the manufacturer's installation instructions for materials are more restrictive than those prescribed by code, the material shall be installed in accordance with the more restrictive requirement.

Insert the following after Section 403.5:

Section 403.6. Service sinks. Service sinks will not be required in structures or tenant spaces with less than 250 square feet of washable public floor area.

Section 406.3: Waste connection. Amend to read as follows:

The waste from an automatic clothes washer shall discharge through an air break into a standpipe in accordance with Section 802.4 or into a laundry sink. The trap and fixture drain from an automatic clothes washer standpipe shall be a minimum of 2 inches (51 mm) in diameter. The automatic clothes washer fixture drain shall connect to a branch drain or drainage stack a minimum of 2 inches (76mm) in diameter. Automatic clothes washers that discharge by gravity shall be permitted to drain to a waste receptor or an approved trench drain.

Section 410.1 Approval. Amend to read as follows:

Drinking fountains shall conform to ASME A112.19.1M, ASME A112.19.2M or ASME A112.19.9M and water coolers shall conform to ARI 1010. Drinking fountains and water coolers shall conform to NSF 61, Section 9. Where water is served in restaurants, drinking fountains shall not be required. In other occupancies, where drinking fountains are required, water coolers or bottled water dispensers shall be permitted to be substituted for not more than 50 percent of the required drinking fountains. In occupancies where only one restroom is required, drinking water may be provided by alternative means approved by the code official.

Section 416.5 Tempered water for public hand-washing facilities. Amend to read as follows:

Tempered water shall be delivered from public hand-washing facilities.

Section 603.2: Separation of water service and building sewer. Amend to read as follows:

Water service pipe and the building sewer shall be separated by 5 feet (1524mm) of undisturbed or compacted earth.

Exceptions:

1. The required separation distance shall not apply where the bottom of the water service pipe within 5 feet (1524 mm) of the sewer is a minimum of 18 inches (457 mm) above the top of the highest point of the sewer and the pipe materials conform to Table 702.3.

2. Water service pipe is permitted to be located in the same trench with a building drain, provided such building drain is constructed of materials listed in Table 702.2.

Insert the following after Section 603.2.1:

Section 603.3: Tracer Wire. An insulated copper tracer wire shall be installed adjacent to underground non-metallic water service piping. The tracer wire shall not be less than 12-gauge copper wire with insulation suitable for direct burial. The tracer wire shall be attached to the curb box cap and shall terminate at the water meter valve.

Section 607.1 Where required. Amend to read as follows:

In residential occupancies, hot water shall be supplied to all plumbing fixtures and equipment utilized for bathing, washing, culinary purposes, cleaning, laundry or building maintenance. In nonresidential occupancies, hot water shall be supplied for culinary purposes, cleaning, laundry or building maintenance purposes. In nonresidential occupancies, hot water or tempered water shall be supplied for bathing and washing purposes.

Section 608.7 Stop-and-waste valves prohibited. Amend to read as follows:

Combination stop-and-waste valves or cocks shall not be installed underground. Exception: Yard hydrants and fire hydrants.

Section 608.16.5 Connections to lawn irrigation systems. Amend to read as follows:

Where chemicals are introduced into the system, the potable water supply shall be protected against backflow by a reduced pressure principle backflow preventer.

Section 608.16.10 Coffee machines and noncarbonated beverage dispensers. Delete this section in its entirety.

Section 705.8.2 Solvent cementing. Amend to read as follows:

Joint surfaces shall be clean and free from moisture. An approved primer that conforms to ASTM F 656 shall be applied. Solvent cement not purple in color and conforming to ASTM D 2564, CSA B 137.3, CSA B 181.2 or CSA B 182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent-cement joints shall be permitted above or below ground.

Section 715.1 Sewage backflow: Delete this section in its entirety and use for reference only.

Section 706.3 Installation of fittings. Delete the exception in this section.

Section 715.1 Sewage backflow. Amend to read as follows:

Where the flood level rims of plumbing fixtures are below the elevation of the manhole cover of the next upstream manhole in the public sewer, such fixtures shall be protected by a backwater valve installed in the building drain, branch of the building drain or horizontal branch serving such fixtures. Plumbing fixtures having flood level rims above the elevation of the manhole cover of the next upstream manhole in the public sewer may discharge through a backwater valve.

Insert the following after Section 715.5:

Section 715.6 Cleanouts.

All cleanouts located upstream from a backwater valve shall have notification that a backwater device is installed in the drainage system. Such notification shall be in the form of a warning label that is readily visible prior to servicing the drainage system. An accessible cleanout shall be installed immediately downstream from the backwater valve.

Section 715.7 Repair or Replacement.

Backwater valves shall be installed as required when sewer service lines to existing structures are repaired or replaced.

Section 904.1 Roof extension. Insert: 12 inches.

Section 1111.1 Subsoil drains. Amend to read as follows:

Subsoil drains shall be open-jointed, horizontally split or perforated pipe conforming to one of the standards listed in Table 1102.5. Such drains shall not be less than 4 inches (102 mm) in diameter. Where the building is subject to backwater, the subsoil drain shall be protected by an accessibly located backwater valve. Subsoil drains shall discharge to a trapped area drain, sump or approved location above ground. The subsoil sump shall be required to have a gas-tight cover. The sump and pumping system shall comply with Section 1113.1.

Appendix C, Section C103. Delete this section in its entirety.

4-2-2: [Reserved]

4-2-3: LICENSE REQUIRED: No person except the Water Commissioner or his or her agents, shall install any plumbing work within the City which connects with the water or sewer systems of the City without first having obtained a license from the Mayor and Council so to do, and without first having posted the bond required by Section 4-2-5 of this Code. All licenses issued to plumbers shall continue in force to May first after the date on which they are granted, unless sooner revoked. Licenses at the time of their expiration may be renewed by the Mayor and Council, upon written recommendation of the Plumbing Inspector, upon written request of the applicant for a period of one year commencing May first and ending April thirtieth next following and upon condition that registrant's bond for the renewal license period is approved by the Mayor and Council and on file in the office of the Clerk. No plumber's license issued hereunder shall be transferable. The Clerk shall keep a record of all licenses issued, lapsed or revoked hereunder. All plumbers' licenses shall be signed by the Mayor and countersigned by the Clerk. Every license granted may be revoked after reasonable notice and hearing by the Mayor and Council whenever licensee fails, neglects or refuses to comply with the provisions of this chapter. Licenses shall be issued to those persons who have been doing plumbing work in the City for six months prior to the effective date of this Code; provided, such persons shall have complied with the other terms and conditions precedent to the issuance of licenses as required in this chapter.

4-2-4: APPLICATION FOR LICENSE: Application for a plumber's license shall be made in writing to the Plumbing Inspector on standard forms that may be furnished by him or her and shall be filed in the office of the Clerk. Before such license shall be issued, applicant shall satisfy the Plumbing Inspector that he or she possesses qualifications and fitness, practical and elementary in character, to install plumbing, and if the Plumbing Inspector is so satisfied, he or she shall recommend the issuance of such license to the Mayor and Council. If applicant is a plumbing contractor, license so issued shall cover employees of applicant who shall install plumbing work under the supervision of the applicant.

4-2-5: BOND, CONDITIONS: Corporate surety bond in the sum of one thousand dollars (\$1,000.00) containing such conditions as the City Attorney shall specify, shall accompany application, and the written approval of the Mayor pursuant to action of the Council shall be endorsed on bond before license issues. Obligee of bond shall be the City and action may be maintained thereon by anyone injured by a breach of its conditions for a period of one year after the completion of any plumbing work by applicant.



## CHAPTER 3

### ELECTRICAL CODE

#### SECTION:

- 4-3-1: Adoption of National Electric Code
- 4-3-2: Insertions and Changes
- 4-3-3: License Required
- 4-3-4: Application for License
- 4-3-5: Bond, Conditions
- 4-3-6: Construction Permits, Fees
- 4-3-7: Installation Plan
- 4-3-8: Inspection and Approval
- 4-3-9: Inspection Fees
- 4-3-10: Electrical Inspector
- 4-3-11: Civil Liability
- 4-3-12: Violation

4-3-1: **ADOPTION OF NATIONAL ELECTRICAL CODE:** All electrical wiring, installation of electrical fixtures, apparatus or electrical appliances for furnishing light, heat or power or other electrical work introduced into or placed in or upon, in any way connected on, any building or structure within the limits of the City shall be in conformity with the provisions set forth in the 2002 National Electrical Code, Standard of the National Board of Fire Underwriters for Electrical Wiring and Apparatus as recommended by the National Fire Protection Association, which is hereby adopted as the Electrical Code of this City, three (3) copies of the above adopted Code being on file in the office of the Clerk. Any subsequent amendments to and succeeding issues of the National Electrical Code shall be in force at time of publication.

4-3-2: **INSERTIONS AND CHANGES:** [Reserved]

4-3-3: **LICENSE REQUIRED:** No person shall install any electrical apparatus within the City which connects with any electrical distribution system in the City without first having obtained a license from the Mayor and Council so to do, and without first having posted the bond as provided in Section 4-2-5 of this Code. All licenses issued to electricians shall continue in force to May first after the date on which they are granted, unless sooner revoked. Licenses at the time of their expiration may be renewed by the Mayor and Council, upon written recommendation of the Electrical Inspector, upon written request of the applicant for a period of one year commencing May first and ending April thirtieth next following and upon condition that registrant's bond for the renewal license period is approved by the Mayor and Council and on file in the office of the Clerk. No electrician's license issued hereunder shall be transferable. The Clerk shall keep a record of all licenses issued, lapsed or revoked hereunder. All electricians' licenses shall be signed by the Mayor and countersigned by the Clerk. Every license granted may be revoked after

reasonable notice and hearing by the Mayor and Council whenever licensee fails, neglects or refuses to comply with the provisions of this chapter. The Electrical Inspector shall recommend and the Mayor and Council shall issue licenses to those persons who have been doing electrical work in the City for six months prior to the effective date of this Code; provided, such persons shall have complied with the other terms and conditions precedent to the issuance of licenses as required in this chapter.

4-3-4: APPLICATION FOR LICENSE: Applications for an electrician's license shall be made in writing to the Electrical Inspector on standard forms that may be furnished by him or her and shall be filed in the office of the Clerk. Before such license shall be issued, applicant shall satisfy the Electrical Inspector that he or she possesses qualifications and fitness, practical and elementary in character, to install electrical apparatus; and if the Electrical Inspector is so satisfied, he or she shall recommend the issuance of such license to the Mayor and Council. If applicant is an electrical contractor, license so issued shall cover employees of applicant who shall install electrical apparatus under the supervision of applicant.

4-3-5: BOND, CONDITIONS: Corporate surety bond in the sum of one thousand dollars (\$1,000.00), containing such conditions as the City Attorney shall specify, shall accompany application and the written approval of the Mayor pursuant to action of the Council shall be endorsed on bond before license issues. Obligee of bond shall be the City and action may be maintained thereon by anyone injured by a breach of its conditions for a period of one year after the completion of any electrical work by applicant.

4-3-6: CONSTRUCTION PERMITS, FEES: No installation of electrical apparatus except minor repair work, shall be made without first obtaining from the Clerk a written permit so to do. For each permit issued the Clerk shall collect and applicant shall pay a permit fee of five dollars (\$5.00) which the Clerk shall turn over to the Treasurer who shall credit same to general fund of the City.

4-3-7: INSTALLATION PLAN: Before requesting the issuance of any construction permit from the Clerk, applicant shall submit to the Electrical Inspector a plan thereof, and, if same complies in all respects with Title IV, Chapter 3 of this Code, the Electrical Inspector shall endorse his approval upon such plan, whereupon the Clerk shall issue the construction permit. No electrical apparatus shall be used until inspected by the Electrical Inspector, or assistant, and a certificate of completion or of satisfactory inspection is issued by the Electrical Inspector approving the same and permitting its use.

4-3-8: INSPECTION AND APPROVAL: Upon completion of the installation of any electrical apparatus, the electrician installing the same shall notify the Electrical Inspector, or assistant, who shall inspect such electrical apparatus and the installation thereof, and, if all the provisions of this Code have been complied with, then the Electrical Inspector shall issue a certificate of approval, which certificate of approval shall certify that such electrical apparatus has

been installed in accordance with the provisions of the Code. The Electrical Inspector shall make and keep a record of all inspections, giving the location, date, name of electrician, for whom installed, and also a general description of the inspection.

4-3-9: INSPECTION FEES: The Electrical Inspector shall charge and collect and owner of premises or his or her agent shall pay the Electrical Inspector the sum of two dollars and fifty cents (\$2.50) for each trip necessarily made to inspect electrical work by way of inspection fees therefore. The Electrical Inspector is hereby authorized to, directed, to, and shall, upon complaint, at least one time during each calendar year, inspect and re-inspect any or all electric wiring and installations in the City. If such wiring and installations are found to be in proper condition, the owner or occupant shall pay no fee for such re-inspection; but if the Electrical Inspector concludes that such wiring or installations are unsafe, he or she shall proceed to disconnect the electric service until the owner or user remedies the dangerous condition.

All inspection fees shall be paid to the Electrical Inspector at the time of inspection and before certificates of completion or of satisfactory inspection are issued and before current is turned on; and such fees shall be received and retained by such inspector, if some person other than a full time City employee be designated as electrical inspector, in full compensation of all of his services and in full compensation of all services rendered by the Deputy Inspector, in the event that a deputy is appointed under this Article; otherwise all fees collected by the Electrical Inspector for electrical inspection shall be paid over monthly to the City Treasurer who shall credit same to the general fund. The Electrical Inspector shall file a report in writing monthly on the first day of each month with the City Clerk for the information of the Mayor and Council, in which report shall be set forth in detail a record of all inspections made by him or her and of all fees collected by and paid during the preceding thirty day period.

4-3-10: ELECTRICAL INSPECTOR: There is hereby created the office of Electrical Inspector in and for the City. The Chief of the Fire Department is hereby designated *ex officio* Electrical Inspector in and for the City until further order of the Council. The Electrical Inspector shall file with the Council a bond of a surety company to be approved by the Council in the sum of one thousand dollars (\$1,000.00) conditioned that he or she will indemnify and hold harmless the City from all liabilities from accidents or damage arising from negligence or carelessness in performing work or for any inadequate work done in pursuance of the appointment and office, and that he or she will keep all records of the office, as provided herein, which shall be the property of the City and shall be filed and preserved by the Electrical Inspector in the office of the City Clerk and which shall be delivered to the successor in office. He or she shall be removed from office for cause only after a full hearing before the Mayor and Council. It shall be unlawful for the Electrical Inspector to engage in the business of the installation and maintenance of electric wiring, electric devices and electrical materials either directly or indirectly and he or she shall have no financial interest in any concern engaged in such business in the City at any

time while holding the office of Electrical Inspector. Any violation of the provisions of this section by the Electrical Inspector shall be sufficient cause for removal from office, but he or she may be removed for other just cause.

4-3-11: CIVIL LIABILITY: In no case shall any damages caused by tests which shall be made by the Electrical Inspector in the discharge of duties, as provided by this Chapter, be charged as damages to the City of Tilden or to the Electrical Inspector. In all cases where damages are caused in making such tests, the electrician in charge of the work so tested shall be responsible therefore, and he and the sureties or surety on his bond shall be chargeable for the damages; provided, this Chapter shall not be construed to remove or lessen the liability of any person owning, operating, controlling or installing any electrical work for damages to person or property injured by any defect in the work, nor shall the City be held as assuming any such liability by reason of any inspection authorized herein or of any license or permit issued hereunder.

4-3-12: VIOLATION: Any person who violates any provision of this Chapter shall, upon conviction thereof, be fined in any sum not exceeding five hundred dollars (\$500.00) for each offense; and if the person so convicted be a registered electrician, the judge may revoke his or her license as a part of the judgment of conviction.

CHAPTER 4  
GAS REGULATIONS  
[Reserved]

## CHAPTER 5

### AWNINGS; MARQUEES; SIGNS

#### SECTION:

- 4-5-1: Awnings
- 4-5-2: Canopies; Marquees
- 4-5-3: Signs; Advertising Devices
- 4-5-4: Permission to Hang Signs Required
- 4-5-5: Inspection by Engineer
- 4-5-6: Billboard Signs
- 4-5-7: Signs Prohibited

4-5-1: **AWNINGS:** It shall be unlawful for any person to construct or permit to remain over any sidewalk within the City any awning unless such awning be constructed of canvass, cloth or other light and pliable material, securely attached to the building in front of which it is placed, and properly supported without posts by iron or other metallic fastenings and supports. Every part of such awning shall be elevated at least seven feet (7') at the lowest point above the grade of the sidewalk.

4-5-2: **CANOPIES; MARQUEES:** It shall be unlawful for any person to erect, hang, construct or maintain any canopy or marquee which projects wholly or partially over any street or sidewalk in the City or to suffer or permit any such canopy or marquee owned by him to so remain except where the following conditions are complied with:

Canopies or marquees at entrances to buildings or structures may extend beyond the street line and across the sidewalk to a line drawn perpendicularly upward from eighteen inches (18") inside the curb line; provided, that not less than eight and one-half feet (8 1/2') of clearance is maintained between the lower part of the marquee and the sidewalk at the building line or building wall, and within the fire limits, are constructed of noncombustible materials. They shall be securely supported from the building or structure and shall be properly drained.

4-5-3: **SIGNS; ADVERTISING DEVICES:** It shall be unlawful for any person to erect or hang on or over the surface of any street, avenue or alley, in the City any signs or device for advertising except as follows:

Signs and advertising devices extending over and into any street, avenue or alley not more than two feet (2') shall be erected and hung with the lowest part thereof not less than eight feet (8') above the sidewalk, avenue or alley beneath. Signs and advertising devices extending over and into any street, avenue or alley more than two feet (2') and not to exceed six feet (6') shall be erected and hung with the lowest part thereof not less than twelve feet (12') above the sidewalk, avenue or alley beneath. Signs and advertising devices over and into

any street, avenue or alley more than six feet (6') and not to exceed ten feet (10') shall be erected and hung with the lowest part thereof not less than fourteen feet (14') above the sidewalk, avenue or alley beneath; provided, the Mayor may issue a special permit to organizations for the hanging of temporary cloth banners across any street.

4-5-4: PERMISSION TO HANG SIGNS REQUIRED: All persons before erecting or hanging any signs or advertising devices as permitted in Section 4-5-3 hereof shall first make application to the Mayor and Council or the Engineer and obtain permission to erect and hang the device; provided, that the rights and privileges conferred by or created in pursuance of this Chapter are a license merely.

No sign or advertising device now erected and extending over and into any street, avenue or alley that is hereafter taken down for alteration or repair shall be again erected and hung until the person in charge thereof has complied with all the provisions of this Chapter.

4-5-5: INSPECTION BY ENGINEER: The Engineer shall have the power and authority to inspect all signs and advertising devices now hanging or hereafter erected in the City and if the same are found by him to be unsafe or dangerous then the Engineer shall condemn such signs or advertising devices and shall forthwith notify the person responsible for the erection or maintenance of the sign or advertising device and such person shall immediately remove or place the same in a condition satisfactory to the Engineer.

4-5-6: BILLBOARD SIGNS: A billboard sign is hereby defined to be any sign not connected with or attached to any building, and a sign that is in excess of six feet (6') long and four feet (4') wide.

All billboard signs erected, constructed and maintained in the Residential District of the City, as defined in the Zoning Regulations, shall be at least eighteen inches (18") from the level of the ground, and shall be at least fifteen feet (15') inside the lot line of that lot upon which it is constructed, erected and maintained; provided, however, that if the distance between the lot line and the residence upon the lot contiguous to such lot is more than fifteen feet (15'), then such sign shall be the same distance from the lot line as the residence.

It is further provided that all billboard signs constructed, erected and maintained in the Residential District of the City shall be at least twenty feet (20') from any residence building.

All persons maintaining signs within the City Limits shall keep the property upon which the sign is maintained free and clear of all debris, rubbish and shall keep the weeds cut, and all such signs shall be kept in good repair and well painted.

4-5-7: SIGNS PROHIBITED: It shall be unlawful for any person to situate, erect, place, operate, use or allow to be situated, erected, operated or used, any

mobile, portable, temporary, permanent, secured, fastened, fixed or other type of sign or advertising device, except in the manner specifically authorized by the ordinances of the City, by operating the same upon a street, alley, City right of way or across any sidewalk line of the City; provided, the Council may issue a special permit, upon proper application and at its discretion, to persons or organizations for the use of such signs.



CHAPTER 6

MECHANICAL CODE

SECTION:

4-6-1: Adoption of Mechanical Code

4-6-1: MECHANICAL CODE:

(A) Adopted by reference. A certain document, one (1) copy which is on file in the office of the city clerk of the City of Tilden, Nebraska, and available for public inspection at any reasonable time, being marked and designated as the "International Mechanical Code 2006" as published by The International Code Council, Inc., is hereby adopted as the mechanical code of the City of Tilden, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in division (B) of this section.

(B) Additions, insertions and changes. The following sections of the mechanical code adopted in division (A) of this section are hereby revised as follows:

Section 101.1: Insert: The City of Tilden, Nebraska.

Section 106.5.1: Delete this section in its entirety.

Section 106.5.2: Insert the following fee schedule:

MECHANICAL PERMIT FEES

New Installation: Number of square feet being conditioned at a rate of .015 cents per square foot.

Heating:	Under 140,000 BTU	\$35.00 per unit
	141,000 to 499,000 BTU	\$150.00 per unit
	Over 499,000 BTU	\$250.00 per unit

Cooling:	Residential	\$30.00 per unit
	Commercial	\$10.00 per ton
	Industrial Chillers	\$750.00 per unit

Miscellaneous: (Installations not requiring new/replacement equipment)	\$25.00
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Mixing/VAV Boxes	\$25.00
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Commercial Hood Systems	\$ 05 per sq. ft. of hood
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Infrared pipe heating systems	\$35.00 per burner
Minimum permit fee	\$25.00

Work that commences prior to submitting permit application will be assessed a fee three times the normal permit fee.

All inspections requiring a third inspection and each subsequent inspection thereafter will be assessed a \$50.00 reinspection fee.

Section 106.5.3: Amend to read as follows:

Fee Refunds. The building official is authorized to establish a refund policy.

Section 108.4: Amend to read as follows:

Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements hereof or who shall erect, install, alter or repair mechanical systems in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of an offense, punishable by a fine of not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 108.5: Amend to read as follows:

Stop work orders. Upon notice from the code official, work on any mechanical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code 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 to remove a violation or unsafe condition, shall be liable for a fine of not more than five hundred dollars (\$500.00).

Sections 109.2 through 109.7: Delete these sections in their entirety.

Section 507.2.1.1: Delete this section in its entirety.

## CHAPTER 7

### PROPERTY MAINTENANCE CODE

#### SECTION:

4-7-1: Adoption of Property Maintenance Code

4-7-1: PROPERTY MAINTENANCE CODE:

(A) Adopted by reference. A certain document, one (1) copy which is on file in the office of the City Clerk and available for public inspection at any reasonable time, being marked and designated as the "International Property Maintenance Code 2006," as published by The International Code Council, Inc., is hereby adopted as the property maintenance code of the City of Tilden, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in division (B) of this section.

(B) Additions, insertions and changes. The following sections of the property maintenance code adopted in section 9-1001 are hereby revised as follows:

Section 101.1 Title. Insert: the City of Tilden, Nebraska.

Section 103.6 Fees. Amend section to read as follows:

The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be charged as necessary to reasonably recover costs.

Section 110.1 General. Amend section to read as follows:

The code official shall order the owner of any structure or the owner of the premises upon which any structure is located that has been condemned by the code official pursuant to this code, or in the code official's judgment is so old, dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, 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 or to demolish and remove at the structure owner's or property owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure. In the event the structure and premises upon which the structure is located are in separate ownership, then both the owner of the structure and the owner of the premises shall be responsible for said removal.

Section 110.3 Failure to comply. Amend section to read as follows:

If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official may 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 shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Section 111.1 Application for appeal. Amend section to read as follows:

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. A fee of \$500.00 shall accompany each application for appeal to the board of appeals which fee shall be refunded to the applicant in the event the board of appeals finds in favor of the applicant. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.

Section 302.4 Weeds. Insert: eight (8) inches.

Section 303.14 Insect Screens. Insert: April 1 to November 1.

Section 602.3 Heat supply. Amend section to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guest room on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature of not less than 68 F. (20 C.) in all habitable rooms, bathrooms, and toilet rooms.

Exception: 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.

Section 602.4 Occupiable work spaces. Amend section to read as follows:

Indoor occupiable work spaces shall be supplied with heat to maintain a temperature of not less than 65 F. (18 C.) 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.

## CHAPTER 8

### RESIDENTIAL CODE

#### SECTION:

4-8-1: Adoption of Residential Code

4-8-1: RESIDENTIAL CODE (ONE- AND TWO-FAMILY DWELLINGS):

(A) Adopted by reference. A certain document, one (1) copy which is on file in the office of the city clerk of the City of Tilden, Nebraska, being marked and designated as “International Residential Code, 2006 Edition” as published by International Code Council, Inc., is hereby adopted as the one- and two-family dwelling code of the City of Tilden, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in division (B) of this section.

(B) Additions, insertions and changes. The following sections of the one- and two-family dwelling code adopted in division (A) of this section are hereby revised as follows:

Section R101.1: Insert City of Tilden, Nebraska.

Section R105.2 Work exempt from permit. Amend to read as follows:

Permits shall not be required for the following. Exemption from the 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.

1. One-story detached accessory structures, provided the floor area does not exceed 64 square feet.

2. Fences not over 6 feet high.

3. Retaining walls that are not over 4 feet in height measured from the top of finished grade to top of wall.

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

5. Sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below.

6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

7. Prefabricated swimming pools that are less than 24 inches deep.

8. Swings and other playground equipment accessory to a one- or two-family dwelling.

9. Window awnings supported by an exterior wall.

10. Replacement of existing windows with like size windows where no structural alteration is required to affect said change. Window opening size shall not be substantially diminished by replacement and in no instance shall a casement or slider style window be replaced with a double-hung window style, unless minimum egress standard is met.

Section R106.3.1. Approval of construction documents. Delete this section.

Section R108.2. Schedule of permit fees. Add the following fee schedule:

#### BUILDING PERMIT FEES

The following fees shall be assessed and paid to the City of Tilden for building permit issuance.

##### NEW CONSTRUCTION AND ADDITIONS:

Ground floor and above	\$0.20 per finished square foot
Finish basement	\$0.13 per finished square foot
Unfinished basement	\$0.10 per finished square foot
Garage	\$0.10 per finished square foot

##### REMODEL AND BASEMENT FINISH:

Remodel of basement or finish	\$0.16 per finished square foot
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##### UNFINISHED/ACCESSORY STRUCTURES:

Garages, accessory buildings, decks and warehouses	\$0.13 per square foot
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##### COMMUNICATION TOWERS:

New tower	\$5.00 per foot of height
Co-Locate on existing tower	\$2.50 per foot of height

##### LOCATE MANUFACTURED HOME IN MOBILE HOME PARK

\$100.00

IN-GROUND SWIMMING POOLS                      \$100.00

MISCELLANEOUS/MINIMUM  
PERMIT FEE    \$25.00

Work that commences prior to submitting permit application will be assessed a fee three times the normal permit fee.

All inspections requiring a third inspection and each subsequent inspection thereafter will be assessed a \$50.00 reinspection fee.

Section R110.3. Certificate Issued. Delete this section.

Section R112.1 General. Amend to read as follows:

Any person who is aggrieved by a decision, notice or order of the building official made pursuant to this article may appeal such decision, notice or order to the board of appeals established pursuant to the current building code in force and effect in the jurisdiction of the City of Tilden, Nebraska. The procedure for said appeal shall be as published in said building code then currently in force and effect.

Section R113.4 Violation penalties. Amend to read as follows:

Any person, firm, or corporation violating any of the provisions of this code shall be guilty of an offense and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or allowed, and upon conviction of any such violation, such person shall be punishable by a fine of not more than five hundred dollars (\$500.00).

Section R114.1 Notice to owner. Amend to read as follows:

Upon notice from the building official that work on any building or structure is being done contrary to the provisions of this code, such work shall immediately be stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to be resumed.

Section R202 Definitions. Add definitions of "Sleeping Room" and "Building Envelope" as follows:

Sleeping Room. Any room in a house that is greater than 70 square feet and has built-in closet space and typically could be used as a bedroom. This does not include rooms used for cooking, eating, family living, gathering, bathrooms, toilet rooms and halls.



Building Envelope. Building sections which separate inside, conditioned spaces from outside air.

Table R301.2(1): Insert the following design criteria information.

Roof Snow Load:	30 lbs. per square foot
Ground Snow Load:	25 lbs. per square foot
Wind Speed:	90 mph
Seismic Design Category:	B
Subject to Damage from Weathering:	Severe
Subject to Damage from Frost Line Depth:	42 inches
Subject to Damage from Termite:	Moderate to Heavy
Subject to Damage from Decay:	None to Slight
Winter Design Temp:	4 Degrees
Flood Hazards:	Not Available

Section R303.6 Stairway illumination. Amend to read as follows:

All interior and exterior stairways, serving a means of egress, shall be provided with a means to illuminate the stairs, including the landings and treads. Interior stairways shall be provided with an artificial light source located in the immediate vicinity of each landing of the stairway. Exterior stairways shall be provided with an artificial light source located in the immediate vicinity of the top landing of the stairway. Exterior stairways providing access to a basement from the outside grade level shall be provided with an artificial light source located in the immediate vicinity of the bottom landing of the stairway.

Section R309.2 Separation Required. Change 3 feet to 10 feet.

Section R311.5 Stairways. Add Exception: 1. Secondary stairways serving only storage and utility areas need not comply with rise height and tread depth.

Section R311.5.6 Handrails. Amend to read as follows:

Handrails shall be provided on at least one side of stairways consisting of three or more stair risers. Handrails shall have a minimum height of 30 inches and a maximum height of 38 inches measured vertically from the nosing of the treads. All required handrails shall be the full length of the stairway from a point directly above the top stair riser to a point directly above the lowest stair riser of the stairway. The handrail may have one break in it but shall not switch sides of the stairway. A minimum clear space of 1.5 inches shall be provided between the wall and handrail.

Section R311.5.6.1 Height. Delete this section.

Section R311.5.6.2 Continuity. Delete this section.

Section R312.2 Guard opening limitation. Delete Exception 2.

Section R318.1 Moisture control. Amend to read as follows:

In all framed walls and floors of the building thermal envelope, a vapor retarder shall be installed on the warm-in-winter side of the insulation.

Exceptions:

1. In construction where moisture or freezing will not damage the materials.
2. Where the frame cavity or space is ventilated to allow moisture to escape.

Section R319.1 Location required. Amend item 2 to read as follows:

2. All sills or plates that rest on concrete or masonry exterior walls.

Section R402.2 Concrete. Add the following sentence:

Garage floors and driveways or unreinforced concrete shall be a minimum of 5" thick. Reinforced concrete shall be a minimum of 4" thick.

Section R403.1.4.1 Frost Protection. Amend exceptions to read as follows:

Exceptions:

1. Frost-protected footings constructed in accordance with Section R403.3 and footings and foundations erected on solid rock shall not be required to extend below the frost line.
2. Accessory buildings less than one hundred eighty (180) square feet shall not be required to be constructed with footings which extend below frost line. Concrete for slab on grade shall be a minimum of four (4) inches thick and a grid work of number 4 rebar four (4) foot on center.

Section R502.3 Allowable joist spans. Amend to read as follows:

Spans for floor joists shall be in accordance with Table R502.3.1(2). For other grades and species and for other loading conditions, refer to the AF & PA Span Tables for Joists and Rafters.

Section R502.3.1 Sleeping areas and attic joists. Delete this section.

Table R502.3.1(1) Floor Joist Spans For Common Lumber Species. Delete this table.

Section R502.3.2 Other floor joists. Amend to read as follows:

Table R502.3.1(2) shall be utilized to determine the maximum allowable span of floor joists that support all areas of the building, provided that the design live load does not exceed 40 psf and the design dead load does not exceed 10 psf.

Section R506.2.3 Vapor retarder. Delete this section.

Section R907.3 Recovering versus replacement. Delete item 4 and Exceptions 1 and 2.

Chapter 11: Remove this chapter from the one- and two- family dwelling code, however retain the language therefrom and adopt it as Appendix R with the following notation:

“[This appendix is informative and is not part of the code and words or phrases that indicate mandatory action (i.e. “shall”) in this Appendix R shall be read and construed as words or phrases that indicate recommended action (i.e. “should”).”

Section P2603.6.1 Sewer depth. Insert “48” inches in two locations.

Adopt Appendix F – Radon Control Methods.

Adopt Appendix G – Swimming Pools, Spas, and Hot Tubs.

Delete AF103.3 Soil-gas-retarder.

Delete AF103.5.2 Soil-gas-retarder.

TITLE V

BUSINESS REGULATIONS

Subject	Chapter
Alcoholic Beverages .....	1
Pool and Billiard Halls .....	2
Bingo .....	3
Sales Tax .....	4
Telecommunications Occupation Tax ....	5

## CHAPTER 1

### ALCOHOLIC BEVERAGES

#### SECTION:

- 5-1-1: Definitions
- 5-1-2: License Required
- 5-1-3: Minors and Incompetents
- 5-1-4: Hours of Sale
- 5-1-5: Where Consumption Unlawful
- 5-1-6: Occupation Tax
- 5-1-7: Penalty
- 5-1-8: License Application Procedure

5-1-1: **DEFINITIONS:** Unless the context otherwise requires, the words and phrases defined in Nebraska Revised Statutes section 53-103, as now existing or hereafter amended, shall be 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.

5-1-2: **LICENSE REQUIRED:** It shall be unlawful for any person to manufacture for sale, sell, keep for sale or to barter, or exchange, under any pretext any alcoholic liquor within the City unless such person shall have in full force and effect a license therefore as provided by the Nebraska Liquor Control Act. The applicant shall satisfy the health officer that the toilet facilities and other sanitary conditions on the licensed premises are adequate and convenient for customers and patrons thereon; and the licensed premises shall be subject to all health ordinances and inspections from time to time by the health officer of the Board of Health. All applications for licenses hereafter shall bear the endorsement of the Chief of Police to the effect that the proposed licensed premises are satisfactory from a standpoint of the sanitary conditions before the application shall be considered by the Mayor and Council. The number of licenses to sell alcoholic liquors, including beer, in the original package at retail within the corporate limits of the City, shall at all times be limited to not more than three such licenses. The number of licenses to sell beer at retail within the corporate limits of the City shall be limited to number not more than three on sale and three off sale licenses.

5-1-3: **MINORS AND INCOMPETENTS:** No person shall, within the City, sell or give any alcoholic liquors to, or procure any such liquor for any minor or any person who is mentally incompetent or any person who is physically or mentally incapacitated due to the consumption of such liquors. No minor shall within the City represent that he or she is of age for the purpose of asking for, purchasing or receiving any alcoholic liquor from any person.

5-1-4: **HOURS OF SALE:** For the purposes of this Section "on sale" shall be defined as alcoholic beverages sold a retail by the drink for consumption on

the premises of the licensed establishment. "Off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment. It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the City except during the hours provided herein:

#### HOURS OF SALE

##### Alcoholic Liquor (except beer and wine)

###### Secular Days

Off Sale . . . . . 6:00 A.M. to 1:00 A.M.

On Sale . . . . . 6:00 A.M. to 1:00 A.M.

###### Sundays

Off Sale . . . . . 12:00 Noon to 1:00 A.M.

On Sale . . . . . 12:00 Noon to 1:00 A.M.

##### Beer and Wine

###### Secular Days

Off Sale . . . . . 6:00 A.M. to 1:00 A.M.

On Sale . . . . . 6:00 A.M. to 1:00 A.M.

###### Sundays

Off Sale . . . . . 6:00 A.M. to 1:00 A.M.

On Sale . . . . . 6:00 A.M. to 1:00 A.M.

Provided, that such limitations shall not apply after twelve (12:00) noon on Sundays to a licensee which is a nonprofit corporation holding a license pursuant to Section 53-124(5)(C) & (H) of the Nebraska Revised Statutes.

No person or persons shall consume any alcoholic beverages on a licensed premises for a period of time longer than fifteen (15) minutes after the time fixed for stopping the sale of alcoholic beverages on the licensed premises.

Nothing in this section shall be construed to prohibit a licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this Section.

5-1-5: WHERE CONSUMPTION UNLAWFUL: It shall be unlawful for any person to consume alcoholic liquors in the public streets, alleys and ways, or upon property owned by the State, City, or any political subdivision thereof, or inside vehicles while upon the public streets, alleys and ways.

5-1-6: OCCUPATION TAX: *[Ordinance 500, passed on January 24, 2015, repealed the former occupation tax levied on the manufacture and sale of alcoholic beverages.]*

5-1-7: PENALTY: The violation of any provision of the Chapter shall constitute a misdemeanor, and, upon conviction thereof, the defendant shall be fined for each offense in any sum not exceeding five hundred dollars (\$500.00).

## 5-1-8: LICENSE APPLICATION PROCEDURE:

### A. Notice

Notice of a hearing held pursuant to Nebraska Revised Statutes § 53-134 shall be given to the applicant by the City Clerk and shall contain the date, time and location of the hearing. Two 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 Council that prejudice would result therefrom.

### B. Procedure

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 their testimony in narrative fashion or by question and answer.

The Governing Body or the applicant may order a transcript, at the expense of the applicant(s).

The Governing Body 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 Governing Body 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 applicant, 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.

The order of proceeding is as follows:

1. Exhibits will be marked in advance by the clerk and presented to the Mayor during the presentation;
2. Presentation of evidence, witnesses, and arguments by applicant;
3. Testimony of any other citizens in favor of such proposed license;
4. Examination of applicant, witnesses or citizens by City Attorney, the Governing Body, or duly appointed agent.
5. Cross-examination of applicant, witnesses or citizens by spokesperson for opposition, if any;
6. Presentation of evidence and witnesses by opposition;

7. Testimony of any other citizens in opposition to such proposed license;
8. Presentation of evidence by City and law enforcement personnel;
9. Cross-examination by applicant;
10. Rebuttal evidence by both parties, and by City administration and agent;
11. Summation by applicant and opposition spokesperson, if any.

In all cases, the burden of proof and persuasion shall be on the party filing the application.

Any member of the Governing Body and the City attorney may question any witness, call witnesses, or request information.

All witnesses shall be sworn.

The Governing Body may make further inquiry and investigation following the hearing.

The Governing Body or the applicant may order a transcript, the hearing to be recorded by the Clerk, at the expense of the applicant(s).



## CHAPTER 2

### POOL AND BILLIARD HALLS

#### SECTION:

- 5-2-1: Definitions
- 5-2-2: License Required
- 5-2-3: Application
- 5-2-4: License Fee
- 5-2-5: Gambling Prohibited
- 5-2-6: Minors

5-2-1: **DEFINITIONS:** Unless the context otherwise requires, the words and phrases used in this Chapter shall have the following meanings:

"Alcoholic Liquors" shall be construed and defined as set forth in the Nebraska Liquor Control Act.

"Pool Hall" shall mean any place or room within which, or premises upon which, are placed the games of pool, billiards, snooker and all similar games played with either pool or billiard balls or upon pool or billiard tables.

5-2-2: **LICENSE REQUIRED:** It shall be unlawful for any person to operate for profit any pool or billiard table within the City without having first procured a license therefore as hereinafter provided. All licenses provided for by this Chapter shall be signed by the Clerk under the direction of the Council and shall not be for more than the municipal year for which it is granted and shall be delivered to the person applying therefore upon the production of a proper receipt signed by the Treasurer showing that the required amount of money has been paid; provided, that the Mayor and Council may, at their discretion, refuse the issuance of any such license.

5-2-3: **APPLICATION:** Application for license to operate any billiard or pool table within the City shall be made to the Mayor and Council, such application shall specify the number of the lot or block in the City whereon it is proposed to run such business and the number of tables and to specify whether such tables are billiard tables or pool tables, which the applicant desires to operate, at the time of the application for the license. The applicant shall also present to the Council a receipt showing payment to the Treasurer of the amount of license tax paid, which license tax or fee shall be refunded to applicant if the license is not granted.

5-2-4: **LICENSE FEE:** A license fee to be charged for a license under this Chapter shall be as follows:

Fifteen dollars (\$15.00) on the first billiard table or pool table and five dollars (\$5.00) on each billiard table or pool table thereafter, per annum.

5-2-5: GAMBLING PROHIBITED: It shall be unlawful for any licensee to allow any gambling of any kind or description upon the premises for which license is granted.

5-2-6: MINORS: It shall be unlawful for any person operating a pool hall to permit any minor under the age of nineteen (19) years to frequent, remain in or loiter in such pool hall or to play any game therein.

## CHAPTER 3

### BINGO

#### SECTION:

- 5-3-1: Definitions
- 5-3-2: Permit Required
- 5-3-3: Special Election
- 5-3-4: Compliance With Law
- 5-3-5: Revocation of Permit
- 5-3-6: Occupation Tax
- 5-3-7: Quarter Reports
- 5-3-8: Incorporation of Statutes
- 5-3-9: Penalty

5-3-1: **DEFINITIONS:** The word "association" as used in this Chapter shall mean any board, society, corporation, church or other entity that has been licensed by the State of Nebraska to conduct the game of bingo within the State.

5-3-2: **PERMIT REQUIRED:** An association duly licensed by the State of Nebraska to conduct the game of bingo within the corporate limits of the City shall obtain a written permit therefore from the Mayor and City Council before commencing operation of the same. Application for such permit shall be in writing and filed with the Clerk on such form as he or she shall prescribe, who shall issue such permit when directed by the governing body of the City to do so. Such permit shall expire on March 31 following its issuance or renewal. The fee for such permit, or each renewal thereof, shall be the sum of Ten Dollars (\$10.00), which the applicant shall pay to the Treasurer prior to filing its application for such permit, or renewal thereof, and a receipt of payment of the same shall be filed with the application. When a permit is issued, the Treasurer shall credit such fee to the general fund of the City. The permit shall, at all times, be displayed conspicuously at the place where the game of bingo is conducted.

5-3-3: **SPECIAL ELECTION:** No permit for conducting the game of bingo shall thereafter be issued by the City should a majority of the qualified electors of the city voting thereon at the election at which the proposition was submitted determine that the game of bingo should not be conducted within the City, until the same quota of the qualified electors of the City shall again authorize the operation of the same.

5-3-4: **COMPLIANCE WITH LAW:** Games of bingo shall be conducted within the City strictly in accordance with all ordinances of the City, not inconsistent with the statutes of the State.

5-3-5: REVOCATION OF PERMIT: Any permit issued under the provisions hereof may be revoked or suspended by the Mayor and City Council for cause, when the State license of the association has been revoked or suspended, but such revocation or suspension order shall be identical in substance with that issued by the State of Nebraska.

5-3-6: OCCUPATION TAX: A tax of ten percent of the gross receipts of each licensed association from the conducting of the game of bingo within the City, is hereby imposed and levied against each such association, payable on or before the 10th day of the immediately succeeding calendar quarter, to the Treasurer. When collected, one-half of such tax shall forthwith be paid by the Treasurer to the Director of the Department of Agriculture and Inspection of the State of Nebraska and the remaining one-half thereof shall be credited by the Treasurer to the general fund of the City.

5-3-7: QUARTERLY REPORTS: Each association conducting the game of bingo within the City shall submit a written quarterly report to the Clerk covering the preceding calendar quarter on or before the 10th day of the immediately succeeding calendar quarter. The report shall include a detailed financial statement of each separate session of bingo conducted by such association, prepared on a form prescribed by the Director of the Department of Agriculture and Inspection of the State of Nebraska.

5-3-8: INCORPORATION OF STATUTES: All the provisions of the Nebraska statutes regulating bingo, as the same now exist or may hereafter be amended, shall be and constitute a part of this Chapter the same as if repeated verbatim herein, and violation of the same shall be a distinct and separate offense against the City, as well as against the State, and any violations thereof shall be separately prosecuted by the City for each of such offenses and if convicted shall be punished as hereinafter provided for the violation of other provisions of this Chapter.

5-3-9: PENALTY: Any association violating the provisions of this Chapter shall be guilty of a misdemeanor and, if convicted, shall be fined in any sum not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) for each offense. Each day that a violation of this Chapter continues shall be considered a separate and distinct offense.

## CHAPTER 4

### SALES TAX

#### SECTION:

- 5-4-1: Sales Tax
- 5-4-2: Administration of Tax
- 5-4-3: Effective Date
- 5-4-4: Notification to State Offices

5-4-1: SALES TAX: Based on the approval by a majority of the electors of the City of Tilden, Madison and Antelope Counties, Nebraska, voting in the state general election on November 4, 2014, pursuant to Nebraska Revised Statutes §77-27,142 through §77-27,148 (Reissue 2009), as amended, known and cited as the Local Option Revenue Act, the governing body of the City of Tilden, Nebraska, shall retain the current sales and use tax upon the same transactions within such municipality on which the State of Nebraska is authorized to impose a tax, and modify the use, terms and conditions of the one percent (1%) sales and use tax previously used for support of the Tilden Community Hospital, to now be used one-half percent (1/2%) for support of Tilden public emergency services, and one-half percent (1/2%) for water, sewer, paving and other Tilden infrastructure projects, with an effective date of April 1, 2015, to start the new uses and to terminate the old use. The remaining one-half percent (1/2%) of the City's total one and one-half percent (1½%) sales and use tax, which is to be used for the renovation and updating of the Tilden City Auditorium, pursuant to Ordinance No. 415 passed on June 6, 2000, shall continue to be used for that same purpose. Such total sales and use tax shall be imposed, within the corporate limits of the City of Tilden, Madison and Antelope Counties, Nebraska, as such corporate limits may from time to time be extended or changed.

5-4-2: ADMINISTRATION OF TAX: The administration of the sales and use tax imposed by the terms of this ordinance, the making of returns for the assessment of taxes, the provision for tax claims and remedies, the laws governing consummation of sales, penalties and collections, and the disposition and distribution of sales and use taxes so imposed and collected shall be governed by Nebraska Revised Statutes §77-27,142 through §77-27,148 (Reissue 2009), as amended, and by Nebraska Revised Statutes §77-2701 through §77-27,135 (Reissue 2009), as amended.

5-4-3: EFFECTIVE DATE: The modification of the terms and conditions of the sales and use tax imposed by this ordinance for the City of Tilden, Madison and Antelope Counties, Nebraska, shall commence and shall become effective as of April 1, 2015.

5-4-4: NOTIFICATION TO STATE OFFICES: The Tilden City Clerk shall forward a certified copy of this ordinance and a certified copy of a map of the

City of Tilden, Madison and Antelope Counties, Nebraska, showing the corporate limits thereof, to the Nebraska Department of Revenue immediately after passage of this ordinance and no later than December 2, 2014, as provided by law.

## CHAPTER 5

### TELECOMMUNICATIONS OCCUPATION TAX

#### SECTION:

- 5-5-1: Occupation Tax
- 5-5-2: Payments, Penalties for Late Payment, Etc.
- 5-5-3: Reports and Inspections
- 5-5-4: Lawsuits to Collect

5-5-1: OCCUPATION TAX: Commencing January 1, 2011, there is hereby levied upon every person, partnership, corporation, limited liability company, or association of any kind engaged in the business of offering or providing telecommunication services to the public for hire in the City of Tilden an occupation tax as follows:

(A) Three percent (3%) on the gross receipts resulting from any toll services and charges on basic local exchange services; inter-exchange service; mobile services; and other telecommunication services as follows:

1. Basic local exchange services—shall include the access and transmission of two-way switched communications within the city, including local telephone and telecommunication services;

2. Inter-exchange services—shall mean the access and transmission of communications between two or more local exchange areas, provided that such inter-exchange either (a) originates from an end user within the city or (b) 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;

3. 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

4. Any other similar telecommunication services involving any electric or electromagnetic transmission of messages originating and terminating in the State of Nebraska and charged to a service address in the City of Tilden, regardless of where the charges are actually paid.

(B) Gross receipts shall not include any toll services and charges as follows:

1. For interstate telecommunications between persons in this city and persons outside of this state.

2. For local carrier access charges, transmission facilities and switching services provided to telecommunications companies;

3. From accounts charged to the United States government or any of its departments, or the State of Nebraska, or any of its agencies, subdivision or departments. No part or portion of the tax provided for in this chapter shall be levied upon or assessed against or taken from any such gross receipts so excepted from the provisions hereof.

#### 5-5-2: PAYMENTS, PENALTIES FOR LATE PAYMENT, ETC.:

(A) The payment of the occupation tax herein levied shall be in quarterly payments, using the calendar quarter year as a basis for determining and computing the amount of tax payable. Each quarterly payment shall be due forty-five (45) days after the termination of each calendar quarter year. All payments of tax made after the due date shall draw interest at the rate of one percent (1%) per month and, after payment has been in default for six (6) months, a penalty of fourteen percent (14%) shall be added thereto in addition to the interest charges and shall be paid by the company or companies subject to this occupation tax. Each succeeding payment may make adjustment to be shown on the report hereinafter provided for as may be necessary for uncollectibles or any other matters which may have resulted in either an excess or deficiency in the amount of tax paid in any previous quarter.

(B) The occupation tax herein levied shall be paid the treasurer at the time provided in this division and he or she shall issue and deliver his or her receipt therefor on the payment thereon, and the amount of payment shall be credited by the treasurer to the general fund or as otherwise directed by resolution.

#### 5-5-3: REPORTS AND INSPECTIONS:

(A) All telephone companies at the same time as they make such quarterly payments of tax herein required shall file with the clerk a full, complete and detailed statement of the gross receipts subject to the occupation tax provided for in this division. Such statement shall be duly verified and sworn to by the manager in charge of the business of the particular company in the city or by a higher managerial employee of such company, and the city shall have the right at any time to inspect through its officers, agents or representatives the books and records of such company for the purpose of verifying such reports.

(B) If the telephone company shall refuse, fail or neglect to furnish or file such reports at the time required by this division or shall fail or refuse to permit the city to inspect the books and records of such company for the purpose of verifying such report or reports, then the occupation tax for the preceding quarter shall be ten thousand dollars (\$10,000.00); said amount shall be paid within forth-five (45) days following the end of the calendar



quarter as required by herein, and said amount shall draw fourteen percent (14%) interest and penalties as further provided herein.

5-5-4: LAWSUITS TO COLLECT: In case any such company or companies shall fail to make payment of the occupation tax as herein provided at the times herein specified, the city shall have the right and may sue any such company or companies in any court of competent jurisdiction for the amount of the occupation tax due and payable under the terms and provisions of this division and may recover judgment against any such company or companies for the amount so due, together with fourteen percent (14%) interest penalties, and may have execution thereon.

TITLE VI

POLICE REGULATIONS

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## CHAPTER 1

### GENERAL OFFENSES

#### SECTION:

- 6-1-1: Abandoned Containers
- 6-1-2: Assault or Battery
- 6-1-3: Criminal Mischief
- 6-1-4: Disturbing the Peace
- 6-1-5: False Representation
- 6-1-6: Gambling
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- 6-1-11: Junk, Keeping of Restricted
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- 6-1-13: Offense, Aid to an
- 6-1-14: Public Urination/Defecation
- 6-1-15: Prostitution
- 6-1-16: Prostitution, House of
- 6-1-17: Resisting an Officer
- 6-1-18: Vagrancy
- 6-1-19: Theft
- 6-1-20: Tobacco

6-1-1: **ABANDONED CONTAINERS:** It shall be unlawful for any person to cause to remain outside of any dwelling or structure or within any unoccupied dwelling or structure under his or her control, in a place accessible to children, any unattended or discarded freezer, refrigerator or other container which has a door, lid or other locking device which may not be released from the inside, unless such door, lid, or other locking device is removed.

6-1-2: **ASSAULT OR BATTERY:** It shall be unlawful for any person to intentionally, knowingly, or recklessly cause bodily injury to another person, or to threaten another in a menacing manner.

6-1-3: **CRIMINAL MISCHIEF:** It shall be unlawful for any person to intentionally or recklessly damage the property of another, or to intentionally tamper with property of another so as to endanger person or property, or to intentionally or maliciously cause another to suffer pecuniary loss by deception or threat.

6-1-4: **DISTURBING THE PEACE:** It shall be unlawful for any person to intentionally, recklessly or knowingly disturb the peace and quiet of any person, family, or neighborhood, or any public assembly. The offense of disturbing the peace shall include, but shall not necessarily be limited to, the following:

- a. Engaging in fighting;
- b. Exhibiting threatening or violent conduct directed towards another person;
- c. Using abusive, threatening, or other fighting language or gestures directed towards another person or persons;
- d. Operating any radio, tape player, compact disc player, digital audio equipment, stereophonic sound system, or similar device which reproduces or amplifies radio broadcasts, musical or other audio recordings or sounds, in or upon any street, alley, or other public place in such a manner as to be audible to other persons in such public place more than fifty (50) feet from the source.

6-1-5: FALSE REPRESENTATION: It shall be unlawful for any person to represent falsely himself to be an officer of the City or who shall attempt to impersonate any such officer or who shall without authority perform any official act therein on behalf of an officer.

6-1-6: GAMBLING: It shall be unlawful for any person to deal, play, or conduct, either as owner, employee, or lessee, whether or not for hire, any game played with cards, dice, or any other device for money, checks, credit, or other representative of value.

6-1-7: GENERAL OFFENSE: It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by State law, insofar as such laws are applicable to municipal government.

6-1-8: INJURIOUS MATERIAL ON THOROUGHFARES, DEPOSITS OF: It shall be unlawful for any person to deposit, place, or allow to remain in or upon any public thoroughfare any material or substance injurious to person or property.

6-1-9: INTERFERENCE PROHIBITED: It shall be unlawful for any person to use or operate, or cause to be used or operated, any device, appliance, equipment, or apparatus generating or causing high frequency oscillations or radiations which interfere with radio broadcast receiving apparatus, wireless receiving apparatus, or television receiving apparatus, except that a person duly licensed to practice medicine, surgery, dentistry, or other affiliated professions, by the State, in the course of the practice of his or her profession, may operate or cause to be operated under his or her direct supervision, any machine necessary to give treatment; provided, however, that all reasonable methods of preventing interference with radio broadcast receiving apparatus, wireless receiving apparatus, and television receiving apparatus have been applied; provided further, that the provisions of this section shall not apply to radio stations licensed by the Federal Government.

6-1-10: INTOXICATION; CONTROLLED SUBSTANCE: It shall be unlawful for any person to be found in a state of intoxication, or under the influence of intoxicating liquor, or under the influence of controlled substances, all as defined by State law, within the City.

6-1-11: JUNK, KEEPING OF RESTRICTED: It shall be unlawful for any person to store or keep any old articles or materials which may be classified as junk adjacent to or in close proximity to any schoolhouse, church, public grounds, business buildings or residences without first providing proper and tight buildings or containers for the storage of the same.

6-1-12: NUISANCES DEFINED: Anything which is injurious to the health, or indecent or offensive to the sense, or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated.

6-1-13: OFFENSE, AID TO AN: It shall be unlawful for any person, in any way or manner, to aid, abet, counsel, advise, or encourage any other person in the commission of any offense hereby defined.

6-1-14: PUBLIC URINATION/DEFECATION: No person shall urinate or defecate in or upon any street, sidewalk, alley, trail, park, public building or publicly maintained facility, or in any place open to the public or exposed to public view. This section shall not apply to urination or defecation which is done in any restroom or other facility designed for the sanitary disposal of human waste.

6-1-15: PROSTITUTION: It shall be unlawful for any person to perform, offer, or agree to perform any act of sexual intercourse with any person not his or her spouse in exchange for money or other thing of value.

6-1-16: PROSTITUTION, HOUSE OF: It shall be unlawful for any person to have or exercise control over the use of any place which offers seclusion or shelter for the practice of prostitution and who knowingly grants or permits the use of such place for the purpose of prostitution.

6-1-17: RESISTING AN OFFICER: It shall be unlawful for any person to intentionally interfere with, resist, delay, obstruct, or molest any officer of the City in the exercise of his or her official duties.

6-1-18: VAGRANCY: It shall be unlawful for any person within the corporate limits of the City of Tilden to be or conduct himself or herself as a vagrant.

The following persons shall be deemed vagrants:

- a. No Lawful Means of Support. Any person having no lawful means of employment and having no means of support realized solely from lawful occupations or sources.

- b. Loitering. Any person found loitering upon any public way or public place, or in or around any commercial establishment, or on any private property without lawful business and conducting himself or herself in an offensive or indecent manner in speech or behavior.
- c. Abroad at Unusual Hours. Any person who wanders about public ways or places, or who is found abroad, at late or unusual hours in the night without any visible or lawful business or does not give a satisfactory account of himself or herself.
- d. Fraudulent Schemes. Any persons who shall engage in any fraudulent scheme to obtain money or other valuable thing from others, or any person who aids or assists such scheme.

6-1-19: THEFT:

- a. It shall be unlawful for any person to take or exercise control over movable property of another having a value of one hundred dollars (\$100.00) or less, with intent to deprive him or her thereof.
- b. It shall be unlawful for any person to transfer immovable property of another, or any interest therein, which property or interest has a value of one hundred dollars (\$100.00) or less, with intent to benefit himself or herself or another not entitled thereto.

6-1-20: TOBACCO USE ON CITY PROPERTY:

- a. No person shall smoke or use tobacco products of any kind in any City owned or leased building.
- b. No elected officer, appointed officer, or City employee, shall smoke or use tobacco products of any kind in any City owned or leased vehicle, or permit others to do so.
- c. Violation of this section shall be subject to penalty under Section 1-3-1 of this Code.

## CHAPTER 2

### ANIMALS

#### SECTION:

- 6-2-1: Animals Running at Large Prohibited
- 6-2-2: Cruelty to Animals
- 6-2-3: Impounding of Animals
- 6-2-4: Notice and Sale of Animals
- 6-2-5: Revenue From Sale
- 6-2-6: Freeing Impounded Animals Prohibited
- 6-2-7: Animals Not to be Kept Within One Hundred Feet of Residence of Another
- 6-2-8: Fowls Not to be Kept Within Twenty-Five Feet of Residence of Another
- 6-2-9: Horses to be Securely Fastened
- 6-2-10: Unusual Animals Prohibited

6-2-1: **ANIMALS RUNNING AT LARGE PROHIBITED:** Animals shall not be permitted to run at large in the City at any time during the year; and it shall be unlawful for anyone to herd or drive any animal through the streets without having such animal under control by means of rope, strap, or other device by which it may be led, unless such animal is being driven in harness or hauled; provided, that this Chapter shall not be construed as prohibiting stockmen from driving herds through the City when necessary to transfer them from one (1) pasture to another or for the purpose of shipping, but stockmen so driving stock through the City shall be liable to property owners for all damages done to their property by such stock while being driven through the City, whether or not such damage is caused by the negligence of the stockman or his agents. Such stock shall be driven through the City in as short a time as possible.

6-2-2: **CRUELTY TO ANIMALS:** It shall be unlawful for any person to torture or beat cruelly, starve or otherwise ill-treat any animal in his or her care or charge, whether belonging to himself or herself or any other person.

6-2-3: **IMPOUNDING OF ANIMALS:** If any animal shall be found running at large contrary to the provisions of this Chapter, it is hereby made the duty of the poundmaster to take up and confine the same in a secure place provided for that purpose and such animal taken up and confined shall not be released until the owner or person entitled to the possession thereof shall pay to the officer having such animal in his or her keeping the scheduled sums charged for the taking up of such animal and for housing such animal for each day the animal shall be kept by the officer aforesaid, and the same shall be turned in to the Clerk.

6-2-4: **NOTICE AND SALE OF ANIMALS:** If the owner or person entitled to the possession of an animal does not pay the charges and take it away within

ten (10) days from the time it is taken into custody, the poundmaster may sell such animal at public auction after having given at least five (5) days notice of the time and place of such sale by publishing or by posting the notice in five (5) public places in the City as well as serving a copy of the notice upon the owner or possessor, if known, of such animal. Such animal may be redeemed at any time before the date of sale by payment to the officer in charge or his or her assistant of any fees, expenses, and charges herein provided.

6-2-5: REVENUE FROM SALE: In case any animal sold pursuant to the provisions of this Chapter be sold for more than is sufficient to pay the fees and charges aforesaid, such excess shall, by the officer or assistant making the sale, be deposited with the Clerk, who shall pay such excess, upon an order of the City Council, to the owner of such animal or person entitled to the possession of the same upon claim and proper proof within one (1) year from date of the sale.

6-2-6: FREEING IMPOUNDED ANIMALS PROHIBITED: It shall be unlawful to break open or in any manner, directly or indirectly, aid or assist in breaking open any pen or enclosure with intent of releasing any animal confined therein.

6-2-7: ANIMALS NOT TO BE KEPT WITHIN ONE HUNDRED FEET OF RESIDENCE OF ANOTHER: It shall be unlawful for any person, whether as owner or person in possession, to keep or maintain any horse, mule, cow, sheep, goat, swine, rabbit, or any other such farm animal within one hundred feet of any part of a building used by another as a residence or place of dwelling.

6-2-8: FOWLS NOT TO BE KEPT WITHIN TWENTY-FIVE FEET OF RESIDENCE OF ANOTHER: It shall be unlawful for any person, whether as owner or person in possession, to keep or maintain any chickens, ducks, turkeys, geese, or any other similar fowl within twenty five feet of any part of a building used by another as a residence or place of dwelling.

6-2-9: HORSES TO BE SECURELY FASTENED: It shall be unlawful for any person to leave any horse or other animal attached to any carriage, wagon, sleigh, or other vehicle in any part of the streets of the City without securely fastening such horse or other animal.

6-2-10: UNUSUAL ANIMALS PROHIBITED:

(A) It shall be unlawful for any person or persons to own, keep, or harbor any unusual animal within the corporate limits of the City of Tilden, Nebraska, except that this section shall not be construed to prohibit a public zoo, circus, humane society, or carnival from displaying unusual animals as exhibits, or to prohibit any wildlife rescue organizations with appropriate permits from the Nebraska Game and Parks Commission from rehabilitating or sheltering unusual animals.



(B) It shall be unlawful for any person or person to sell, give away, transfer or import into the City of Tilden, Nebraska, any unusual animal as defined in this section, excluding a public zoo from doing business with another public zoo.

(C) In the event the Police Chief determines that an unusual animal is being owned, kept, or harbored by any person in violation of this section, the Police Chief may have such person prosecuted for such violation and shall order such person to remove such unusual animal from the City of Tilden, Nebraska, or destroy it. Such order shall be contained in a written notice to remove or destroy such unusual animal within ten (10) days and shall be delivered in person or by certified mail, return receipt requested. If the owner or person keeping or harboring such unusual animal shall have failed to remove or destroy such unusual animal after the expiration of ten (10) days from the receipt of such notice and no appeal is taken, the Police Chief shall have such unusual animal destroyed.

(D) For the purposes of this section, the following definitions apply:

(1) "Unusual animal" shall mean any poisonous or potentially dangerous animal not normally considered domesticated, and shall include animals prohibited by the City of Tilden, the State of Nebraska, or federal requirements, and also: (a) Class mammalia; order carnivora, family felidae (such as lions, tigers, jaguars, leopards, bobcats, and cougars), except commonly accepted domesticated cats and hybrids involving the same; family-canidae (such as wolves, coyotes, and fox), except domesticated dogs and hybrids involving the same; 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). (b) Poisonous reptiles, cobras, and their allies (elapidae, hydrophiidae); vipers and their allies (crotiladae, viperidae); boonslang and kirkland's tree snake; and gila monster (heleodermatidae).

(2) "Domesticated" shall mean a tame animal that is subject to the dominion and control of an owner or person keeping or harboring such animal, and accustomed to living in or near human habitation without requiring extraordinary restraint for the protection of humans or unreasonably disturbing such human habitation.

## CHAPTER 3

### DOGS, CATS, AND CERTAIN PETS

#### SECTION:

- 6-3-1: Keeping of Dogs, Cats, and Certain Pets Restricted
- 6-3-2: License Tax; Tag; Dog at Large
- 6-3-3: When Tax Due on Dogs, Cats, and Certain Pets
- 6-3-4: Rabies Vaccination Required
- 6-3-5: Transfer of Tag
- 6-3-6: Vicious Dogs, Cats, and Certain Pets
- 6-3-7: Pound
- 6-3-8: Impoundment
- 6-3-9: Loud, Barking Dogs
- 6-3-10: Penalty
- 6-3-11: Dangerous Dogs; Definitions
- 6-3-12: Dangerous Dogs; Restrained
- 6-3-13: Dangerous Dogs; Confined
- 6-3-14: Dangerous Dogs; Failure To Comply
- 6-3-15: Dangerous Dogs; Additional Regulations
- 6-3-16: Dangerous Dogs; Insurance Required on Specified Breeds

6-3-1: **KEEPING OF DOGS, CATS, AND CERTAIN PETS RESTRICTED:** It is declared to be unlawful for dogs, cats, or pets to be kept, maintained or harbored in the City, except as herein provided. As used in this Chapter, the term "pets" is defined as those family pets not typically kept in an aquarium, terrarium or birdcage. The Clerk shall annually, by direction of the Mayor and Council, procure a sufficient number of metallic tags so that the provisions of this Chapter may be complied with. The metallic tags shall each year be numbered from one upward and each shall bear the number of the year in which issued in accordance herewith.

6-3-2: **LICENSE TAX; TAG; DOG AT LARGE:** Every person owning, keeping, maintaining, or harboring a dog, cat, or pet within the City for more than thirty (30) days shall annually pay to the Clerk the license tax specified as follows for each dog, cat, or pet so owned, kept, maintained, or harbored within the City, and classified as follows: For each male or female dog, cat, or pet, twenty five dollars (\$25.00), and each dog, cat, or pet that has been spayed or castrated, the sum of twenty dollars (\$20.00). Upon payment of the license tax, the Clerk shall issue the person a metallic tag, as previously described in this Chapter. Upon satisfactory showing that a tag is lost or destroyed, a duplicate will be issued for a fee of ten dollars (\$10.00). Such tag shall be securely attached by suitable collar or chain to the neck of any dog, cat, or pet upon which the license tax is paid and shall entitle the same to be kept in the City. No dog, cat, or pet shall be permitted to run at large in the City at any time, and running at large shall be construed to mean off the premises of the one owning or controlling the dog, cat, or pet and roaming at will out of the control of the owner or master thereof.

6-3-3: WHEN TAX DUE ON DOGS, CATS, AND CERTAIN PETS: The annual license tax herein provided for shall be due on May 1 of each year and shall expire on April 30 of the following year. The tax shall be payable for the entire year or any part thereof. All taxes and fees received pursuant to this Chapter shall go to the general fund.

6-3-4: RABIES VACCINATION REQUIRED: All dogs, cats, raccoons, monkeys, skunks, and like animals owned, kept, maintained, or harbored within the City shall be vaccinated against rabies by a duly licensed veterinarian of the State of Nebraska, in accordance with such rules and regulations as the Board of Health may prescribe. No period of more than two (2) years shall elapse after any such animal is first vaccinated before such animal shall be again so vaccinated.

6-3-5: TRANSFER OF TAG: It shall be unlawful to transfer any tag provided for herein from one dog, cat, or pet to another. The unauthorized removal of a tag from any dog, cat, or pet after the same has been properly attached to the dog, cat, or pet is declared to be unlawful.

6-3-6: VICIOUS DOGS, CATS, OR PETS: Any vicious or dangerous dog, cat, or pet not securely muzzled, shall be subject to summary destruction, if, in the opinion of the police authorities, public safety requires such destruction.

6-3-7: POUND: The City shall, at its own expense, provide a suitable place for the impounding of dogs, cats, and pets as contemplated herein.

6-3-8: IMPOUNDMENT: All dogs, cats, and pets, kept, maintained, or harbored contrary to the provisions of this Chapter shall be captured and confined within the City pound or other suitable place where they shall be supplied freely with water and food at least once every twenty-four (24) hours. Not later than three (3) days after the impounding of the dog, cat, or pet, the owner shall be notified of impoundment, if the owner is known. Three (3) days after the date of notice of impoundment or, if no notice can be given, the date of capture or confinement, if any dog, cat, or pet shall remain unclaimed in the pound, the poundmaster may thereupon destroy the same by shooting or other humane method which he may select not in violation of the Statutes of Nebraska. The owner or master of any dog, cat, or pet confined in the pound may on proper showing and identification reclaim the same on payment of a fee of ten dollars (\$10.00); provided, however, if the annual license tax upon the dog, cat, or pet has not been paid the tax must be paid and the proper tag secured before the dog, cat, or pet can be reclaimed. All costs for caring for the dogs, cats, and pets shall be paid out of the general fund.

6-3-9: LOUD, BARKING DOGS: It shall be unlawful for any person to own, keep, or harbor any dog or pet which by loud, continued or frequent barking, howling, or yelping shall annoy or disturb any neighboring persons.

6-3-10: PENALTY: Any person violating the provisions of this Chapter shall be fined in any sum not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) for each offense. Each day that a violation of this Chapter continues shall be considered a separate and distinct offense.

6-3-11: DANGEROUS DOGS; DEFINITIONS:

Animal Control Authority shall mean the entity authorized to enforce the animal control laws of the City of Tilden.

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

Dangerous Dog shall mean any dog that, according to the records of an animal control authority:

- 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 dog was off the owner's property; or
- c. has been previously determined to be a potentially dangerous dog by an animal control authority and the owner has received notice of such determination and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals. A dog shall not be defined as a dangerous dog if the threat, any injury that is not a severe injury, or the damage was sustained by a person who, at the time, was committing a willful trespass as defined in Nebraska Revised Statutes sections 20-203, 28-520, or 28-521 or any other tort upon the property of the owner of the dog, who was tormenting, abusing, or assaulting the dog, who has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or who was committing or attempting to commit a crime;

Domestic Animal shall mean a cat, a dog, or livestock;

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

Potentially Dangerous Dog shall mean:

- a. any dog that when unprovoked:
  - (i) inflicts a nonsevere injury on a human or injuries a domestic animal either on public or private property, or;

- (ii) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or
- b. any specific dog with a known propensity, tendency or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals; and

Severe injury shall mean any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones or that creates a potential danger to the life or health of the victim.

6-3-12: DANGEROUS DOGS: RESTRAINED: No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash.

6-3-13: DANGEROUS DOGS: CONFINED: While unattended on the owner's property, a dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property.

6-3-14: DANGEROUS DOGS; FAILURE TO COMPLY: Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this article. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated this article. In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner.

6-3-15: DANGEROUS DOGS; ADDITIONAL REGULATIONS: Nothing in this Chapter shall be construed to restrict or prohibit the governing body of the City of Tilden from establishing and enforcing laws, ordinances or regulations at least as stringent as the provisions of this Chapter.

6-3-16: DANGEROUS DOGS; INSURANCE REQUIRED ON SPECIFIED BREEDS. Owners of American Pit Bull Terriers, American Staffordshire Terriers and Rottweilers shall present to the City Clerk proof that such owners have procured a liability insurance policy or a surety bond in the amount of not less than one hundred thousand dollars (\$100,000.00) covering any damage or injury that may be caused by such breeds of dangerous dogs. The policy or surety shall contain a provision requiring that the City Clerk be notified

immediately by the agent issuing the policy or surety in the event that the same expires or is canceled or terminated. Owners of the specified breeds of dangerous dogs shall sign a statement attesting that such owners shall maintain and not voluntarily cancel the policy or surety during the twelve (12) month period for which licensing is sought, unless such owners cease to own or keep the dogs prior to the end of the licensing period. All regulations and licensing requirements and other provisions stated in Sections 6-3-1 through 6-3-15, and Nebraska Revised Statutes regarding dogs, shall apply to all breeds of dogs in the city limits.

## CHAPTER 4

### MINORS

#### SECTION:

- 6-4-1: Curfew Hours
- 6-4-2: Responsibility of Parents
- 6-4-3: Arrest of Minor
- 6-4-4: Railroad Property, No Loitering
- 6-4-5: Sale of Tobacco to Minors
- 6-4-6: Sale of Liquor to Minors

6-4-1: **CURFEW HOURS:** It shall be unlawful for any person under the age of eighteen (18) years to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, public places and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places, or to ride in or upon, drive, or otherwise operate, any automobile, bicycle or other vehicle in, upon, over, or through the streets, alleys, or other public places of the City between the hours of 10:30 p.m. on Sundays, Mondays, Tuesdays, Wednesdays and Thursdays and 6:00 a.m. of the following day, and between the hours of 12:00 midnight on Fridays and 6:00 a.m. on Saturdays, and between the hours of 12:00 midnight on Saturdays and 6:00 a.m. on Sundays, unless such person is accompanied by a parent, guardian, or other adult person having the legal care and custody of such minor person, or unless such minor person is upon an emergency errand or legitimate business, directed by his or her parent, guardian or legal custodian.

6-4-2: **RESPONSIBILITY OF PARENTS:** It shall be unlawful for the parent, guardian, or other adult person, having the care and custody of a minor under the age of eighteen (18) years, to allow or permit such minor person to do any of the things or acts prohibited by Section 6-4-1 of this Chapter, unless such minor is accompanied by his parent, guardian, or legal custodian, or unless such minor is upon an emergency errand or legitimate business, directed by his or her parent, guardian, or legal custodian.

6-4-3: **ARREST OF MINOR:** No minor person, arrested under the provisions of this Chapter, shall be placed in confinement until he or she has been taken home, or the parents, guardian, or legal custodian notified, and the arresting officer has ascertained whether or not such minor person is within the control of his or her parent, guardian, or legal custodian; and if such parent, guardian or legal custodian shows that such minor cannot be controlled by them, then such minor shall be proceeded against, otherwise the parent, guardian or legal custodian shall be proceeded against.

6-4-4: **RAILROAD PROPERTY, NO LOITERING:** It shall be unlawful for any minor to loiter or play upon the premises of any railroad company within the City; further, it shall be unlawful for the parent, guardian, or other adult

person having the care and custody of such minor to allow or permit such minor to loiter or play upon the premises of any railroad company within the City.

6-4-5: SALE OF TOBACCO TO MINORS: It shall be unlawful for any person to sell or give away, directly or indirectly, to any person under the age of eighteen (18) years any cigarettes, cigars, tobacco, or compounds of tobacco.

6-4-6: SALE OF LIQUOR TO MINORS: It shall be unlawful for any person to sell or give away, directly or indirectly, to any person under the age of twenty-one (21) years any alcoholic liquor including beer.



## CHAPTER 5

### AIR GUNS, FIREARMS

#### SECTION:

- 6-5-1: Definitions
- 6-5-2: Concealed Weapons
- 6-5-3: Discharge of Firearms Prohibited
- 6-5-4: Exceptions; Permits

6-5-1: **DEFINITIONS:** Wherever the term "firearms" is used in this Chapter, the term shall mean any instrument used in the propulsion of shot, shell, bullets, or other harmful objects by the action of gunpowder exploded within it, or by the action of compressed air within it, or by the power of springs and including what are commonly known as air rifles and BB guns.

6-5-2: **CONCEALED WEAPONS:** It shall be unlawful for any person to carry concealed upon his or her person any revolver, pistol, dagger, stiletto, metal knuckles, or other deadly weapon. This section shall not apply to any individual holding a valid permit and otherwise authorized to carry a concealed handgun under the Concealed Handgun Permit Act, Nebraska Revised Statutes Sections 69-2427 to 69-2447, as amended.

6-5-3: **DISCHARGE OF FIREARMS PROHIBITED:** It shall be unlawful for any person to discharge firearms of any kind or description within the City; provided, this section shall not apply to police officers in the discharge of their duties; nor shall this section apply when necessary for the public safety or individual defense.

6-5-4: **EXCEPTIONS: PERMITS:** The City Council may at any time, upon receipt of proper application, grant permits to shooting galleries, gun clubs, and others for shooting in fixed localities and under specified rules. Such permits shall be in writing attested by the Clerk conforming to such requirements as the Council shall demand, and the permit thus issued shall be subject to revocation at any time by action of the Council.

## CHAPTER 6

### DISORDERLY CONDUCT

#### SECTION:

- 6-6-1: Definitions
- 6-6-2: Disorderly Conduct Prohibited
- 6-6-3: Violation

#### 6-6-1: DEFINITIONS:

- a. Public place shall mean any place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern, or other place of business and also public grounds, areas, or parks.
- b. Riot shall mean a public disturbance involving:
  - 1. An act or acts of violence by one (1) or more persons part of an assemblage of three (3) or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of any other person or to the person of any other individual, or;
  - 2. A threat or threats of the commission of an act or acts of violence by one (1) or more persons part of an assemblage of three (3) or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.
- c. Incite a riot shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written:
  - 1. Advocacy of ideas, or;
  - 2. Expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit, any such act or acts.

6-6-2: DISORDERLY CONDUCT PROHIBITED: A person shall be guilty of the offense of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his or her conduct is likely to cause public

danger, alarm, disorder, or nuisance, he or she willfully does any of the following acts in a public place:

- a. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his or her life, limb, or health.
- b. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged.
- c. Causes, provokes, or engages in any fight, brawl, or riotous conduct so as to endanger the life, limb, health, or property of another.
- d. Interferes with another's pursuit of a lawful occupation by acts of violence.
- e. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the City Police or other lawful authority known to be such.
- f. Is in a public place under the influence of an intoxicating liquor or drug in such condition as to be unable to exercise care for his or her own safety or the safety of others.
- g. Resists or obstructs the performance of duties by the City Police or any other authorized official of the City, when known to be such an official.
- h. Incites, attempts to incite, or is involved in attempting to incite a riot.
- i. Addresses abusive language or threats to any member of the City Police Department, any other authorized official of the City who is engaged in the lawful performance of his or her duties, or any other person when such words have a direct tendency to cause acts of violence. Words merely causing displeasure, annoyance, or resentment are not prohibited.
- j. Damages, befouls, or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition.
- k. Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square, or common, whereby the public peace is broken or disturbed, or the traveling public annoyed.

1. Fails to obey a lawful order to disperse by the City Police or any other authorized official of the City, when known to be such an official, where one (1) or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened.
- m. Uses abusive or obscene language or makes an obscene gesture.
- n. Commits a trespass on public property or on private property.

Trespass for the purpose of this Chapter shall mean:

1. Entering upon or refusing to leave any property of another, either where such property has been posted with "No Trespassing" signs, or there immediately prior to such entry, or subsequent thereto, notice is given by the owner or occupant, orally or in writing, that such entry, or continued presence, is prohibited.
2. Entering upon, or refusing to leave, any public property in violation of regulations promulgated by the official charged with the security, care, or maintenance of the property and approved by the governing body or the public agency owning property, where such regulations have been conspicuously posted or where immediately prior to such entry, or subsequent thereto, such regulations are made known by the official charged with the security, care, or maintenance of the property, his or her agent or any lawful authority known to be such.

6-6-3: VIOLATION: Any person violating the provisions of this Chapter shall be subject to a fine not exceeding the sum of five hundred dollars (\$500.00) plus costs. Any such violation shall constitute a separate offense on each successive day continued.

## CHAPTER 7

### OBSCENE CONDUCT AND MATERIALS

#### SECTION:

- 6-7-1: Definitions
- 6-7-2: Prohibited Conduct
- 6-7-3: Criminal Prosecution

#### 6-7-1: DEFINITIONS:

- a. Obscene means that to the average person applying contemporary community standards:
  - 1. The predominant appeal of the matter taken as a whole, is to prurient interest; a shameful or morbid interest in sexual conduct, nudity, or excretion, and
  - 2. The matter depicts or describes in a patently offensive manner sexual conduct regulated by the applicable state statute, and
  - 3. The work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- b. Material means any book, magazine, newspaper or other printed or written material or any picture, drawing, photograph, motion picture, or other pictorial representation or any statute or other figure, or any recording, transcription or mechanical, chemical, or electrical reproduction or any other articles, equipment or machines.
- c. Person means any individual, partnership, firm, association, corporation, or other legal entity.
- d. Disseminate means to transfer possession of, with or without consideration.
- e. Knowingly means being aware of the character and the content of the material.
- f. Nudity means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, or the depiction of covered male genitals in a discernibly turgid state.
- g. Performance means any preview, play, show, skit, film, dance, or other exhibition performed before an audience.

- h. Available to the public means that the matter or performance may be purchased or attended on a subscription basis, on a membership fee arrangement, or for a separate fee for each item or performance.
- i. Service to patrons means the provision of services to paying guests in establishments providing food and beverages; including but not limited to hostessing, hat checking, cooking, bar tending, serving, table setting and clearing, waiter and waitressing, and entertaining.
- j. Promote means to cause, permit, procure, counsel, or assist.

6-7-2: PROHIBITED CONDUCT:

- a. It shall be unlawful for any person to:
  - 1. Knowingly disseminate, distribute, or make available to the public any obscene material; or
  - 2. Knowingly engage in or participate in any obscene performance made available to the public; or
  - 3. Knowingly engage in commerce for commercial gain with materials depicting and describing explicit sexual conduct, nudity, or excretion utilizing displays, circulars, advertisements, and other public sales efforts that promote such commerce primarily on the basis of their prurient appeal; or
  - 4. Provide service to patrons in such manner as to expose to public view:
    - (a) His or her genitals, pubic hair, buttocks, perineum, anal region, or pubic hair region;
    - (b) Any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, perineum, anal region, or pubic hair region; or
    - (c) Any portion of the female breast at or below the areola thereof.
  - 5. Knowingly promote the commission of any of the above listed unlawful acts.

6-7-3: CRIMINAL PROSECUTION:

- a. The City Attorney may cause criminal charges to be brought against any person presently engaging in or who has engaged in any prohibited activity in violation of this Chapter.

- b. Whoever violates this Chapter shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00), plus costs.
- c. After conviction, in addition to any other penalty imposed for a violation of this Chapter, the City Council may, in its discretion, revoke the business license of the offender and upon conviction of the offender for a second violation, the City Council shall revoke the business license of such person.

## CHAPTER 8

### LITTERING

#### SECTION:

- 6-8-1: Littering Unlawful; Exceptions
- 6-8-2: Definition
- 6-8-3: Throwing Litter from Vehicles

6-8-1: LITTERING UNLAWFUL; EXCEPTIONS: Any person who deposits, throws, or leaves any litter on any public or private property, or in any waters, commits the offense of littering, unless:

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

6-8-2: DEFINITION: The word litter as used in this Chapter means all rubbish, refuse, waste material, garbage, trash, debris, or other foreign substances, solid or liquid, of every form, size, kind, and description.

6-8-3: THROWING LITTER FROM VEHICLES: Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle in violation of this Chapter, the operator of such a motor vehicle is presumed to have caused or permitted such litter to have been so thrown, deposited, dropped, or dumped therefrom.



## CHAPTER 9

### REGISTERED SEX OFFENDERS

#### SECTION:

- 6-9-1: Sexual Predator Residence Prohibition; Intent; Definitions
- 6-9-2: Sexual Predator Residence Prohibition; Exceptions; Penalty
- 6-9-3: Property Owners Prohibited from Renting to Sexual Predators; Penalty

6-9-1: **SEXUAL PREDATOR RESIDENCE PROHIBITION; STATEMENT OF INTENT; DEFINITIONS:** It is the intent of this Chapter 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 are prohibited from establishing temporary or permanent residence. The following terms, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(A) Sexual predator shall be any person who is required to register under the Sex Offender Registration Act, Nebraska Revised Statutes §§ 29-4001 to 29-4013, or any amendments hereto, who has committed an aggravated offense as defined in Nebraska Revised Statutes § 29-4001.01, as amended, and who has victimized a person eighteen years of age or younger.

(B) Permanent residence shall mean a place where a person resides or lodges for fourteen (14) or more consecutive days.

(C) Temporary residence shall mean a place where a person resides or lodges for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent residence, or a place where the person routinely resides or lodges for a period of four (4) or more consecutive or non-consecutive days in any month and which is not the person's permanent residence.

#### 6-9-2: SEXUAL PREDATOR RESIDENCE PROHIBITION; EXEPTIONS; PENALTY:

(A) Prohibited location of residence; exceptions. It is unlawful for any sexual predator to establish a permanent residence or temporary residence within 500 feet of any school or child care facility. This prohibition shall not apply to a sexual predator who: (1) resides within a prison or a 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.

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

(C) Penalty. Any violation of any provision of this section shall be punishable, upon conviction, by a fine not exceeding five hundred dollars (\$500.00) for each offense. Each day that a violation of this section continues shall be considered a separate and distinct offense.

**6-9-3: PROPERTY OWNERS PROHIBITED FROM RENTING REAL PROPERTY TO SEXUAL PREDATORS; PENALTY:**

(A) It shall be unlawful for a property owner to rent out any structure, trailer, or part thereof, with the knowledge that it will be used as a permanent residence or a temporary residence by any sexual predator, if such structure, trailer, or part thereof, is located within 500 of any school or child care facility.

(B) A property owner's failure to comply with the provisions of this section shall constitute a violation thereof, and shall subject the property owner to a fine of five hundred dollars (\$500.00), and the City may seek any other relief as otherwise provided by law.

## CHAPTER 10

### FIREWORKS

#### SECTION:

#### 6-10-1: Fireworks; Permissible Use and Sale

#### 6-10-1: FIREWORKS; PERMISSIBLE USE AND SALE:

(A) Use of permissible fireworks. Fireworks permissible under Nebraska law may be discharged, exploded or used in the City of Tilden from June 25 through and including July 4 of each year; provided, that on such days the discharge and explosion of fireworks shall be permitted only during the following times: June 25 through July 3 – 8:00 a.m. to 11:00 p.m.; July 4 – 8:00 a.m. to midnight. The discharge or exploding of fireworks within the City on any dates or times other than as set forth in this section shall constitute an offense, unless prior approval for the discharge has been obtained from the City Council. The discharge or exploding of fireworks in City parks is prohibited at all times, unless prior approval for the discharge has been obtained from the City Council.

(B) Seasonal sale of fireworks; permit and occupation tax. In addition to any required state licenses and fees, persons engaged in the seasonal sale of fireworks shall first obtain a permit from the City for such activity. An occupation tax is hereby levied in the amount of \$100.00 per permit, per year, upon each merchant who engages in the retail or wholesale selling of fireworks within the City. At the time of obtaining a fireworks permit and paying the occupation tax as set forth herein, each merchant shall provide the City with a certificate of insurance, naming the City as an additional insured, in the minimum amount of \$1,000,000 for general liability, \$100,000 for any one fire, and \$5,000 medical expense for any one person.

TITLE VII

FIRE REGULATIONS

Subject	Chapter
Fire Limits .....	1
Open Fires .....	2
Civil Defense .....	3
Fire Prevention Code .....	4

## CHAPTER 1

### FIRE LIMITS

#### SECTION:

- 7-1-1: Fire Limits Established
- 7-1-2: Building Requirements Within Limits
- 7-1-3: Estimates of Fire Damage
- 7-1-4: Construction; Permit Required
- 7-1-5: Noncompliance
- 7-1-6: Nonconforming Buildings

7-1-1: FIRE LIMITS ESTABLISHED: For the purposes of the Building Code of the City of Tilden, Nebraska, the entire City is hereby declared to be and is hereby established as a fire district. The following described territory in the City shall constitute the fire limits of the City:

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, and 18, Block 1, Original Town of Burnett; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, Block 2, Original Town of Burnett; Lots 1, 2, 3, 4, 5, 6, and 11, Block 3, Original Town of Burnett; Lots 1, 2, 6, 7, 8, 9, and 10, Block 4, Original Town of Burnett; all of Block 6, Kimball and Blair's Addition to the Town of Burnett; Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, Block 7, Kimball and Blair's Addition to the Town of Burnett; Lots 1 and 2, Block 14, Western Town Lot Company's First Addition to the Town of Burnett; all buildings on the Chicago & Northwestern Railroad Company's right of way between the point where the east line of Madison Street extended crosses said right of way to the point where the west line of Elk Street extended crosses said right of way, all in the City of Tilden, Madison and Antelope Counties, as shown on the recorded plats thereof.

7-1-2: BUILDING REQUIREMENTS WITHIN LIMITS: It shall be unlawful for any person to erect or construct any building or structure unless such building or structure is constructed according to the rules and regulations set forth in the current Uniform Building Code, and all subsequent editions and/or amendments thereto, save and except such portions that are deleted, modified or amended in Title IV of this Code, of which not less than three (3) copies have been and now are filed in the office of the Clerk, nor shall any wooden building or part of such wooden building within such fire limits, which may have been or may hereafter be damaged by fire or other causes to the extent of more than fifty percent (50%) of the value thereof, be repaired or rebuilt, without special permit of the Fire Chief and City Council, and then in accordance with the Uniform Building Code.

7-1-3: ESTIMATES OF FIRE DAMAGE: The extent of damages as hereinbefore mentioned shall be determined by three (3) disinterested, freeholders, residents of the City, one (1) of whom shall be chosen by the Mayor, another by the owner of the building so damaged and the two (2) so selected shall choose the third, the decision of the person so chosen shall be final and conclusive.

7-1-4: CONSTRUCTION; PERMIT REQUIRED: Any person desiring to erect or construct any building within such prescribed limits shall present to the building code administrator plans and specifications for such building and the building code administrator and the Council shall have the right to refuse permits for the construction of such buildings; provided, that such permit shall be refused only for the reason that the structure so proposed to be constructed is in violation of this or other building regulations; and provided further, that the building code administrator and Council may grant limited permits for the construction of temporary booths or stands within the district, but such permits shall in no event run longer than thirty (30) days and are subject to cancellation by the Council at any time.

7-1-5: NONCOMPLIANCE: Any person attempting to erect or construct any building within the fire limits of material hereinbefore described and forbidden or failing to procure a permit as herein set forth, shall be guilty of a misdemeanor and, upon conviction, shall be subject to the general penalty as set forth in Title I of this Code.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Title, or any other violation of this Title is committed, the appropriate authorities of the City, in addition to other remedies, may institute injunction, mandamus or other appropriate action or proceedings to prevent such unlawful erection, construction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of such building, structure or land.

7-1-6: NONCONFORMING BUILDINGS: The lawful use of a building existing at the time of the effective date of this Chapter may be continued although such use does not conform to the provisions hereof.

Whenever the use of a building becomes nonconforming through an amendment to the Zoning Title or Zoning District Map, such use may be continued and if no structural alterations are made, it may continue in use under its previous status.

A building containing a nonconforming use may not be enlarged, extended, reconstructed or altered unless such use is made to conform to the regulations of this Chapter and as set forth in Title XI of this Code.

Nothing herein contained shall require any change in the plans, construction or designated use of a building, the foundation for which has been completely constructed at the time of the adoption of this Chapter.

## CHAPTER 2

### OPEN FIRES

#### SECTION:

- 7-2-1: Open Burning Prohibited
- 7-2-2: Permitted Fires
- 7-2-3: Dangerous Materials Unlawful
- 7-2-4: Penalty

7-2-1: OPEN BURNING PROHIBITED: It shall be unlawful to conduct or allow any outdoor burning of wood, paper, cardboard, rakings, leaves, grass, weeds, litter sweepings, tires, car bodies, dead trees or any other waste materials on public or private property within the limits of the City of Tilden, except as provided in Section 7-2-2 of this Chapter.

7-2-2: PERMITTED FIRES: The provisions of this Chapter shall not apply to fires contained in portable or permanent grills when used for food preparation; fires conducted for the purpose of Fire Department training; or fires totally contained within a ventilated covered metal or masonry container or incinerator where the material to be burned consists solely of wood, paper, or cardboard.

7-2-3: DANGEROUS MATERIALS UNLAWFUL: It shall be unlawful to keep, store, or maintain in any building or on any premises any waste, debris or other loose combustible material in such a manner as to enhance the danger of fires on such premises except recognized fuels when located within the City of Tilden.

7-2-4: PENALTY: Failure to comply with the provisions of this Ordinance shall deem one guilty of a misdemeanor and, upon conviction thereof, he or she shall be fined in any sum not exceeding five hundred dollars (\$500.00) for each offense.



## CHAPTER 3

### CIVIL DEFENSE

#### SECTION:

- 7-3-1: Fire Department to Cooperate With Civil Defense
- 7-3-2: Protection of Fire Personnel
- 7-3-3: Civil Defense Act Adopted

7-3-1: FIRE DEPARTMENT TO COOPERATE WITH CIVIL DEFENSE: The Fire Department shall forthwith move its fire and other emergency equipment and personnel outside the limits of the City and place them in immediate operation whenever ordered to do so by the Nebraska Civil Defense Agency, and to such place as it shall direct, either in the event of an emergency as defined by the Nebraska Civil Defense Act of 1951 or in connection with any program for practice and training.

7-3-2: PROTECTION OF FIRE PERSONNEL: The personnel of the Fire Department shall be considered as fully protected by the Nebraska Workmen's Compensation Law in the course of any such movement and operation of the fire and other emergency equipment of the City; and the Mayor is hereby ordered to forthwith arrange with the insurance carrier that the policy of insurance against liability of the City arising under the Nebraska Workmen's Compensation Law shall be amended by a rider or otherwise so as to cover such movement and operation of the fire and other emergency equipment and personnel of the City, if such insurance policy does not now include the coverage.

7-3-3: CIVIL DEFENSE ACT ADOPTED: The Nebraska Civil Defense Act of 1951, as amended now or hereafter, shall insofar as applicable be a part of this Chapter.

## CHAPTER 4

### FIRE PREVENTION CODE

#### SECTION:

7-4-1: Adoption of Fire Prevention Code

7-4-2: Amendments

7-4-1: **ADOPTION OF FIRE PREVENTION CODE:** For the purpose of regulating and governing conditions hazardous to life and property from fire or explosion, the 1996 edition of the Fire Prevention Code, as amended, as recommended by the American Insurance Association, is hereby adopted. The Fire Prevention Code, three (3) copies of which shall be on file at all times in the office of the Clerk, shall be made a part of this Code as if set out at length herein.

7-4-2: **AMENDMENTS:** The Fire Prevention Code as herein adopted shall have the following deletions or amendments:

(A) Deletions:

[Reserved]

(B) Amendments:

[Reserved]

TITLE VIII

HEALTH AND SANITATION

Subject	Chapter
Garbage .....	1
Nuisances .....	2

## CHAPTER 1

### GARBAGE

#### SECTION:

- 8-1-1: Garbage Removal
- 8-1-2: Dumping Ground
- 8-1-3: Contracted Garbage Collection
- 8-1-4: Garbage Collection Rates
- 8-1-5: Dumping Ground Restricted

8-1-1: **GARBAGE REMOVAL:** The Board of Health, by rules, shall provide an orderly method for the removal of garbage, rubbish, trash or waste from private premises to City dumping ground. No such substances shall be dumped or disposed of in or near Giles Creek within the corporate limits of the City.

8-1-2: **DUMPING GROUND:** Such real estate within or adjacent to the City as the Mayor and Council shall hereafter by resolution designate shall be designated as a dumping ground. Civil authority is hereby extended over such real estate for all purposes including what, how and when dumping may be permitted or allowed thereon.

8-1-3: **CONTRACTED GARBAGE COLLECTION:** Commencing October 1, 1993, the City of Tilden will, by contract with a contractor, provide weekly curbside collection of the normal household trash, refuse, garbage, etc., from all residences within the City, and all commercial enterprises.

- a. The collections are to be made on a specific day each week, unless weather or other adverse conditions make it impossible for the collector to perform its task on that specific day, in which case it will be collected on the following day or as soon thereafter as conditions permit. Collections will be made during normal waking hours, or from sunrise to sunset, whichever is the greater length of time.
- b. Residents shall have the refuse ready for collection at the street curbside in approved metal or plastic containers with lids secured or properly tied plastic containers.
- c. Commercial pickups will be made in the alleys where alleys exist; such refuse is to be ready in approved metal or plastic containers, or dumpsters if so arranged between customer and contractor.
- d. Residents and commercial customers will be responsible for litter or spillage prior to collection. The contractor shall be responsible for litter or spillage after collection, and all refuse collected by the contractor shall be delivered to and deposited in a state licensed landfill or approved recycling plant site.

- e. No hazardous materials shall be placed in any containers or otherwise for pickup.
- f. Contractor shall not be required to pick up large appliances, but shall provide, without charge to residents within the corporate city limits of Tilden, access to the garbage disposal site located one (1) mile northeast of Newman Grove, Nebraska, owned by contractor for the disposal of such items.
- g. Contractor shall pick up large accumulations of trash resulting from razing of small buildings within three (3) weeks after deposit and request by customer residing within the City.

8-1-4: GARBAGE COLLECTION RATES: Each consumer will be billed every month for garbage collection, commencing June 1, 2015, as follows:

Residential	\$ 12.82
Commercial	17.82
School/Westwood Homes/Prairie View	37.82
Municipal	exempt

The charge will be included on the water and sewer bill, and will be collected in the same manner.

8-1-5: DUMPING GROUND RESTRICTED: The City dumping ground northeast of Tilden is and shall be closed, except as by law permitted receipt only of tree branches and brush, and only at times when the area is open under City supervision. Persons dumping or attempting to dump anything therein except as herein provided will be prosecuted under the laws of the State of Nebraska for such violations.

## CHAPTER 2

### NUISANCES

#### SECTION:

- 8-2-1: Nuisances; Abatement
- 8-2-2: Garbage
- 8-2-3: Littering Public Places
- 8-2-4: Offensive Odor
- 8-2-5: Liquid Fertilizer
- 8-2-6: Motor Vehicle Storage

#### 8-2-1: NUISANCES; ABATEMENT:

(1) The owner or occupant of any real estate within the corporate limits or zoning jurisdiction of the City shall keep such real estate free of nuisances. Except to the extent that conflicting procedures are otherwise provided, the procedures in this Section shall apply to abatement of nuisances.

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

(3) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the City is prohibited.

(4) The owner or occupant of any lot or piece of ground within the City shall keep the lot or piece of ground and the adjoining streets and alleys free of any growth of eight inches (8") or more in height of weeds, grasses, or worthless vegetation. It is hereby declared to be a nuisance for the owner or occupant of any real estate within the City to permit or maintain on such real estate any growth of eight inches (8") or more in height of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(5) Upon conviction of violating this section, any owner or occupant of a lot or piece of ground shall be guilty of an offense.

(6) Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within five (5) days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the City or fails to comply with the order to abate and remove the nuisance, the City may have such work done. The costs and expenses of any such work shall be paid by the owner. If unpaid for two (2) months after such work is done, the City may either (a) levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed or (b) recover in a civil action

the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(7) For purposes of this section:

(a) "Litter" shall include, but not be limited to, (i) Trash, rubbish, refuse, garbage, paper, rags and ashes; (ii) Wood, plaster, cement, brick, or stone building rubble; (iii) Grass, leaves and worthless vegetation; (iv) Offal and dead animals; and (v) Any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage or junk; and

(b) "Weeds" shall include, but not be limited to, bindweed (*convulvulus arvensis*), puncture vine (*tribulus terrestris*), leafy spurge (*euphorbia esula*), Canada thistle (*cirsium arvense*), perennial peppergrass (*lepidium draba*), Russian knapweed (*centaurea picris*), Johnson grass (*sorghum halepense*), nodding or musk thistle, quack grass (*agropyron repens*), perennial sow thistle (*sonchus arvensis*), horse nettle (*solanum carolinense*), bull thistle (*cirsium lanceolatum*), buckthorn (*rhamnus sp.*) (*tourn*), hemp plant (*cannabis sativa*), and ragweed (*ambrosiaceae*).

(8) For purposes of this Section, the *general definition* of "nuisance" is that which consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

(a) Injures or endanger the comfort, repose, health or safety of others;

(b) Offends decency;

(c) Is offensive to the senses;

(d) Unlawfully interferes with, obstructs, tends to obstruct, or renders dangerous for passage any stream, public park, parkway, square, street, or highway in the City;

(e) In any way renders other persons insecure in life or the use of property; or

(f) Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

(9) For purposes of this Section, it is hereby declared that the *specific definition* of "nuisance" includes the maintaining, using, placing, depositing, leaving, or permitting of any of the following specific acts, omissions, places, conditions, and things:

(a) Any odorous, putrid, unsound, or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish, or fowl;

(b) Privies, vaults, cesspools, dumps, pits, or like places which are not securely protected from flies or rats, or which are foul or malodorous;

(c) Filthy, littered, or trash-covered cellars, houseyards, barnyards, stableyards, factory yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises;

(d) Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the City;

(e) Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish, or any waste vegetable or animal matter in any quantity; provided, that nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the City, nor the dumping of non-putrefying waste in a place and manner approved by the health officer;

(f) Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles;

(g) Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw, or other packing material, lumber not neatly piled, scrap iron, tin, or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of the 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;

(h) 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 either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof;

(i) All places used or maintained as junk yards, 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 of 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;

(j) Stagnant water permitted or maintained on any lot or piece of ground;

(k) Stockyards, granaries, mills, pig pens, cattle pens, chicken pens, or any other place, building, or enclosure, in which animals or fowl of any kind are confined or on which is stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when the places in which the animals are confined, or the premises on which the vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom to the annoyance of inhabitants of the city or are maintained and kept in such a manner as to be injurious to the public health; or

(l) All other things specifically designated as nuisances elsewhere in this Code.

8-2-2: GARBAGE: It shall be the duty of property owners and tenants occupying premises upon which garbage or refuse of any kind accumulates to provide cans, boxes, bins or other suitable receptacles therefore and such receptacle shall be emptied promptly and completely at such times as may be necessary to prevent the same from becoming injurious and dangerous to the health, comfort, or welfare of individuals or the public.

8-2-3: LITTERING PUBLIC PLACES: It shall be unlawful for any person to throw, spit, expectorate, or otherwise place or deposit saliva, tobacco substances, cigar stumps, rinds, papers, parings or other offensive matter or dangerous substances on any sidewalk, public walk, crossing, schoolhouse, or other public building or on the steps in or leading to such building or on the floors, walks, or stairways of the building, or in the public parks of the City.

8-2-4: OFFENSIVE ODORS: No person shall do any act or thing which causes the emission of noxious exhalations, noisome or offensive smells or odors, gas or vapor by reason of which the health, welfare and well being of the inhabitants of the City are endangered or impaired.

8-2-5: LIQUID FERTILIZER: It shall be unlawful for any person to keep or permit the loading or unloading or storage of any pressurized liquid fertilizer, commonly known as anhydrous ammonia, upon any premises within the limits of the City of Tilden.

8-2-6: MOTOR VEHICLE STORAGE: It shall be unlawful for any person to store, keep or permit to be stored or kept, on any premises within the City, any motor vehicle that has been unlicensed for over four (4) months under the laws of Nebraska, or any motor vehicle body, chassis or parts therefrom; provided, this Section shall not apply where such motor vehicle, body, chassis or parts are kept in a completely enclosed building. This Section shall not apply to the

premises for which permit has been granted to a refuse dealer, nor shall it apply to the premises where a licensed motor vehicle dealer or farm implement dealer conducts his or her business.

TITLE IX

PUBLIC WAYS AND PROPERTY

Subject	Chapter
Sidewalks .....	1
Streets .....	2
Removal of Snow and Ice .....	3
Trees and Shrubbery .....	4
Railroads .....	5

## CHAPTER 1

### SIDEWALKS

#### SECTION:

- 9-1-1: Duties of Property Owners
- 9-1-2: Sidewalk Construction
- 9-1-3: Sidewalk Repairs
- 9-1-4: Failure to Construct or Repair
- 9-1-5: Plans and Specifications
- 9-1-6: Materials and Assessment Sheets

9-1-1: DUTIES OF PROPERTY OWNERS: It shall be unlawful for the owner or occupant of any lot or parcel of land to allow any sidewalk in front of his or her premises to become or continue so broken or otherwise defective as to endanger life or limb of any person walking or traveling upon such sidewalk. The owner or occupant shall at all times keep and maintain the sidewalk along and contiguous to such lot or parcel of land, as the case may be, in good and proper repair, and in a condition reasonably safe for travel for all travelers thereon. In the event of failure to construct or repair any sidewalk in front of the premises within the time and in the manner required herein, after having received due notice to do so, the owner shall be liable for all damages or injury occasioned by reason of the defective or dangerous condition of any sidewalk, and the Mayor and Council shall have power to cause such sidewalk to be constructed or repaired and assess the costs thereof against such property.

9-1-2: SIDEWALK CONSTRUCTION: Whenever a majority of the Council shall deem it necessary that a sidewalk shall be constructed or reconstructed in front of any lot or parcel of land in the City, including crosswalks over railroad rights of way, they shall so order by resolution. The notice of the Council's intention to construct such sidewalk shall be given by the Clerk by publication of notice one time in a legal newspaper published in and of general circulation in the City. The notice shall notify the owner of the passage of the resolution and that he or she will have thirty days from and after the day of publication within which to construct the sidewalk so ordered by resolution or cause the same to be done, and further notifying the owner that if he or she fails to construct the sidewalk, or cause the same to be done within thirty days after the day of the publication of the notice, then the City will cause the sidewalk to be constructed and the cost thereof will be levied and assessed thereafter by the Mayor and Council as a special tax against owner's premises; provided, the notice shall contain the Engineer's estimate of the cost of such work of improvement, and no special assessment in excess of the amount of the estimate shall be assessed against such property. A copy of the notice so published shall also either be served upon the occupant in possession of the property involved or shall be posted upon such premises ten days prior to the commencement of construction.

9-1-3: SIDEWALK REPAIRS: Whenever the Engineer shall deem it necessary that any sidewalk shall be repaired, or it shall be required by the Council, he or she shall notify the owner of the lot or parcel of land along and contiguous to which such sidewalk is situated, to repair the same within twenty-four hours from and after the giving of such notice. Oral notice to the owner shall be deemed sufficient. If the owner is not found by the Engineer, then a written notice left in the house situated on such lot or parcel of ground, or posted upon owner's premises shall be sufficient, and the twenty-four hours shall begin to run from the leaving or posting up of such notice as the case is; provided, no special assessment shall be levied against the abutting property on the basis of the notice herein authorized.

9-1-4: FAILURE TO CONSTRUCT OR REPAIR: If any such owner shall have failed, after notice has been given, to construct, repair, replace or reconstruct any sidewalk within the time limited in the notice given in such case, and whose duty it is made by this Chapter to construct, repair or rebuild and reconstruct such walk, the Engineer shall proceed at once without further notice to such owner to have such sidewalk constructed, repaired, rebuilt or reconstructed, and the expense of such work shall be assessed to such lot or parcel of land, and collected as provided herein.

9-1-5: PLANS AND SPECIFICATIONS: All sidewalks hereafter constructed or reconstructed along any street in the City shall be built in conformity with such plans and specifications as may be prepared by the Engineer and adopted and approved by the Mayor and Council. It shall be unlawful for any person to construct any sidewalk without first having obtained the permit and survey. Applications for the permit shall be made in writing to and filed with the Clerk for reference to the Engineer, shall in each case be accompanied with a survey fee of fifteen dollars, and shall give a description of the lot or parcel of land along which it is desired to construct the sidewalk. The Clerk shall issue the permit unless good cause shall appear why the permit should be denied. All sidewalks shall be built and constructed on the established grade or elevation or if there be no established grade then on the grade or elevation indicated by the Engineer. The survey shall be made and stakes set by the Engineer within ten days after being directed so to do. The fees of the Engineer shall, if sidewalks be constructed by the City, be included in the special assessment. Whenever the City shall construct, widen, replace or reconstruct any sidewalk as hereinbefore provided, notice specifying the work to be done and calling for bids for doing the work and furnishing the necessary material and labor shall be published in at least one issue of a legal newspaper published in and of general circulation in city. Bids so invited shall be filed with the Clerk within ten days after date of first publication and shall be opened at the next regular or special meeting of the Council, who shall award the work to the lowest responsible bidder, who, upon the approval of such work, after completion, by the Council upon recommendation by the Engineer, may be required to accept in payment for performing the contract certificates issued to him or her by the Clerk entitling him or her to all assessments or special taxes against such real estate whenever such assessments or special taxes shall be collected, together with the interest or penalty collected thereon, each certificate giving the legal

description of the lot, lots or parcel of ground against which the assessments or special taxes are assessed. Such certificate or certificates may be assigned and transferred, entitling the holder, however, only to the same rights as if held by such contractor; and the county treasurer shall pay over to such contractor or other holder of such certificate or certificates, all assessments or special taxes against such real estate, together with the interest and penalty thereon, at any time upon presentation of such certificate or certificates after such assessments or special taxes against such real estate, together with the interest or penalty thereon, shall have been collected. Other Procedures: Permanent sidewalk improvements may also be made by city by the creation of improvement districts as authorized by Nebraska Revised Statutes. Voluntary constructions of combination curb and gutter by owners of real estate abutting on any street are hereby authorized only after written application made by and permit in writing issued to the owners by the Council.

9-1-6: MATERIALS AND ASSESSMENT SHEETS: All sidewalks shall be constructed of concrete and in conformity with such specifications as are adopted pursuant to the provisions of Section 9-1-5 of this Code. The Engineer may reject the use of any materials that do not comply with such requirements and specifications, or any material that is lacking in quality, and it shall be unlawful to construct any sidewalks from any material so rejected. The Engineer shall allocate the cost of sidewalk improvements to the adjoining lots or parcels of land and prepare all necessary data for assessment sheets.

## CHAPTER 2

### STREETS

#### SECTION:

- 9-2-1: Deposits of Injurious Material
- 9-2-2: Excavations, Permit, Bond
- 9-2-3: Street Address Numbers to be Visibly Displayed

9-2-1: DEPOSITS OF INJURIOUS MATERIAL: It shall be unlawful for any unauthorized person to deposit, place or allow to remain in or upon any public thoroughfare any material or substance injurious to person or property.

9-2-2: EXCAVATIONS, PERMIT, BOND: It shall be unlawful for any person to cut through, break or remove any public pavement, or to excavate or open any street, alley or other public grounds in the City without first obtaining a permit to do such work. No such permit shall be issued until a bond or policy of insurance of sufficient amount is provided to the Clerk showing that such person will indemnify and hold harmless the City from any and all liability from accidents and injuries caused by the opening of the street, alley or public ground.

9-2-3: STREET ADDRESS NUMBERS TO BE VISIBLY DISPLAYED: All street address numbers assigned by the City for houses and other buildings in the City shall be conspicuously placed upon the portion of the house or building facing the street on which the number applies, and so as to be plainly visible from the street. The numerals shall be not less than two (2) inches in height and may be of metal, or may be properly painted or represented by any other satisfactory method.

## CHAPTER 3

### REMOVAL OF SNOW AND ICE

#### SECTION:

#### 9-3-1: Removal Required

9-3-1: **REMOVAL REQUIRED:** It shall be unlawful for the owner of any lot, vacant or occupied, within the City to suffer snow, sleet, mud, ice or other substances to accumulate on the public sidewalks adjacent thereto, or to permit any snow, sleet, mud, ice or other substances to remain upon such sidewalks. Sidewalks shall be cleaned of mud promptly, and cleaned within twenty-four (24) hours after the cessation of the snow or sleet storm depositing snow or ice thereon.



## CHAPTER 4

### TREES AND SHRUBBERY

#### SECTION:

- 9-4-1: Trees to be Trimmed
- 9-4-2: Hedges and Shrubbery
- 9-4-3: Injury to Trees and/or Shrubbery
- 9-4-4: Trees Outside of Property Line

9-4-1: **TREES TO BE TRIMMED:** Any owner or occupant of any real property shall trim all trees on property owned or occupied by him or her, overhanging any public thoroughfare, so that the branches thereon will not interfere with pedestrians or public travel.

9-4-2: **HEDGES AND SHRUBBERY:** Any owner or occupant of any real property shall maintain all hedges and shrubbery adjacent to public sidewalks so that no part of such hedges and/or shrubbery shall extend over any part of a public sidewalk in the City.

9-4-3: **INJURY TO TREES AND/OR SHRUBBERY:** It is hereby declared unlawful for any person, not the owner thereof, or without lawful authority so to do, willfully to injure, deface, disfigure or destroy any tree or shrub, or to injure, destroy, cut or pick any flower or plant, located either on private ground or on any public place or thoroughfare.

9-4-4: **TREES OUTSIDE OF PROPERTY LINE:** The governing body of the City is hereby provided full and complete control over all trees which are outside the property lines of privately owned real property.

## CHAPTER 5

### RAILROADS

#### SECTION:

- 9-5-1: Lights and Signals:
- 9-5-2: Drainage
- 9-5-3: Obstructing Streets
- 9-5-4: Keeping Crossings Safe

9-5-1: **LIGHTS AND SIGNALS:** It shall be the duty of all railroad companies operating railroads within the City to keep and maintain such lights and signals as the Council may require and it is expressly required by this Chapter that all railroad companies shall keep the points of intersection of all railroad tracks and streets well lighted during all hours of twilight and darkness by electric or gas lights placed sufficiently high to enable safe and convenient travel by the public over the crossings.

9-5-2: **DRAINAGE:** It shall be the duty of any railroad company, owning, maintaining or operating a railroad through the City to contract and keep in repair, ditches, drains and culverts along and under their railroad tracks at all places within the City where the same may be necessary for the escape of water and the proper drainage of the territory on either side of the railroad.

When any such ditches, drains or culverts shall be necessary for the escape of water and the proper drainage of the territory on either side of any railroad track, the Council may by resolution call upon the proper railroad company to construct or repair the ditch, drain or culvert and place the same in a proper condition for the escape of water or the proper drainage of the territory on either side of the railroad track. A copy of every such resolution shall be served upon the local agent of the railroad company, whose duty it is to construct or keep in repair any such drain, ditch or culvert, and for a failure or refusal to comply with such resolution within fourteen (14) days after the service thereof, such railroad company shall be deemed guilty of a misdemeanor.

9-5-3: **OBSTRUCTING STREETS:** It shall be unlawful for any railroad company to obstruct any street in the City crossing the tracks of the railroad company, with cars, train or engine for more than five (5) minutes at any one (1) time.

9-5-4: **KEEPING CROSSINGS SAFE:** It shall be the duty of all railroad companies owning or operating a railroad passing through the City to maintain all places within their right-of-way where the public streets intersect and cross, in a suitable and safe condition for public travel over and across the same. If any crossing shall be at any time in a bad condition or unsafe or inconvenient for public travel, the Council may by resolution require the proper railroad company to repair or replace the crossing and render the same safe and

convenient for public travel. A copy of every such resolution shall be served upon the local agent of the railroad company whose duty it is to maintain such crossing and for a failure or refusal to comply with the requirements and demands of such resolution within thirty (30) days after its service such railroad company shall be deemed guilty of a misdemeanor.

TITLE X

TRAFFIC

Subject	Chapter
Traffic Definitions .....	1
Enforcement and Obedience to Traffic Laws .....	2
Traffic Control Devices .....	3
Pedestrians .....	4
Stopping, Standing, Parking .....	5
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Speed Restrictions .....	9
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## CHAPTER 1

### TRAFFIC DEFINITIONS

#### SECTION:

#### 10-1-1: Traffic Definitions

10-1-1: TRAFFIC DEFINITIONS: The words, terms, and phrases used in this Chapter, pertaining to motor vehicles and traffic regulations, shall be construed as defined in the Revised Statutes of Nebraska, 1943, as now existing or as hereafter amended, unless the context otherwise requires. If not so defined, then the common meaning of such words, terms, and phrases shall prevail.

## CHAPTER 2

### ENFORCEMENT AND OBEDIENCE TO TRAFFIC LAWS

#### SECTION:

- 10-2-1: Duty of Police to Enforce
- 10-2-2: Destruction of Traffic Violation Summons
- 10-2-3: Duty to Obey Officers
- 10-2-4: Obedience by Government Employees
- 10-2-5: Operation of Emergency Vehicles

10-2-1: DUTY OF POLICE TO ENFORCE: It shall be the duty of the Police Department to enforce the provisions of this Title. Officers of the Police Department are hereby authorized to direct all pedestrian, animal, and vehicular traffic of any kind, either in person or by means of visible or audible signals. In the event of a fire or other emergency, or to expedite traffic or safeguard pedestrians, officers of the Police Department or Fire Department may direct traffic, as conditions may require notwithstanding the provisions of this Title.

10-2-2: DESTRUCTION OF TRAFFIC VIOLATION SUMMONS: It shall be unlawful for any person to tear up or destroy any traffic violation summons handed to such person or placed upon any vehicle by any police officers of the City, or to disregard the summons and fail to appear in court as directed by the summons.

10-2-3: DUTY TO OBEY OFFICERS: It shall be unlawful for any person to refuse or fail to comply with any lawful order, signal or direction of a police officer.

10-2-4: OBEDIENCE BY GOVERNMENT EMPLOYEES: The provisions of this Title shall apply to the operator of any vehicle owned by or used in the service of the United States Government, the State of Nebraska or any County, or the City, and it shall be unlawful for any such operator to violate any of the provisions of this Title, except as otherwise permitted in this Title.

10-2-5: OPERATION OF EMERGENCY VEHICLES: The provisions of this Title regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles while the driver of such vehicle is operating the same in an emergency in the necessary performance of duty. This exemption shall not, however, protect the driver of any such vehicle from the consequences of an unnecessary and reckless disregard of the safety of others.

## CHAPTER 3

### TRAFFIC CONTROL DEVICES

#### SECTION:

- 10-3-1: Authority to Install Traffic Control Devices
- 10-3-2: Traffic Control Signal Legend
- 10-3-3: Display of Unauthorized Signs, Signals, or Markings
- 10-3-4: Interference With Official Traffic Control Devices
- 10-3-5: Crosswalks

#### 10-3-1: AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES:

(A) The Council shall determine and designate the character and type of all official traffic signs and signals, and shall place and maintain the same. All signs and signals for a particular purpose shall, so far as practicable, be uniform as to type and location.

(B) No provision of this Title for which signs are required shall be enforced against an alleged violator, if, at the time and place of the alleged violation the sign herein required or authorized is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular Section does not state that signs are required or authorized, such Section shall be effective without signs being erected, or authorized.

#### 10-3-2: TRAFFIC CONTROL SIGNAL LEGEND:

(A) Whenever traffic at an intersection is controlled by a traffic control signal exhibiting colored lights or the words "Go", "Caution", "Stop", said lights and terms shall indicate as follows, except as provided in Section 10-4-2:

1. Green or "Go": When the green or "Go" signal is given, traffic facing the signal may proceed; except that vehicular traffic shall yield the right of way to pedestrians and vehicles lawfully within a crosswalk or the intersection at the time such signal is exhibited.

2. Yellow or "Caution": When the yellow or "Caution" Signal is given, when not flashing continuously, traffic facing the same shall come to a full stop and shall not proceed into or across the intersection until the green or "Go" signal is given.

3. Red or "Stop": When the red or "Stop" signal is given, traffic facing the signal shall come to a full stop before entering the nearest crosswalk at the intersection, or at such other point as may be designated by the Chief of Police, and remain standing until the green or "Go" signal is given.

4. Stop Sign, Flashing red, or Flashing "Stop": When a stop sign, flashing red, or flashing "Stop" signal is given, traffic facing the signal shall come to a full stop before entering the intersection and shall remain stopped until such time as such intersection is clear of pedestrian and vehicular traffic.

(B) The operator of a vehicle intending to turn to the left at an intersection where traffic is controlled by traffic control signals or by a police officer, shall proceed to make such left turn with proper care to avoid accident and only upon the green or "Go" signal, unless otherwise directed by a police officer.

10-3-3: DISPLAY OF UNAUTHORIZED SIGNS, SIGNALS, OR MARKINGS: It shall be unlawful for any person to place or maintain or to display upon, or in view of any street, any unofficial sign, signal, or device which purports to be, or is an imitation of, or resembles, an official traffic sign or signal, or which attempts to direct the movement of traffic or hides from view or interferes with the effectiveness of an official sign or signal. Every such prohibited sign, signal, or device is hereby declared to be a public nuisance, and the Chief of Police is hereby empowered to remove the same without notice.

10-3-4: INTERFERENCE WITH OFFICIAL TRAFFIC CONTROL DEVICES: It shall be unlawful for any person to deface, injure, move, obstruct, or interfere with any official sign or signal.

10-3-5: CROSSWALKS: The Council is hereby empowered to establish, designate, and maintain crosswalks, by appropriate devices, marks, or lines upon the surface of the roadway, at intersections where there is particular danger to pedestrians crossing the roadway, and at such other places as may be deemed necessary.



## CHAPTER 4

### PEDESTRIANS

#### SECTION:

- 10-4-1: Pedestrian's Right-of-Way in Crosswalk
- 10-4-2: Pedestrians to Obey Signals
- 10-4-3: Soliciting Rides

10-4-1: PEDESTRIAN'S RIGHT OF WAY IN CROSSWALK: The operator of any vehicle shall stop when a pedestrian is crossing the roadway within any marked crosswalk or within any unmarked crosswalk at the end of the block, and shall remain stopped until such time as such pedestrian shall have completed the crossing of such roadway, except at intersections where the movement of traffic is being regulated by a police officer or traffic control signal.

Whenever any vehicle has stopped at a marked crosswalk or at any intersection to permit a pedestrian to cross the roadway, it shall be unlawful for the operator of any other vehicle approaching from the rear to overtake and pass such stopped vehicle.

Every pedestrian crossing a roadway at a point other than a marked or unmarked crosswalk shall yield the right of way to vehicles upon the roadway; provided, that this provision shall not relieve the driver of a vehicle from the duty to exercise due care for the safety of pedestrians.

10-4-2: PEDESTRIANS TO OBEY SIGNALS: At intersections where traffic is controlled by traffic control signals or by police officers, operators of vehicles shall yield the right of way to pedestrians crossing the roadway on a green or "Go" signal, and in all other cases pedestrians shall not cross an intersection controlled by traffic control signals or by police officers unless on a green or "Go" signal.

10-4-3: SOLICITING RIDES: It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the operator of any private vehicle.

## CHAPTER 5

### STOPPING, STANDING, PARKING

#### SECTION:

- 10-5-1: Parking Restricted
- 10-5-2: Parking, Direction, and Distances
- 10-5-3: Parking, In Alleys
- 10-5-4: Truck Parking
- 10-5-5: Bus Stopping
- 10-5-6: No Parking Near Hydrants, Driveways
- 10-5-7: No Parking Near Intersections
- 10-5-8: Restrictions Near Schools, Theaters
- 10-5-9: No Projecting
- 10-5-10: No Obstructing

#### 10-5-1: PARKING RESTRICTED:

(A) Time limit, maximum. No person shall park or leave standing any motor vehicle upon any street or alley of the City where parking is permitted or allowed, for a period of time longer than twenty-four hours.

(B) Within congested district. On Second Street from the east line of Center Street to the west line of Oak Street and on Center Street from the south line of First Street to the north line of Third Street, hereby designated congested district, all vehicles shall not be parked or allowed to stand for any period of time whatever unless said vehicles shall be parked not more than one tier deep at an angle of about forty-five degrees to the side of the street and shall be headed in the direction of the traffic unless parallel parking is clearly indicated by markings or stalls on pavement or by traffic direction standards or signs.

(C) Outside congested district. On all streets or avenues of the City outside the said congested district, unless otherwise indicated by stalls, traffic signs or standards, all vehicles shall be parked not more than one tier deep and when parked shall stand parallel with and adjacent to the curb.

(D) No parking areas designated by resolution. The Council may, by resolution, set aside any street, alley or public way, or portion thereof, wherein no vehicle shall be parked, and may also, by resolution, set aside any street, alley, or public way, or portion thereof, for the parking of any particular kind or class of vehicle, and when the parking of vehicles in any street, alley, or public way, or portion thereof, has been prohibited by resolution, no vehicle prohibited from parking therein shall stand or be parked adjacent to the curb of said street, alley, or public way, or portion thereof, longer than a period of time necessary to load or unload passengers.

(E) Signs, standards, markings. Parking rules, directions, limitations or areas, if and when designated by ordinance or resolution of Council, shall be indicated by appropriate stalls, traffic signs, or standards, or by markings on the curb or pavement, as Council shall direct, for the information of motor vehicle operators.

10-5-2: PARKING, DIRECTION, AND DISTANCES: 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 parallel shall stand adjacent to the curb in such manner as to have both right wheels within twelve inches of the curb and so as to leave at least four feet between the vehicle so parked and any other parked vehicle. In the angle parking zone, stalls shall be marked on the curb or pavement of such street or portion thereof, designated for parking at an angle; provided, all vehicles parked at an angle shall be parked within said stalls and with the right front wheel at the curb.

10-5-3: PARKING, IN ALLEYS: No vehicle shall be parked in any alley, except for the purpose of loading or unloading, and then only shall such vehicle be parked during the time necessary to load or unload, which shall not exceed the maximum limit of one-half hour; provided, that this Section shall not apply to merchants' delivery trucks parked in alleys immediately at the rear of their respective places of business if such trucks shall be parked so as not to obstruct the passing of moving cars therein. Every vehicle while loading or unloading in any alley shall be parked in such a manner as will cause the least obstruction as possible to traffic in such alley.

10-5-4: TRUCK PARKING:

(A) No truck parking area. It shall be unlawful for the operator of any truck, truck-tractor or semi-trailer of any truck, truck-tractor or semi-trailer or for the operator of any automobile with attached trailer of an over-all length of fifteen feet including load to stop or park such vehicle for any period of time on any street or alley in the City in the congested district designated in Section 10-5-1 of this Code.

(B) Loading and unloading. Such vehicles may stop, stand, or park in alleys outside the no truck parking area for such time as is necessary, in no case longer than one-half hour, expeditiously to load or unload their contents and may also stop, stand, or park elsewhere on streets, if stopping for loading or unloading in alleys is impossible, only after the operator of the designated vehicle shall have obtained written permit from the Chief of Police so to do.

(C) Truck parking lots. The mayor and Council may provide truck parking lots adjoining or adjacent to the no truck parking area; and when such truck parking lots are so provided, it shall be the duty of truck operators to use such lots for parking purposes.

(D) Signs. The no truck parking area, as described in subsection (A) of this Section shall be plainly indicated by appropriate signs or standards placed

at or near each means of approach to the area by order of the Council; and such order shall be recorded in the Minute Record of the Council.

10-5-5: BUS STOPPING: All buses shall stop at the curb or elsewhere near the center of the street for the purpose of receiving and discharging passengers, at such locations as the Council may, by resolution duly enacted, designate; provided, each location so designated shall be indicated by appropriate sign or standard or by markings on curb or pavement.

10-5-6: NO PARKING NEAR HYDRANT, DRIVEWAYS: No vehicle shall be parked or left standing within fifteen feet in either direction of any fire hydrant for any period of time whatever and the curb space within such area of fifteen feet in either direction of such fire hydrant shall be painted yellow in color to indicate such prohibitions. No person shall park a vehicle so as to obstruct a private driveway for any period of time. No person shall park a vehicle or permit it to stand within fifteen feet in either direction from the entrance to any fire station.

10-5-7: NO PARKING NEAR INTERSECTIONS: No vehicle shall be parked or left standing for any purpose whatever or for any period of time whatever within twenty-five feet from the intersection of curb lines, or, if none, then within fifteen feet of the intersection of property lines at an intersection of highways; and the curb space on each side of such intersection shall be painted yellow in color for such distance of twenty-five feet to indicate such prohibition; provided, at hazardous intersections, upon resolution of the Council, and, upon curbs being properly painted, as aforesaid, parking may be prohibited within fifty feet from the intersection of curb lines or, if none, within forty feet of the intersection of property lines at an intersection of streets.

10-5-8: RESTRICTIONS NEAR SCHOOLS, THEATERS: The Council may, by resolution, entirely prohibit the parking and stopping of vehicles at the curb on streets adjacent to school grounds or theaters on which are located school buildings or theaters used for school or theater purposes; and such curbs adjacent to such school grounds or theaters shall be painted yellow in color to indicate such prohibition.

10-5-9: NO PROJECTING: No vehicle, while parked, shall have any portion thereof projecting into an alley entrance, street intersection, or crosswalk, or in front of a private driveway, or on a sidewalk.

10-5-10: NO OBSTRUCTING: No vehicle shall, except in case of accident or emergency, stop within any street intersection or alley entrance or in such location as to obstruct any street crossing, crosswalk, private driveway or alley entrance, nor back of other vehicles or another vehicle parked at the curb for more than five minutes at any one time.

## CHAPTER 6

### BICYCLES

#### SECTION:

#### 10-6-1: Riding Bicycles; Regulations

10-6-1: RIDING BICYCLES; REGULATIONS: It shall be unlawful to operate a bicycle upon the streets of the City of Tilden except in compliance with the following:

(A) All bicycles must have adequate brakes.

(B) Any bicycle when in use at nighttime shall be equipped with a light on the front which shall emit a white light visible from a distance of at least five hundred feet (500') to the front on a clear night and with a red reflector on the rear of a type which shall be visible on a clear night from all distances between one hundred feet (100') and six hundred feet (600') to the rear when directly in front of lawful lower beams of headlights on a motor vehicle. A light emitting a red light visible from a distance of five hundred feet (500') to the rear may be used in addition to such red reflector. Any bicycle used on a highway shall be equipped with a brake which will enable the operator to make the braked wheel skid on dry, level, clean pavement.

(C) Every person operating a bicycle upon any street or public way shall ride as near to the curb on the right hand side of the roadway as practicable, exercising due care when passing any parked vehicle.

(D) It shall be unlawful for the operator of any bicycle, when riding upon any street, to carry any other person upon the handlebars, frame or tank of any such bicycle.

(E) It shall be unlawful for more than one person to ride on a bicycle unless such bicycle is designed and constructed to carry the number of persons being conveyed.

(F) Any person who rides a bicycle upon a roadway shall not ride more than single file except on paths or parts of the roadways set aside for the exclusive use of bicycles.

(G) A person riding a bicycle shall not take hold of or onto any vehicle in motion.

(H) A person riding a bicycle shall not carry any package, bundle, or article which prevents the rider from adequately controlling the bicycle.

(I) It shall be unlawful for any person to park a bicycle upon a roadway, sidewalk, or other public way in such position as to interfere with the safety or movement of vehicular or pedestrian traffic and when parked within three feet (3') of the curb, as possible.

(J) It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate, or alter the manufacturer's serial number or any bicycle registration pursuant to the provisions of the Tilden City Code.

(K) In addition and supplemental to the above regulations all bicycle riders shall adhere to all rules and regulations regulating the movement of traffic on the streets, alleys, or public ways so far as applicable.

(L) Any person violating any of the provisions of this Chapter or who shall fail, neglect, or refuse to perform any duty imposed upon him by this Chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, may be ordered to surrender his bicycle for impounding for a period of not to exceed six (6) months.

(M) Any bicycle rider who is given a written warning for any of the above violations shall be required to report to the Police Station at ten o'clock (10:00) A.M. the following Saturday morning with his or her bicycle properly equipped. He or she shall at this time be given the opportunity to ask any questions concerning this Chapter.

## CHAPTER 7

### RULES OF THE ROAD

#### SECTION:

- 10-7-1: Driving on Right Side of Roadway
- 10-7-2: Driving on Roadway Laned for Traffic
- 10-7-3: Overtaking and Passing
- 10-7-4: Driving to Left of Center of Roadway
- 10-7-5: Following Too Closely
- 10-7-6: Yield Right-of-way at Intersections
- 10-7-7: Right-of-way of Emergency Vehicles
- 10-7-8: Method of Turning at Intersections
- 10-7-9: Stops at Railroad Crossings
- 10-7-10: Required Signals for Turning
- 10-7-11: "U" Turns
- 10-7-12: Limitation on Backing
- 10-7-13: Emerging from Alley; Stop Required
- 10-7-14: Leaving Vehicle Unattended; Requirements
- 10-7-15: Negligent Driving; Penalty
- 10-7-16: No Turn Signs
- 10-7-17: Golf Carts
- 10-7-18: All-Terrain Vehicles

#### 10-7-1: DRIVING ON RIGHT SIDE OF ROADWAY:

(A) Upon all highways of sufficient width, a vehicles shall be driven upon the right one-half (1/2) of the highway except when the right one-half (1/2) is out of repair and for such reason impassable, or when overtaking and passing another vehicle subject to the limitations set forth in Section 10-7-4.

(B) In driving upon the right one-half (1/2) of the highway, the driver shall drive as closely as practicable to the right-hand edge or curb of the highway except when overtaking or passing another vehicle, or when placing a vehicle in position to make a left turn.

(C) In crossing a railroad right-of-way, on an intersection of highways, the driver of a vehicle shall at all times cause such vehicle to travel on the right one-half (1/2) of the highway unless such right one-half (1/2) is out of repair and for such reason impassable. This provision shall not apply upon a one-way street.

(D) In driving upon a one-way highway, the driver shall drive as closely as practicable to the right-hand edge or curb of the highway, except when overtaking or passing or traveling parallel with another vehicle, or when placing a vehicle in position for a left turn.

10-7-2: DRIVING ON ROADWAY LANED FOR TRAFFIC: Whenever any street or highway has been divided into clearly marked lanes for traffic, vehicles shall normally be driven in the lane nearest the right-hand edge or curb of the highway when the lane is available for travel, except when overtaking another vehicle or in preparation for a left turn.

10-7-3: OVERTAKING AND PASSING: Except as otherwise provided in this Chapter, the following rules shall govern the overtaking and passing of vehicles:

(A) The driver of a vehicle overtaking another vehicle proceeding in the same direction, shall pass to the left thereof at a safe distance and shall not again drive to the right side of the highway until safely clear of such overtaken vehicle; but no vehicle shall pass another vehicle within a street intersection.

(B) The driver of an overtaken vehicle shall give way to the right in favor of an overtaking vehicle on suitable and audible signal, and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

(C) In the event vehicles on a street or highway are moving in the same direction in two (2) or more substantially continuous lines, the provisions of Subsections (A) and (B) of this Section shall not be considered as prohibiting the vehicles in one (1) such line overtaking or passing the vehicles in another such line either upon the right or left, nor shall the provisions of Subsections (A) and (B) of this Section be construed to prohibit a driver overtaking and passing upon the right another vehicle which is making or about to make a left turn.

(D) The driver of an overtaking motor vehicle, when traveling outside of a business or residence district, and under other conditions when necessary to insure safe operation, shall give audible warning with his horn or other warning device before passing or attempting to pass a vehicle proceeding in the same direction.

10-7-4: DRIVING TO LEFT OF CENTER OF ROADWAY: The driver of a vehicle shall not drive to the left side of the center line of a highway, in overtaking and passing another vehicle proceeding in the same direction, unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without impeding the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken, nor shall the driver of a vehicle in any event drive to the left side of the center line of a highway when approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed within a distance of three hundred feet (300') and shall not pass another vehicle proceeding in the same direction, at any crosswalk or safety zone.



10-7-5: FOLLOWING TOO CLOSELY: The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard to the speed of such vehicle and the traffic upon and condition of the highway.

10-7-6: YIELD RIGHT-OF-WAY AT INTERSECTIONS:

(A) Every driver of a vehicle approaching the intersection of a street shall yield the right-of-way at such intersection to any vehicle approaching the same intersection at the same time, the driver of the vehicle on the left shall decrease the speed to ten miles per hour (10 m.p.h.) and have his or her vehicle under control before crossing such intersection, and it shall be his duty to yield to the vehicle on the right; provided, however, that at intersections where traffic officers are stationed, or traffic control signals are installed and operating, traffic shall move in conformity with the directions given by the traffic officers or the signals given by the traffic control signals.

(B) The driver of a vehicle within an intersection intending to turn to the left, shall yield to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard, but such driver having so yielded and having given a visible signal when and as provided by law, may make such left turn, and other vehicles approaching the intersection from the opposite direction shall yield to the driver making the left turn.

(C) Any driver or operator of any vehicle traveling at an unlawful rate of speed or violating any of the provisions of this Title, shall forfeit any right-of-way which he or she may have otherwise had under this Title.

10-7-7: RIGHT-OF-WAY OF EMERGENCY VEHICLES: The driver of a vehicle upon a highway shall yield the right-of-way to authorized emergency vehicles when the latter are operated in emergencies or in the line of public duty and the drivers thereof sound audible signals by bell, siren, or exhaust whistle. This provision shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor shall it protect the driver of any such vehicle from the consequences of an arbitrary and unnecessary exercise of such right-of-way.

10-7-8: METHOD OF TURNING AT INTERSECTIONS: The driver of a vehicle intending to turn at an intersection shall do so as follows, unless a different method of turning is directed by an officer, or by buttons, markers, or signs at intersections, in which event turns shall be made in accordance with the directions of such marker, buttons or signs:

(A) Approach for a right turn shall be made in the lane of position for traffic nearest to the right-hand side of the highway, and the right turn shall be made as closely as practicable to the right-hand curb or edge of the highway.

(B) Approach for a left turn shall be made in the lane or position for traffic to the right of and nearest to the center line of the highway, and the left turn shall be made by passing to the right of such center line where it enters the intersection, and upon leaving the intersection by passing to the right of the center line of the highway then entered.

(C) Approach for a left turn upon a two-way street into a one-way street shall be made in the lane or position for traffic to the right of and nearest to the center line of the highway and by passing to the right of such center line where it enters the intersection, while a left turn from a one-way street into a two-way street shall be made by passing to the right of the center line of the street being entered upon leaving the intersection.

10-7-9: STOPS AT RAILROAD CROSSINGS: Whenever any person, pedestrian or operator of any vehicle, approaches a railway grade crossing and a clearly visible and positive traffic control signal, police officer, or crossing watchman, gives warning of the immediate approach of a railway train or car, it shall be unlawful for any person, pedestrian, or driver of any vehicle to fail to stop and yield the right-of-way to such railway train or car and shall yield such right-of-way until a "Go" or signal to proceed has been given.

10-7-10: REQUIRED SIGNALS FOR TURNING: Whenever the operator of any vehicle shall extend his arm out horizontally from the left side thereof, it shall be an indication that the vehicle is about to turn to the left, if moving, or about to enter traffic if parked; when his arm is so extended inclining upwards, it shall be an indication that the vehicle is about to turn to the right; when his arm is so extended inclining downwards, it shall be an indication that the vehicle is about to slow down or stop. Equivalent signals may be given by artificial devices plainly indicating what the vehicle is about to do.

10-7-11: "U" TURNS"

(A) It shall be unlawful for the operator of any vehicle to turn such vehicle so as to proceed in the opposite direction or "U" turn, except at a street intersection and then not unless such movement can be made in safety and without backing or otherwise interfering with other traffic.

(B) The Council may by order eliminate "U" turns as defined herein at any intersection of the City, and the Chief of Police shall place or cause to be placed appropriate signs bearing the words "No "U" Turns" at each intersection so designated.

10-7-12: LIMITATION ON BACKING: The operator of a vehicle shall not back in the same unless and only to the extent that such movement is necessary and can be made in safety.

10-7-13: EMERGING FROM ALLEY; STOP REQUIRED: The operator of a vehicle emerging from an alley or private driveway shall completely stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area

extending across such alley or private driveway, and proceed in the direction of traffic.

10-7-14: LEAVING VEHICLE UNATTENDED, REQUIREMENTS: No person having control or charge of any motor vehicle shall allow such vehicle to stand on any street unattended by him or her without first setting the brakes thereon and stopping the motor of the vehicle and, when left standing upon a perceptible grade, without turning the front wheels of such vehicle to the curb or to the side of the street or highway.

10-7-15: NEGLIGENT DRIVING; PENALTY: It shall be unlawful for any person to operate a motor vehicle upon any street or alley in the city in such a manner as to indicate the absence of care, prudence, and forethought as, under the circumstances, duty requires should be exercised, or to in any manner engage in a race upon such street or alley, and the operation of a motor vehicle in such a manner shall constitute negligent driving.

Any person convicted of a violation hereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) or more than five hundred dollars (\$500.00).

10-7-16: NO TURN SIGNS: It shall be unlawful for any person driving upon the streets of the City to turn a motor vehicle either to the left or to the right at an intersection where prohibited by traffic signals or signs.

10-7-17: GOLF CARTS: Any person age sixteen (16) years or older, having a valid motor vehicle operator's license, may operate a golf cart during daylight hours upon streets and alleys within the City limits (but not upon sidewalks or trails), provided that: (a) all state and local rules of the road are obeyed, (b) the golf cart is equipped with a reflective slow moving vehicle emblem placed on the rear of the golf cart, (c) the golf cart is equipped with a red warning flag on a pole of sufficient length to be visible to other traffic, and (d) the operator carries liability insurance of at least the Nebraska minimum limits to cover injuries to any persons and damage to any property arising out of the operation of the golf cart. For purposes of this Section, "daylight hours" shall mean from one half hour before sunrise to one half hour after sunset. For purposes of this Section, "valid motor vehicle operator's license" may include a special permit granted by the action of the City Council for any applicant otherwise qualified for an operator's license except for the eyesight test, which permit may be granted upon proof from a licensed optometrist or ophthalmologist that the applicant has vision of 20:80 or better.

10-7-18: ALL-TERRAIN VEHICLES:

(1) For purposes of this section:

(a) "All-terrain vehicle" (herein called an "ATV") means any motorized off-highway vehicle which (a) is fifty inches or less in width, (b) has a dry weight of nine hundred pounds or less, (c) travels on three or more low-

pressure tires, (d) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger, (e) has a bench seat or a saddle designed to be straddled by the operator, and (f) has handlebars or any other steering assembly for steering control. Other off-road designed vehicles, including, but not limited to golf carts, go-carts, riding lawn mowers, and garden tractors, as well as mopeds, scooters, minibikes and snowmobiles are not included in this classification or regulated by this section. (Neb.Rev.Stat.60-6,355)

(b) "Street" or "highway" 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. (Neb.Rev.Stat.60-624)

(2) An ATV may be operated on streets and highways within the corporate limits of the city only if the operator and the vehicle complies with the provisions of this section.

(3) An ATV may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of the applicable speed limit and in any case not over thirty (30) miles per hour. When operating an ATV as authorized in subsection 2 of this section, the headlight and taillight affixed to the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five (5) feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color. The person operating the all-terrain vehicle shall otherwise obey all other state and local rules of the road.

(4) Any person operating an ATV as authorized in this section shall be 16 years of age or older and have a (a) A valid Class O operations license or a farm permit as provided in Neb.Rev.Stat. 60-4,126; and (b) Liability insurance coverage for the ATV while operating the ATV on a street or highway. The person operating the ATV shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request. An ATV shall not be operated with a passenger if the ATV is designed for operator use only with no passengers; an ATV may be operated hereunder with one passenger only if the ATV was specifically designed by the original manufacturer for the operator and one passenger.

(5) ATVs may be operated without complying with subsection 3 of this section on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

(6) An ATV shall not be operated on any state highway and the crossing of any state highway shall not be permitted except as provided herein. This section authorizes and applies to operation of an ATV only on the streets and alleys of the City of Tilden.

(7) The crossing of a state highway by an ATV shall be permitted only if:

(a) The crossing is made at an angle of approximately ninety degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;

(b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;

(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(d) When crossing a state highway, the crossing is made only at an intersection of such highway with a street or another state highway; and

(e) Both the headlight and taillight of the vehicle are on when the crossing is made. (Neb.Rev.Stat.60-6,356)

(8) A person who violates this section shall be punished as provided generally in the City Code.

## CHAPTER 8

### EQUIPMENT

#### SECTION:

- 10-8-1: Lighting Equipment
- 10-8-2: Brakes
- 10-8-3: Operation With Defective Equipment Prohibited
- 10-8-4: Vehicle Registration Required
- 10-8-5: Operator's License Required
- 10-8-6: Vehicle License Plates Required
- 10-8-7: Persons Prohibited from Driving
- 10-8-8: Warning Devices
- 10-8-9: Muffler Required
- 10-8-10: Projecting Loads
- 10-8-11: Occupant Protection Systems

#### 10-8-1: LIGHTING EQUIPMENT:

(A) During the period between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise, and during a fog or storm and at all other times and places when and where there is not sufficient light to clearly reveal persons or objects three hundred feet (300') distant, all motor vehicles shall display one (1) red light visible three hundred feet (300') from the rear, and two (2) white side or headlights located on opposite sides of the car, visible three hundred feet (300') ahead; except that motorcycles and bicycles shall be required to display only one (1) headlight; and in addition vehicles with bodies or loads eighty inches (80") or more in width shall carry clearance lights on both sides, plainly visible from front and rear; and all other vehicles on wheels or runners including horse-drawn, motorcycles, and bicycles, shall display one (1) red light in the rear. It shall be a violation of this Section to drive with only one (1) headlight in operation excepting as herein otherwise permitted. All headlights shall be of white or intermediate shades. Vehicles lighted with headlights as herein provided, shall have the right-of-way at crossings over vehicles not displaying headlights. Only authorized emergency vehicles may carry on the front red side lights or red headlights. Vehicles other than motor vehicles may in lieu of red lights in the rear, display any kind of reflective type of signals that may be approved by the Chief of Police as being equivalent to red lights. The Council shall have the authority to designate proper times and places for the inspection of all such lights and signals. In all cases where a reflector type or red taillight is required by State Law, it shall be required under this Title.

(B) Whenever a vehicle is stopped or parked on a street at times when lights are required, there shall be displayed upon such vehicle one (1) or more lamps projecting a white light visible under normal atmospheric conditions from a distance of three hundred feet (300') to the front of such vehicle and

projecting a red light visible under like conditions from a distance of three hundred feet (300') to the rear except that such parking lights need not be displayed upon any vehicle stopped or parked in accordance with other provisions of this Title upon any street where there is sufficient light to reveal any person or object within a distance of two hundred feet (200') upon such street.

#### 10-8-2: BRAKES; ENGINE BRAKES:

(A) Every motor vehicle shall be provided with adequate brakes in good working order, sufficient to control such motor vehicle at all times.

(B) It shall be unlawful, except to avert imminent danger, for any person to use a dynamic braking device or engine brakes, or to otherwise discharge into the ambient air the blowdown of any stream or the exhaust of any internal combustion engine, unless such discharge be through an appropriate muffler.

(C) For the purpose of this Section, use of a dynamic braking device or engine brakes shall be defined as a device which when activated retards one or more pistons on the engine of a truck or other motor vehicle in order to assist the truck or motor vehicle in the braking and in the process of doing so creates a load and offensive noise from the truck or motor vehicle.

#### 10-8-3: OPERATING WITH DEFECTIVE EQUIPMENT PROHIBITED:

(A) It shall be unlawful for the owner, or operator of any vehicle to drive or operate the same, or permit it to be operated, upon any street while the vehicle or any part thereof is defective or out of order or repair affecting or hindering its safe and efficient operation.

(B) It shall be unlawful to use, operate, or drive any vehicle emitting excessive smoke or fumes, or that is in such a state of repair as to be unnecessarily noisy in its operation, nor shall any vehicle be used or operated with any unnecessary noise or with any noise whatsoever likely to disturb the public, this Section to include vehicles equipped with loud speakers, or other amplifying device, unless special permit is granted by the Council; such permit, may be revoked at any time without notice.

(C) No vehicle shall be used or operated while so loaded with material that the load shall be unnecessarily noisy.

(D) No vehicle, unless confined to tracks shall tow more than one (1) other disabled vehicle. The connection shall not be longer than sixteen feet (16').

10-8-4: VEHICLE REGISTRATION REQUIRED: No person shall operate or drive a motor vehicle on the streets or alleys of the City unless such vehicle shall at all times carry in or upon it, subject to the inspection of any peace

officer, the registration certificate furnished for it by the State, or as required by the State in which the license plates were issued.

10-8-5: OPERATOR'S LICENSE REQUIRED:

(A) It shall be an offense for a person to operate a vehicle unless he or she has the driver's license required by the Motor Vehicle Operator's License Act of the State of Nebraska.

(B) It shall be an offense for a person to operate a motorcycle on the streets, alleys or public highways of the City of Tilden unless he or she has obtained a motorcycle operator's license or permit required by the Motor Vehicle Operator's License Act of the State of Nebraska.

(C) It shall be an offense for a person to operate a motor vehicle on the streets, alleys or public highways of the City of Tilden under a valid learner's permit issued pursuant to the Motor Vehicle Operator's License Act of the State of Nebraska, unless he or she is accompanied at all times by a licensed operator who is at least nineteen (19) years of age and who is occupying the seat beside the driver, or, in the case of a motorcycle, if he or she is within visual contact with and under the supervision of a licensed motorcycle operator, or in the case of a moped, a licensed motor vehicle operator.

10-8-6: VEHICLE LICENSE PLATES REQUIRED: It shall be unlawful for any person to operate or drive or cause to be operated or driven, a motor vehicle on the streets or alleys of the City, unless the vehicle shall at all times have displayed one (1) number plate on the back thereof and one (1) number plate on the front thereof, as provided for by the State. No person shall attach or display on such motor vehicle any number plates or certificate other than assigned to it for the current year, or fictitious or altered number plates or registration certificate that shall have been cancelled by the State, the license plates and certificate shall be kept clean and distinct and free from grease, dust, or other blurring matter so that they shall be plainly visible at all times during daytime and under artificial light in the nighttime.

10-8-7: PERSONS PROHIBITED FROM DRIVING:

(A) It shall be unlawful for any person under the age of sixteen (16) years, or for any person physically or mentally disabled or incapacitated in any particular, temporarily or permanently, to operate or drive a motor vehicle upon the streets of the city; provided, such disability or incapacity is such as to interfere with the ready and safe operation of the same.

(B) It shall be unlawful for the owner, or any person having charge or control of any motor vehicle to permit any prohibited person, as in this Chapter provided, to operate or drive the same.

10-8-8: WARNING DEVICES:



(A) Every motor vehicle when operated upon a highway shall be equipped with a horn or sound warning device in good working order, capable of emitting sound audible under normal conditions from a distance of two hundred feet (200') or more; and it shall be unlawful, except as otherwise provided in this Section, for any vehicle to be equipped with, or for any person to use upon a vehicle, any siren or any compression or spark plug whistle, or any exhaust horn or whistle, which does not produce a harmonious sound; or for

(B) Every authorized emergency vehicle shall be equipped with a bell, siren, or exhaust whistle of the type authorized and approved by the Chief of Police.

(C) It shall be unlawful for any vehicle except an authorized emergency vehicle, to be equipped with any sound warning device or for the operator to use the same, which is authorized for use on any authorized emergency vehicle or which is similar thereto.

**10-8-9: MUFFLER REQUIRED:**

(A) No person shall drive a motor vehicle on a highway unless such motor vehicle is equipped with an adequate muffler in good working order and repair and in constant operation to prevent excessive or unusual noise.

(B) It shall be unlawful to use a "muffler cutout" on any vehicle on a highway or other place, except in a garage, repair shop or other enclosure when necessary for adjusting or repairs.

(C) No vehicle shall be driven or moved on any highway unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping therefrom.

**10-8-10: PROJECTING LOADS:** Whenever the load on any vehicles shall extend more than four feet (4') beyond the rest of the bed or body thereof, exclusive of the endgate, there shall be displayed at the end of such load, in such position as to be clearly visible at all times from the rear of such vehicle, an opened red flag not less than twelve inches (12") both in length and width, except that between one half (1/2) hour after sunset and one half (1/2) hour before sunrise there shall be displayed at the end of such load a red light plainly visible under normal atmospheric conditions at least two hundred feet (200') from the rear of such vehicle.

**10-8-11: OCCUPANT PROTECTION SYSTEMS:** Except as provided by Nebraska Revised Statutes §§ 60-6,270 and 60-6,271, as amended, no driver shall operate a motor vehicle upon a highway or street unless (1) the driver and each front seat occupant in the vehicle are wearing occupant protection systems, (2) any child passenger required by Nebraska Revised Statutes § 60-6,267, as amended, to be transported in a child passenger restraint system is

using such restraint system, and (3) all occupant protection systems and child passenger restraint systems worn or used are properly adjusted and fastened. Any person who violates this Section shall be guilty of an offense and shall be fined \$25.00, but no court costs shall be assessed against him or her nor shall any points be assessed against the driving record of such person. Regardless of the number of persons in such vehicle not wearing an occupant protection system pursuant to this Section, only one violation shall be assessed against the driver of such motor vehicle for each time the motor vehicle is stopped and a violation of such Section is found.

## CHAPTER 9

### SPEED RESTRICTIONS

#### SECTION:

- 10-9-1: General Speed Restrictions
- 10-9-2: Speed Near Schools
- 10-9-3: Highway #275 Speed
- 10-9-4: Highway #45 Speed
- 10-9-5: Penalty

10-9-1: GENERAL SPEED RESTRICTIONS: No person shall operate a motor vehicle on any street, alley, or other place within the city at a rate of speed greater than is reasonable and proper, having regard for the traffic and roadway and the condition of the streets or at such a speed as to endanger the life, limb, or property of any person, and under no circumstances in excess of twenty-five miles per hour on any street within the corporate limits of the city, which speed is hereby declared to be prima facie lawful. Speed limits shall be plainly indicated by appropriate signs or standards on all main traveled highways at or near their approach to the corporate limits.

10-9-2: SPEED NEAR SCHOOLS: It shall be unlawful for the driver of any vehicle, when passing premises on which school buildings are located and which are used for school purposes, during school recess or while children are going to or leaving school during the opening or closing hours to drive such vehicle at a rate of speed in excess of fifteen miles per hour past such premises, and such driver shall stop at all stop signs and shall obey all other traffic signs located at or near such school premises.

10-9-3: HIGHWAY #275 SPEED: No person shall operate a vehicle on U.S. Highway Number 275 within the corporate limits of the City, at a speed greater than forty-five (45) miles per hour. Such speed shall be prima facie lawful, but in any case when such speed would be unsafe, or when special hazards exist with respect to pedestrians or other traffic, or by reason of weather or highway conditions, it shall not be lawful. Speed limits shall be plainly indicated by standard signs at or near the approaches to the City.

10-9-4: HIGHWAY #45 SPEED: No person shall operate a vehicle on State Highway Number 45 within the corporate limits of the City at a speed greater than thirty-five (35) miles per hour from the south line of Third Street to a point 1,300 feet south of Eighth Street. Such speed shall be prima facie lawful, but in any case when such speed would be unsafe, or when special hazards exist with respect to pedestrians or other traffic, or by reason of weather or highway conditions, it shall not be lawful. Speed limits shall be plainly indicated by standard signs at or near the approaches to the City and along the highway.

10-9-5: PENALTY: It shall be unlawful for any person to fail to comply with the provisions of this Chapter, and any person who does fail to comply shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars (\$500.00).

## CHAPTER 10

### MISCELLANEOUS DRIVING RULES

#### SECTION:

- 10-10-1: Boarding or Alighting from Vehicles
- 10-10-2: Unlawful Riding
- 10-10-3: Approach of Authorized Emergency Vehicles
- 10-10-4: Following Fire Apparatus
- 10-10-5: Driving Over Fire Hose
- 10-10-6: Parades and Processions
- 10-10-7: Driving Over Sidewalk
- 10-10-8: Obstructions to Driver's Safe Operation of Vehicle
- 10-10-9: Clinging to Vehicles
- 10-10-10: Roller Skates, Toy Vehicles Prohibited on Streets
- 10-10-11: Driving on City Owned Property
- 10-10-12: Penalty

10-10-1: BOARDING OR ALIGHTING FROM VEHICLES: It shall be unlawful for any person to board or alight from any vehicle while such vehicle is in motion.

10-10-2: UNLAWFUL RIDING: It shall be unlawful for any person to ride, or for the driver to permit the same to be done, on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to employees engaged in the necessary discharge of duty or riding within truck bodies in space intended for merchandise.

10-10-3: APPROACH OF AUTHORIZED EMERGENCY VEHICLES: Upon the approach of any authorized emergency vehicle or vehicles giving audible signal by bell, siren, or exhaust whistle, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand side or curb of the street, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by a police officer.

10-10-4: FOLLOWING FIRE APPARATUS: It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than five hundred feet (500') to any fire apparatus traveling in response to a fire alarm, or to drive into or stop any vehicles within five hundred feet (500') of where fire apparatus has stopped or been placed in answer to a fire alarm.

10-10-5: DRIVING OVER FIRE HOSE: No vehicle shall be driven over any unprotected hose or apparatus of the Fire Department or any other municipal department, when laid down on any street or private driveway without the consent of the department official in charge.

10-10-6: PARADES AND PROCESSIONS:

(A) It shall be unlawful for any person to hold or have a parade or other procession on any street of the City without having obtained a permit from the Chief of Police to hold or have such parade or procession. Funeral processions are, however, herein excepted.

(B) It shall be unlawful for the operator of a vehicle to drive between the vehicles comprising a funeral or other authorized procession or parade, while they are in motion; provided, that such vehicles are conspicuously designated. The leading vehicles in a funeral procession shall display a white flag or ribbon, and all the vehicles in the procession shall have their headlights burning. This provision shall not apply at intersections where traffic is controlled by police officers.

10-10-7: DRIVING OVER SIDEWALK: The operator of a vehicle shall not drive within or upon any sidewalk area except at a permanent or temporary driveway. Riding bicycles upon or along sidewalks shall be unlawful.

10-10-8: OBSTRUCTIONS TO DRIVER'S SAFE OPERATION OF VEHICLE:

(A) It shall be unlawful for any person to operate a motor vehicle on the streets or alleys of the City, when such person has in his lap or in his embrace, another person, package, or other encumbrance, which prevents the free and unhindered operation of such vehicle. It shall be unlawful for more than three (3) persons over the age of twelve (12) years of age, to occupy the front or driver's seat of any motor vehicle, while such vehicle is in motion on the streets or alleys of the City.

(B) It shall be unlawful for any passenger in a vehicle to ride in such position as to interfere with the operator's view ahead or to the sides, or to interfere with the operator's free and ready control over the driving mechanism of the vehicle, or to obstruct the view of others or signals given by the operator.

(C) It shall be unlawful for any operator to drive any vehicle with any sign, poster, streamer, or other nontransparent material upon or across the front windshield, side-wings, front, side or rear windows of such vehicle, other than such as required by law.

(D) No owner or operator shall display upon any part of any vehicle any official or other designation, sign or insignia of, or purporting to be of, any public or quasi-public corporation, municipal, state, or national department, or governmental subdivision, without the authority thereof; or any insignia, badge, sign, or emblem, or distinction mark of any organization or society of which he is not a bona fide member or otherwise authorized to display.

(E) Every motor vehicle shall be equipped with a rear vision mirror.

10-10-9: CLINGING TO VEHICLES: It shall be unlawful for any person traveling upon any bicycle, motorcycle, coaster, sled, roller skates, or any toy vehicle, to cling to or attach himself or herself or his or her vehicle to any other moving vehicle upon any roadway.

10-10-10: ROLLER SKATES, TOY VEHICLES PROHIBITED ON STREETS: It shall be unlawful for any person upon roller skates, or riding in or by means of any coaster, toy vehicle or similar device, to go upon any roadway except while necessarily crossing the street on a crosswalk.

10-10-11: DRIVING ON CITY OWNED PROPERTY: It is hereby declared to be unlawful to operate any motorized vehicle, whether licensed or unlicensed, upon real estate owned by the City except upon paths or roadways established by the City over such real estate.

10-10-12: PENALTY: Any person violating the provisions of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be liable for payment of a fine not to exceed the sum of five hundred dollars (\$500.00).

## CHAPTER 11

### DRUNKEN OR RECKLESS DRIVING

#### SECTION:

10-11-1: Driving Under Influence of Liquor or Drugs

10-11-2: Careless or Reckless Driving

10-11-1: DRIVING UNDER INFLUENCE OF LIQUOR OR DRUGS: It shall be unlawful for any person who is under the influence of intoxicating liquor or any narcotic drug, to operate any vehicle upon any street or other public way.

10-11-2: CARELESS OR RECKLESS DRIVING:

(A) It shall be unlawful for any person to operate a motor vehicle upon any street or alley in the City in such a manner as to endanger the safety of others or cause immoderate wear or damage to any street or alley, and the operation of a motor vehicle in such manner shall constitute careless driving.

(B) It shall be unlawful for any person to operate a motor vehicle upon any street or alley in the City in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property, and the driving of a motor vehicle in such a manner shall constitute reckless driving.

(C) It shall be unlawful for any person to operate a motor vehicle upon any street or alley in the City in such a manner as to indicate a willful disregard for the safety of persons or property, and the operation of a motor vehicle in such a manner shall constitute willful reckless driving.



## CHAPTER 12

### ACCIDENTS

#### SECTION:

10-12-1: Duty to Stop and Duty to Render Aid

10-12-2: Duty to Make Report

10-12-3: Duty of Garages to Report

10-12-1: DUTY TO STOP AND DUTY TO RENDER AID: The driver of any vehicle involved in an accident resulting in injury to any person or damage to any property, shall immediately stop such vehicle at the scene of such accident and shall give his name, address, and vehicle registration number to the person struck, to the driver and occupants of any vehicle collided with or to the owner of the property damaged, as the case may be, and shall not except by order of the Police Department move such vehicle until such information shall have been given and shall render to any person injured in such accident reasonable assistance including the carrying of such person to a physician or surgeon for first aid, medical, or surgical treatment, if it is apparent that such treatment is necessary or if it is requested by the injured person; provided, however, that the vehicle or vehicles involved in the accident may be moved for the purpose of providing the aforesaid reasonable assistance.

10-12-2: DUTY TO MAKE REPORT: The operator of any vehicle involved to any degree in an accident resulting in injuries or death to any person, or property damaged to an apparent extent of fifty dollars (\$50.00) or more, shall within a reasonable time, and not to exceed twenty-four (24) hours thereafter, make a report to the Police Headquarters in this City of such accident.

10-12-3: DUTY OF GARAGES TO REPORT: The person in charge of any garage or repair shop, to which is brought any motor vehicle which shows any evidence of having been involved in an accident or struck by any bullet, shall report the matter, within a reasonable time and not to exceed twenty-four (24) hours thereafter, to the Police Headquarters of this City, giving the license number, engine number, and the name and address of the owner of the car.

TITLE XI

ZONING

Subject	Chapter
Zoning Regulations .....	1

## CHAPTER 1

### ZONING REGULATIONS

#### SECTION:

11-1-1: Adoption of Zoning Regulations

11-1-2: Jurisdiction

11-1-1: **ADOPTION OF ZONING REGULATIONS:** There is hereby adopted and incorporated herein by reference comprehensive zoning and subdivision regulations to be known as the “City of Tilden Zoning Ordinance & Subdivision Regulations” prepared and published in 2003 in book form by the Madison County Joint Planning Department, with input from RDG Crose Gardner Shukert Inc. and JEO Consulting Group. Not less than three (3) copies of such zoning regulations in book form, and amendments, with zoning district maps, marked or stamped "Official Copy" shall be on file with the City Clerk to be open to inspection and available to the public.

11-1-2: **JURISDICTION:** The area of jurisdiction shall be all land within the corporate limits of the City of Tilden, Nebraska, and all land within the areas of planning jurisdiction as defined on the Official Zoning Map for Tilden, Nebraska, which includes areas within a distance of one mile of the corporate boundaries.

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