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**§6-301 OFFENSES; CRIMINAL ATTEMPT.** It shall be unlawful for any person to: intentionally engage in conduct which would constitute a crime if the attendant circumstances were as he believes them to be; Or, intentionally engage in conduct which, under the circumstances as he believes them to be, constitutes a substantial step in the course of conduct intended to culminate in his commission of the crime. When causing a particular result is an element of the crime, a person shall be guilty of an attempt to commit the crime if, acting with the state of mind required to establish liability with respect to the attendant circumstances specified in the definition of the crime, he intentionally engages in conduct which is a substantial step in a course of conduct intended or known to cause such a result; Provided, that conduct shall not be considered a substantial step under this Section unless it is strongly corroborative of the defendant's criminal intent. (Ref 28-201 RS Neb)

**§6-302 OFFENSES; AIDING AND ABETTING.** Any person who aids, abets, procures, or causes another to commit any offense may be prosecuted and punished as if he were the principal offender. (Ref 28-206 RS Neb.)

**§6-303 OFFENSES; ASSAULT IN THE THIRD DEGREE.** It shall be unlawful for any person to intentionally, knowingly, or recklessly cause bodily injury to another person; or threaten another in a menacing manner. It shall further be unlawful for any person to commit the above act in a fight or scuffle entered into by mutual consent. (Ref 28-310 RS Neb.)

**§6-304 OFFENSES; FALSE IMPRISONMENT IN THE SECOND DEGREE.** It shall be unlawful for any person to knowingly restrain another person without legal authority. (Ref 28-315(1) RS Neb)

**§6-305 OFFENSES; ARSON IN THE THIRD DEGREE.** It shall be unlawful for any person to intentionally set fire to, burn, cause to be burned, or by the use of any explosive, damage or destroy, or cause to be damaged or destroyed, any property of another without his consent, other than a

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building or occupied structure; Provided, that the damages do not exceed one hundred (\$100.00) dollars. (Ref 28-504(1)(3) RS Neb)

**§6-306 OFFENSES; THEFT.** The terms and definitions applied in this Section shall be in conformance with Section 28-509 RS Neb. It shall be unlawful for any person to:

A. Take or exercise control over movable property of another, with the intent to deprive him thereof; or

B. Transfer immovable property of another or any interest therein with the intent to benefit himself or another not entitled thereto; or

C. Fail to return leased or rented movable property to the lessor after the expiration of a written lease or written rental agreement, if done with intent to deprive, and is such lessee has been mailed notice by certified mail that such lease or rental agreement has expired and he has failed within ten (10) days after such notice to return such property; or

D. Obtain the property of another by deception, as defined by Section 28-512 RS Neb; or

E. Obtain the property of another by threatening to:

1. Inflict bodily injury on anyone or commit any other criminal offense; or

2. Accuse anyone of a criminal offense; or

3. Expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair his credit or business repute; or

4. Take or withhold action as an official, or cause an official to take or withhold action; or

5. Bring about or continue a strike, boycott, or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act; or

6. Testify or provide information or withhold testimony or information with respect to another's claim or defense. It is an affirmative defense to prosecution based on subdivision 2, 3, or 4 of the above subsection, that the property obtained by threat of accusation, exposure, lawsuit or other invocation of official action was honestly claimed as restitution or indemnification for harm done in the circumstances to which such accusation, exposure,

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lawsuit or other official action relates, or as compensation for property or lawful services; or

F. Come into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient if, with intent to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to have it: or

G. Obtain services which he knows are available only for compensation, by deception or threat, or by false token or other means to avoid payment for the service; or

H. Have control over the disposition of services of others, to which he is not entitled, and diverts such services to his own benefit or to the benefit of another not entitled thereto; or

I. Make, possess, sell, give, transfer, offer for sale or advertise for sale any device, instrument, apparatus or equipment designed or which can be used to obtain telecommunications service fraudulently or to conceal from any supplier or telecommunications service or from any lawful authority the existence or place of origin or of destination of any telecommunication; or

J. Receive, retain or dispose of movable property to another knowing that it has been stolen, or believing that it has been stolen, unless the property is received, retained or disposed with intention to restore it to the owner;

Provided that the value of the thing involved is under three hundred (\$300.00) dollars. (Ref 28-509 thru 28-515, 28-517 RS Neb)

**§6-307 OFFENSES: UNAUTHORIZED USE OF A PROPELLED VEHICLE.**

It shall be unlawful for any person to intentionally exert unauthorized control over another's propelled vehicle by operating the same without the owner's consent. Propelled vehicle shall mean and include an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle. It shall be an affirmative defense to a prosecution under this Section that the defendant reasonably believed that the owner would have authorized the use had he known of it. (Ref 28-516 RS Neb.)

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**§6-308 OFFENSES; CRIMINAL MISCHIEF.** It shall be unlawful for any person to damage property of another intentionally or recklessly; or intentionally tamper with property of another so as to endanger person or property; or intentionally or maliciously cause another to suffer pecuniary loss by deception or threat; Provided, that the value of the property involved is under three hundred (\$300.00) dollars. (Ref 28-519 RS Neb.)

**§6-309 OFFENSES; CRIMINAL TRESPASS.** It shall be unlawful for any person, knowing that he is not licensed or privileged to do so, to:

A. Enter or secretly remain in any building or occupied structure, or any separately secured or occupied portion thereof: or

B. Enter or remain in any place as to which notice against trespass is given by;

1. Actual communication to the actor; or
2. Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or
3. Fencing or other enclosure manifestly designed to exclude intruders. (Ref 28-520, 28-521 RS Neb.)

**§6-310 OFFENSES; CRIMINAL SIMULATION.** It shall be unlawful for any person, with intent to deceive or harm, to make, alter or represent an object in such fashion that it appears to have an antiquity, rarity, source or authorship, ingredient or composition which it does not in fact have; or, with knowledge of its true character and with intent to use it to deceive or harm, to utter, misrepresent or possess any object so simulated. (Ref 28-606 RS Neb.)

**§6-311 OFFENSES; CRIMINAL IMPERSONATION.** It shall be unlawful for any person to:

A. Assume a false identity and do any act in his assumed character with intent to gain a pecuniary benefit for himself or another, or to deceive or harm another; or

B. Pretend to be a representative of some person or organization and to do any act in his pretended capacity with the intent to gain a pecuniary benefit for himself or another, and to deceive or harm another; or

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C. Carry on any profession, business, or any other occupation without a license, certificate, or other authorization required by law. (Ref 28-607 RS Neb.)

**§6-312 OFFENSES; IMPERSONATING A PEACE OFFICER.** It shall be unlawful for any person to falsely pretend to be a peace officer and perform any act in that pretended capacity. (Ref 28-610 RS Neb.)

**§6-313 OFFENSES; PROSTITUTION.** It shall be unlawful for any person to perform, offer or agree to perform any act of sexual penetration, as defined in Subdivision (5) of Section 28-318 RS Neb., with any person not his spouse in exchange for money or other thing of value. (Ref 28-801 RS Neb.)

**§6-314 OFFENSES; PUBLIC INDECENCY.** It shall be unlawful for any person, eighteen (18) years of age or over, to perform or procure or assist any other person to perform in a public place and where the conduct may reasonably be expected to be viewed by members of the public:

A. An act of sexual penetration as defined by Subdivision (5) of Section 28-318 RS Neb.; or

B. An exposure of the genitals of the body done with intent to affront or alarm any person; or

C. A lewd fondling or caressing of the body of another person of the same or opposite sex.

(Ref 28-806 RS Neb.)

**§6-315 OFFENSES; REFUSING TO AID A PEACE OFFICER.** It shall be unlawful for any person, upon a request by a person known to him to be a peace officer, to unreasonably refuse or fail to aid such peace officer in:

A. Apprehending any person charged with or convicted of any offense against any of the laws of this state; or

B. Securing such offender when apprehended; or

C. Conveying such offender to the jail of the county.

(Ref 28-903 RS Neb.)

**§6-316 OFFENSES; RESISTING ARREST, WITHOUT THE USE OF A DEADLY OR DANGEROUS WEAPON.** It shall be unlawful for any person to intentionally prevent or attempt to prevent a

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peace officer, acting under color of his official authority, from effecting an arrest on said person or on another, by:

A. Using or threatening to use physical force or violence against the peace officer of another; or

B. Using any other means which creates a substantial risk of causing physical injury to the peace officer or another; or

C. Employing means which require substantial force to overcome resistance to effecting the arrest;

Provided, that this Section shall apply only to those actions taken to resist arrest without the use of a deadly or dangerous weapon.

It is an affirmative defense to prosecution under this Section if the peace officer involved was out of uniform and did not identify himself as a peace officer by showing his credentials to the person whose arrest is attempted. (Ref 28-904 RS Neb.)

**§6-317 OPERATION OF A MOTOR VEHICLE TO AVOID ARREST.** It shall be unlawful for any person to operate any motor vehicle to flee in such vehicle in an effort to avoid arrest or citation for the violation of any law of the State of Nebraska constituting a misdemeanor, infraction, traffic infraction, or any Municipal ordinance, except nonmoving traffic violations. (Ref 28-905(1)(3) RS Neb.)

**§6-318 OFFENSES; OBSTRUCTING A PEACE OFFICER.** It shall be unlawful for any person, to use or threaten to use violence, force, physical interference, or obstacle, to intentionally obstruct, impair, or hinder the enforcement of the penal law or the preservation of the peace by a peace officer or judge acting under color of his official authority. (Ref 28-906 RS Neb.)

**§6-319 OFFENSES: FALSE REPORTING.** It shall be unlawful for any person to:

A. Furnish information he or she knows to be false to any peace officer or other official with the intent to instigate an investigation or an alleged criminal matter or impede the investigation of an actual criminal matter; or

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B. Furnish information he or she knows to be false alleging the existence of an emergency in which human life or property are in jeopardy to any hospital, ambulance company, or other person or governmental agency which deals with emergencies involving danger to life or property; or

C. Furnish any information, or cause such information to be furnished or conveyed by electric, electronic, telephonic, or mechanical means, knowing the same to be false concerning the need for assistance of a Fire Department or any personnel or equipment of such Department; or

D. Furnish any information he or she knows to be false concerning the location of any explosive in any building or other property to any person. (Ref 28-907 RS Neb.)

**§6-320 OFFENSES; INTERFERING WITH A FIREMAN.** A person commits the offense of interfering with a fireman if at any time and place where any fireman is discharging or attempting to discharge any official duties, he willfully:

A. Resists or interferes with the lawful efforts of any fireman in the discharge or attempt to discharge an official duty; or

B. Disobey the lawful orders given by any fireman while performing his duties; or

C. Engages in any disorderly conduct which delays or prevents a fire from being extinguished within a reasonable time; or

D. Forbids or prevents others from assisting or extinguishing a fire or exhorts another person, as to whom he has no legal right or obligation to protect or control, not to assist in extinguishing a fire. (Ref 28-908 RS Neb.)

**§6-321 OFFENSES; PROMOTING GAMBLING.** A person commits the offense of promoting gambling if he or she knowingly participates in unlawful gambling as defined by State law as a player by betting less than three hundred (\$300.00) dollars in any one (1) day.

**§6-322 OFFENSES; NUISANCES ON PRIVATE PROPERTY.** (Repealed by Ordinance No. 1969, 3/15/2016) See Chapter 4, Article 3

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**§6-323 OFFENSES; WEED REMOVAL.** *(Repealed by Ord. No. 1466, 9/21/1999) See Section 6-347*

**§6-324 OFFENSES; DISCHARGE OF FIREARMS.** It shall be unlawful for any person, except an officer of the law in the discharge of his official duty, to fire or discharge any gun, pistol, or other fowling piece within the Municipality; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Chief of Police. *(Ref. 17-556 RS Neb.)*

**§6-325 OFFENSES; SLINGSHOTS, AIR GUNS, BB GUNS.** It shall be unlawful for any person to discharge a slingshot, air gun, BB gun, or the like loaded with rock or other dangerous missiles at any time or under any circumstances within the Municipality. *(Ref. 17-556 RS Neb.)*

**§6-326 OFFENSES; LITTERING.**

(1) Any person who deposits, throws, discards, or otherwise disposes of any litter on any public or private property or in any waters commits the offense of littering unless:

(a) Such property is an 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.

(2) The word litter as used in this section shall mean all waste material susceptible of being dropped, deposited, discarded or otherwise disposed of by any person upon any property in the state but does not include wastes of primary processes of farming or manufacturing. Waste material as used in this section shall mean any material appearing in a place or in a context not associated with that material's function or origin.

(3) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle or watercraft in violation of this section, the operator of such motor vehicle or

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watercraft commits the offense of littering. (Ref. 28-523 RS Neb.) (Amended by Ord. No. 1275, 6/20/95)

**§6-327 OFFENSES; DISTURBING THE PEACE.** It shall be unlawful for any person to intentionally disturb the peace and quiet of any person, family or neighborhood. (Ref. 28-1322 RS Neb.)

**§6-328 OFFENSES; STREET GAMES.** It shall be unlawful for any person to catch, bat a ball, kick or throw a football, or to engage in any sport upon the Municipal streets and sidewalks. Nothing herein shall be construed to prohibit or prevent the Governing Body from ordering from time to time certain streets and public places blocked off for the purpose of providing a safe area to engage in such exercise and sport. (Ref. 17-142, 17-557 RS Neb.)

**§6-329 OFFENSES; OBSTRUCTION OF PUBLIC WAYS.** It shall be unlawful for any person to erect, maintain, or suffer to remain on any street or public sidewalk a stand, wagon, display, or other obstruction inconvenient to, or inconsistent with, the public use of the same.

**§6-330 OFFENSES; CURFEW.** It shall be unlawful for any person fifteen (15) years of age or under to be or remain in or upon any streets or alleys in the City at night, whether on foot or in a motor vehicle, after the hour of ten (10:00) o'clock P.M. on Sunday night through Thursday night and eleven (11:00) o'clock P.M. on Friday night and Saturday night, unless such person is accompanied by parent, guardian or other person having the legal custody of such minor person or is going to or from some meeting or assemblage of lawful character, or is in the performance of an errand of duty, directed by parent, guardian or other person having legal custody of such minor person or whose employment makes it necessary to be upon the streets, alleys or public places during the nighttime after said specified hours; provided, that these exceptions shall not apply when persons fifteen (15) years of age or under shall play or loiter unnecessarily in or upon such street or alley, whether alone or accompanied by parent, guardian or person whomsoever. No minor shall play or loiter in any

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street, alley or Public place in the City at anytime to the inconvenience of the ordinary traffic over and upon such streets, alleys or public places. The time when minors shall disperse from the streets may be indicated, if ordered by the Mayor and Council, by a siren, whistle or other appropriate signal.

**§6-331 OFFENSES; TOBACCO, SALE TO MINORS.** It shall be unlawful for any person to sell, give or furnish, in any way, any tobacco in any form whatever, or any cigarettes, or cigarette paper, to any minor under eighteen (18) years of age. (Ref. 28-1419 RS Neb.)

**§6-332 OFFENSES; MINORS; PROHIBITED ACTS INVOLVING ALCOHOLIC LIQUOR.**

(A) For purposes of this section, the definitions found in Neb. RS 53-103 shall apply, including, but not limited to, the definitions of the terms alcoholic liquor, consume, minor, sale, and to sell.

(B) Except as provided in Section 10-120 (Alcoholic Beverages; Manufacture, Sale, Delivery, and Possession; General Prohibitions; Exceptions), no minor may sell, dispense, consume, or have in his or her possession or physical control any alcoholic liquor in any tavern or in any other place, including public streets, alleys, roads, or highways, upon property owned by the State of Nebraska or any subdivision thereof, or inside any vehicle while in or on any other place, including, but not limited to, the public streets, alleys, roads, or highways, or upon property owned by the State of Nebraska or any subdivision thereof, except that a minor may consume, possess, or have physical control of alcoholic liquor in his or her permanent place of residence or on the premises of a place of religious worship on which premises alcoholic liquor is consumed as a part of a religious rite, ritual, or ceremony.

(C) It shall be unlawful for any person under twenty-one years of age to transport, consume, or knowingly possess or have under his or her control beer or other alcoholic liquor in or transported by any motor vehicle.

(Neb. RS 53-180.02)

(Amended by Ord. No. 1160, 2/18/92; Ord. No. 1547, 2/04/03)

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**§6-332.1 OFFENSES; DRINKING ON PUBLIC PROPERTY; POSSESSION OF OPEN ALCOHOLIC BEVERAGE CONTAINER.**

(A) Except when the Nebraska Liquor Control Commission has issued a license as provided in Neb. RS 53-186(2), it is unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property. (Neb. RS 53-186)

(B) (1) It is unlawful for any person in the passenger area of a motor vehicle to possess an open alcoholic beverage container while the motor vehicle is located in a public parking area or on any highway in this municipality.

(2) Except as provided in Neb. RS 53-186, it is unlawful for any person to consume an alcoholic beverage

(a) in a public parking area or on any highway in this municipality or

(b) inside a motor vehicle while in a public parking area or on any highway in this municipality.

(3) For purposes of this division:

(a) Alcoholic beverage means (i) beer, ale porter, stout, and other similar fermented beverages, including sake or similar products, of any name or description containing one-half of one percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor, (ii) wine of not less than one-half of one percent of alcohol by volume, or (iii) distilled spirits which is that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced. Alcoholic beverage does not include trace amounts not readily consumable as a beverage;

(b) Highway means a road or street including the entire area within the right-of-way;

(c) Open alcoholic beverage container means any bottle, can, or other receptacle: That

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contains any amount of alcoholic beverage; and  
(ii) A. That is open or has a broken seal; or B.  
The contents of which are partially removed;  
and

(d) Passenger area means the area designed to seat the driver and passengers while the motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating positions, including any compartments in such area. Passenger area does not include the area behind the last upright seat of such motor vehicle if the area is not normally occupied by the driver or a passenger and the motor vehicle is not equipped with a trunk. (*Neb. RS 60-6, 211. 08*) (*Ord. 1545; 02/04/03*)

**§6-333 OFFENSES; ABANDONED AUTOMOBILES:**

- (A) Abandoned vehicle, defined.
- (1) A motor vehicle is an abandoned vehicle.
- (a) If left unattended, with no licenses plates or valid In Transit stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six hours on any public property.
- (b) If left unattended for more than twenty-four hours on any public property, except a portion thereof on which parking is legally permitted;
- (c) If left unattended for more than forty-eight hours, after the parking of such vehicle has become illegal, if left on a portion of any public property, on which parking is legally permitted;
- (d) If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated;
- (e) If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner under section 60-1903.01 Neb RRS; or

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(f) If removed from private property by a municipality pursuant to a municipal ordinance.

(2) An all-terrain vehicle, a utility-type vehicle, or a minibike is an abandoned vehicle;

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

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

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

(d) If left for more than thirty days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner under section 60-1903.01 Neb RRS; or

(e) If removed from private property by a municipality pursuant to a municipal ordinance.

(3) For purpose of this section:

(a) Public property means any public right-of-way, street, highway, alley, or park or other state, county, or municipally owned property; and

(b) Private property means any privately owned property which is not included within the definition of public property.

(4) No motor vehicle subject to forfeiture under section 28-431 Neb RRS shall be an abandoned vehicle under this section.

(B) Abandoned vehicle; title; vest in local authority or state agency when.

If an abandoned vehicle, at the time of abandonment, has no license plates of current year or valid In Transit stickers issued pursuant to section 60-376 Neb RRS affixed

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and is of a wholesale value, taking into consideration the condition of the vehicle, of two hundred fifty dollars or less, title shall immediately vest in the local authority or state agency having jurisdiction thereof as provided in section 60-1904 Neb RRS. Any certificate of title issued under this section to the local authority or state agency shall be issued at no cost to such authority or agency.

(C) Local Authority; Powers and Duties.

(1) Except for vehicles governed by section 60-1902 Neb RRS, having custody of an abandoned vehicle shall make an inquiry concerning the last-registered owner of such vehicle as follows:

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

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

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

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

(b) title will vest in the local authority or state agency thirty days after the date such notice was mailed. If the agency described in subdivision (1) (a) or (b) of this section also notifies the local authority or state agency that a lien or mortgage exists, such notice shall also be sent to the lien holder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

(3) Title to an abandoned vehicle, if unclaimed shall vest in the local authority or state agency

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

(b) thirty days after the date the notice mailed

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if the local authority or state agency will retain the vehicle, or (c) if the last-registered owner cannot be ascertained, when notice of such fact is received.

(4) After title to the abandoned vehicle vests pursuant to subsection (3) of this section, the local authority or state agency may retain for use, sell, or auction the abandoned vehicle. If the local authority or state agency has determined that the vehicle should be retained for use, the local authority or state agency shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the local authority or state agency intends to retain the abandoned vehicle for its use and that title will vest in the local authority or state agency thirty days after the publication.

(D) Law enforcement agency; powers and duties.

A state or local law enforcement agency which has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody shall send a certified letter to each of the last-registered owners stating that the vehicle is in the custody of the law enforcement agency, that the vehicle is no longer needed for law enforcement purposes, and that after thirty days the agency will dispose of the vehicle. This section shall not apply to motor vehicles subject to forfeiture under section 28-431 Neb RRS. No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purpose under this section unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees.

(E) Custody; who entitled.

If a state agency caused an abandoned vehicle described in subdivision (1) (e) or (2) (d) of section 60-

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1901 Neb RRS to be removed from public property, the state agency shall be entitled to custody of the vehicle. If a state agency caused an abandoned vehicle described in subdivision (1)(a), (b), (c), or (d) or (2)(a), (b), or (c) of section 60-1901 Neb RRS to be removed from public property, the state agency shall deliver the vehicle to the local authority which shall be the county in which the vehicle was abandoned or, if abandoned in a city or village, the city or village in which the vehicle was abandoned.

(F) Proceeds of sale; disposition.

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the local authority or state agency shall be held by the local authority or state agency without interest, for the benefit of the owner or lien holders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the local authority entitled to custody under section 60-1904 Neb RRS or the state general fund if a state agency is entitled to custody under section 60-1904 Neb RRS.

(G) Liability for removal.

Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed, nor the state, city, village, or country, shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the state, city, village, or country or its contractual agent or as a result of any subsequent disposition.

(H) Person cannot abandon a vehicle.

No person shall cause any vehicle to be an abandoned vehicle as described in subdivision (1)(a), (b), (c), or (d) or (2)(a), (b), or (c) of section 60-1901 Neb RRS.

(I) Destroy, deface, or remove parts; unlawful; exception; violation; penalty.

No person other than one authorized by the appropriate local authority or state agency shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this section shall be guilty of a Class V misdemeanor.

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(J) Cost of removal and storage; last-registered owner; liable.

The last-registered owner of an abandoned vehicle shall be liable to the local authority or state agency for the costs of removal and storage of such vehicle.

*Additional regulations, Neb RS 60-1901 through 60-1911 (Ord. 1495; 07/01/00) (Ord. No. 1809, 09/20/11)*

**§6-334 REPEALED BY ORDINANCE NO. 1407 (6/23/98)**

**§6-335 FIREWORKS DEFINITIONS.** For the purpose of this chapter the following words shall have the following meanings:

Fireworks shall mean any combustible or explosive composition, or any substance or combination of substances, or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation and which meets the definition of common or special fireworks set forth by the United States Department of Transportation in Title 49, Code of Federal Regulations.

Permissible fireworks shall mean any permissible or consumer firework authorized by the laws of the State of Nebraska as safe for general use.

Retailer shall mean any person engaged in the business of making sales of fireworks at retail.

Sale shall include barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as principal, proprietor, agent servant, or employee.

Sky Lanterns shall mean devices that require a flame which produces heated air trapped in a balloon-type covering allowing the device to float in the air. Sky lanterns shall not include hot-air balloons used for transporting persons.

The provisions of this section shall not apply to any fireworks to be used for the purpose of public exhibitions or display under authorization of the Governing Body or to fireworks furnished for agricultural purposes pursuant to written authorization from the State Fire Marshal. (Ref.

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28-1241, 28-1244, 28-1245, 28-1247, RS Neb. 1943) (Ord. 1407, 6/23/98; 1948, 10/20/15)

**§6-336 FIREWORKS; SALE AND USE OF SKY LANTERNS PROHIBITED; UNLAWFUL ACTS.** Fireworks commonly known as sky lanterns shall not be permissible fireworks within the City of Crete, notwithstanding any action by the State Fire Marshal to the contrary, and it shall be unlawful for any person to sell at retail, offer for sale at retail, discharge, explode, or use any of said fireworks within the city. (Ord. 1407, 6/23/98; 1948, 10/20/15)

**§6-337 FIREWORKS; HOURS OF SALE:** Conditioned upon payment of the Occupation Tax required to be paid by Section 10-901 of the City Code, fireworks permitted within the Municipality may be sold at retail between June thirtieth (30th) and July fifth (5th) of each year, during the following times:

July 1 thru July 3 - 8:00 o'clock A.M. to 11:00 o'clock P.M.

July 4 - 8:00 o'clock A.M. to Midnight.

(Ord. 1471, 10/19/99; Ord. 1548, 04/01/03)

**§6-338 FIREWORKS; DISCHARGE.** It shall be unlawful for any person to discharge, fire, launch or throw any fireworks or any object, which is lighted to explode or which explodes upon contact with another object:

A. From or onto any motor vehicle.

B. Onto any street, highway or sidewalk.

C. During any pyrotechnics display authorized by special permit under the ordinances of the Municipality and when the special permit authorized the display to be held at a designated location, no lawfully permitted fireworks shall be exploded in the said designated location during the time of said pyrotechnics display except by personnel authorized by said special permit,

D. At or near any persons.

E. Into or upon any building.

F. Into or at any group of persons, or

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G. The discharge of exploding of fireworks within the Municipality shall be permitted only on the following dates and during the following hours:

1. July 1st through July 3rd - 8:00 A.M. to 11:00 P.M.
2. July 4th - 8:00 A.M. to Midnight.
3. For the celebration of the year 2000, permissible fireworks may also be discharged between December 30, 1999 - 8:00 A.M. to 11:00 o'clock P.M. and December 31, 1999 - 8:00 o'clock A.M. to midnight January 1, 2000 until 1:00 A.M. (Ord. 1470, 10/19/99; Ord. 1549; 04/01/03)

The discharge and exploding of fireworks within the Municipality on any dates or times other than set out in this Section shall be unlawful.

**§6-339 PROHIBITED FENCES.** It shall be unlawful for any person to erect, or cause to be erected, and maintain any barbed wire or electric fence within the corporate limits, where such fence abuts a public sidewalk, street or alley.

**§6-340 MERCHANDISE ON SIDEWALKS.** It shall be unlawful for any person to place or cause to be placed for display or sale purposes, or for storage, any goods, wares, merchandise or other articles upon any sidewalk or in any street; provided, this shall not be construed as preventing the sale from vehicles outside of the Business District of farm or garden produce by the producer or grower thereof or his employee by going from house to house.

**§6-341 OBSTRUCTIONS ON SIDEWALKS.** It shall be unlawful for any person within the Corporate Limits to erect, maintain or suffer to remain on any street or public sidewalk or on any portion of the area between the lot line and the curb line of any street any stand, wagon, display, or merchandise, or any other obstruction injurious to, inconvenient, or inconsistent with the public use of the same; provided, seats and benches may be allowed in front of stores and buildings in the fire limits and shall not be construed as an obstruction in the sidewalk space until

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such time as the Mayor and Council shall order their removal by resolution.

**§6-342 APPLIANCES IN YARD.** It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and accessible to children whether on private or public property unless he shall first remove all doors and make the same reasonably safe. (*Ref. 18-1720 RS Neb.*)

**§6-343 OBSTRUCTION OF PUBLIC WAYS.** It shall be unlawful for any person to erect, maintain, or suffer to remain on any street or public sidewalk a stand, wagon, display, or other obstruction inconvenient to, or inconsistent with, the public use of the same.

**§6-344 OBSTRUCTING WATER FLOW.** It shall be unlawful for any person to stop or obstruct the passage of water in a street gutter, culvert, water pipe, or hydrant.

**§6-345 WATER FLOWING UPON STREETS.** It shall be unlawful for any person to allow any water to flow into or upon any public thoroughfare.

**§6-346 REMOVING DIRT.** It is hereby declared unlawful for any person to remove, disturb, or take away from any street, alley, or public grounds any dirt, earth, stones, or other materials forming a part of such street, alley, or public grounds without first having obtained written permission to do so from the Governing Body.

**§6-347 WEEDS, LITTER, STAGNANT WATER; ABATEMENT OF NUISANCE; DRAINAGE; REMOVAL; NOTICE; ACTION BY CITY; VIOLATION; PENALTY; CIVIL ACTION.** (*Repealed by Ordinance No. 1969, 3/15/2016*) See Chapter 4, Article 3

**§6-348 RADIO INTERFERENCE.** Any person operating or causing to be operated, any motor, sign, or other electrical apparatus that is connected with the light and power system shall equip the apparatus with proper filtering attachments to eliminate interference; provided, that the provisions herein shall not apply to the use of necessary medical

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equipment or apparatus where electrical interference cannot be reasonably and safely eliminated. Any person who so operates or causes to be operated, any such electrical apparatus that interferes habitually with radio and television reception shall be deemed to be guilty of a violation of this section. (Ref. 18-1720 RS Neb.)

**§6-349 OFFENSES; TAMPERING WITH ELECTRONIC LOAD MANAGEMENT CONTROL SWITCHES.**

No person shall tamper with any electronic load management control-switch placed on any electrical device by the City of Crete or its agents (with the consent of the private owner). As Used in this section the word "tamper" shall include the following: (a) disconnecting or altering the wiring of any electronic load management switch so as to permanently impair its operation, (b) permanently removing said electronic load management control switch, (c) otherwise tampering, with the intent of disabling the load management switch, so as to make it permanently inoperable, (d) installing any device, with the intent of making the load management control switch inoperable, which creates electronic interference or shields the device so that the load management control switch does not receive the necessary radio control signals.

**§6-350 EXEMPTION FOR AUTHORIZED WORK.** Nothing in this ordinance shall be interpreted to prohibit any action by a person authorized by the City of Crete to remove and/or repair any electronic load Management control switch. (Ord. No. 1089, 7/18/89)

**§6-351 OFFENSES; OBSCENE CONDUCT:** It shall be unlawful for any person to urinate or stool in any place open to the public view or to indecently exhibit any animal. (Ord. No. 1520, 6/05/01)

**§6-352 SEXUAL CONTACT; PROHIBITED:** (a) It shall be unlawful for any employee or performer (including amateur performers) in any business or commercial establishment to have any sexual contact with any other employee, performer or patron for gratuity, pay or other remuneration, direct or indirect,

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or in conjunction with or as part of any performance or entertainment in any business or commercial establishment.

(b) It shall be unlawful for any patron to have sexual contact with any employee or performer in any business or commercial establishment.

(c) For the purposes of this section, sexual contact shall mean the intentional touching between a patron, a performer, or employee involving contact by or with a patron's, performer's, or employee's sexual organ, buttock(s), or breast(s), whether covered or not, or kissing, when such contact can reasonably be construed as being for the purpose of sexual arousal or sexual gratification of either party or any observer.

(d) It shall be unlawful for any person purposely or knowingly to solicit, induce, or attempt to induce another person to engage in an act or acts prohibited hereunder.

(e) It shall be unlawful for the owner, lessee, proprietor, or manager of any business or commercial establishment to knowingly allow any person on the premises of such business or commercial establishment to engage in an act or acts prohibited hereunder.

(f) The provisions of this section shall not apply to a theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances obtained in this section were permitted or allowed as part of such art exhibits or performances. (Ord. No. 1521, 6/19/01)

**§6-353 PUBLIC NUDITY; UNLAWFUL:** (a) It shall be unlawful for a person to, knowingly or intentionally, in a public place or in any place open to the public, appear in a state of nudity.

(b) "Nudity" means the showing of the human male or female genitals or pubic area with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering on any part of the areola and nipple, or the showing of covered male genitals in a discernibly turgid state.

(c) This section shall not apply to:

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(1) Any theater, concert hall, art center, museum, or similar establishment which is primarily devoted to the arts or theatrical performances and in which any of the circumstances contained in this section were permitted or allowed as part of such art exhibit or performance;

(2) Any dressing / changing room or restroom facility open to the public;

(3) Any person under twelve years of age or

(4) Mothers who are breast feeding.

*(Ord. No. 1522, 6/19/01)*

**§6-354 SPITTING ON SIDEWALKS AND OTHER PLACES.** It shall be unlawful for any person to spit or expectorate on any sidewalk, crosswalk, or in any cellarway, window, door, grating, or entrance to any basement, excavation, area, in under, or leading from public sidewalk space in the city; or to spit or expectorate on the floor, wall, stairway, in any hall or in the elevator of any public building within the City. *(Ord. No. 1580, 07/01/03)*

**§6-355 SPITTING ON ANOTHER PERSON; PROHIBITED.** It shall be unlawful for any person to intentionally, knowingly, or recklessly spit or expectorate upon any person within the City.

*(Ord. No. 1581, 07/01/03)*

**§6-356 FAILURE TO DISPERSE.** (a) Whenever a police officer has probable cause to believe that a person or persons are creating a disturbance of the peace and quiet of any person or neighborhood, such police officer may order said person or persons not residing on the premises to disperse for the purpose of abating the said disturbance.

(b) It shall be unlawful for any person to refuse to comply with the lawful order to disperse given by a police officer in the performance of the officer's duties under this section.

*(Ord. No. 1582, 07/01/03)*

**§6-357 DISTURBING THE PEACE.** It shall be unlawful for any

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person to intentionally or knowingly disturb the peace and quiet of any person, family or neighborhood or any public assembly; or assembly of persons for religious worship. 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 toward another person;
- (c) Using abusive, threatening or other fighting language or gestures directed towards another person or persons;
- (d) Operating any radios, tape player, compact disc player, stereophonic sound system or similar device which reproduces or amplifies radio broadcasts, or musical recordings, in or upon any street, alley, or other public place in such a manner as to be audible to other persons in such public place more than fifty feet from the source; or
- (e) Picketing or demonstrating on a public way within 150 feet of any primary or secondary school building while the school is in session and during the one-half hour before the school is in session and during the one-half hour after the school session has been concluded. (Ord. No. 1583, 07/01/03)

**§6-358 SUPPRESSION OF NUISANCES; DISORDERLY HOUSES.** Any room, house, building structure, or place and any property kept and used in maintaining the same, where, in violation of the ordinances of the city, unlawful or illegal acts are committed, is hereby declared to be an unreasonable interference with the health, safety, welfare, and property of the citizens of the city, a disorderly house, and a public and common nuisance. Such nuisances may be restrained or suppressed by the city in any manner provide by law, and the City Attorney is hereby authorized and empowered to take such legal action as may be necessary to restrain or suppress such nuisances. (Ord. No. 1584, 07/01/03)

**§6-359 INMATE OF DISORDERLY HOUSE.** It shall be unlawful for any person to be an inmate of or visit or frequent any disorderly house as declared in 6-360 with knowledge of,

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and participation in, the illegal activities occurring therein.

*(Ord. No. 1585, 07/01/03)*

**§6-360 DISORDERLY HOUSE; MAINTAINING.** The term "disorderly house" as used in this chapter shall be deemed to be any room, house, building, structure, or premises, where unlawful or illegal acts are being committed. It shall be unlawful for the owner, lessee, or proprietor of any room, house, building, structure, or premises to knowingly collect or permit to be collected therein persons who are engaging in any unlawful act, or to knowingly make, cause, permit or suffer to be made therein any loud or improper noise to the annoyances or disturbance of any person or neighborhood. *(Ord. No. 1586, 07/01/03)*

**§6-361 GENERAL OFFENSES; CRIMINAL POSSESSION OF A FORGED INSTRUMENT.**

A person commits the offense of criminal possession a forged instrument if he or she, with knowledge that it is forged and with intent to deceive or harm, possesses any forged instrument covered by section 6-355, (Forgery in Second Degree), the amount or value of which is less than \$1000. *(Neb. RS 28-604) (Ord. No. 1619, 09/21/04)*

**§6-362 GENERAL OFFENSES; FORGERY IN THE SECOND DEGREE:**

A person commits the offense of forgery in the second degree if he or she, with intent to deceive or harm, falsely makes, completes, endorses, alters, or utters any written instrument which is or purports to be, or which is calculated to become or to represent if completed, a written instrument which does or may evidence, create, transfer, terminate, or otherwise affect a legal right, interest, obligation, or status when the face value, or purported face value, or the amount of any proceeds wrongfully procured or intended to be procured by the use of such instrument is \$300 or less. *(Neb. RS 28-603) (Ord. No. 1619, 09/21/04)*

**§6-363 GENERAL OFFENSES; SEXUAL PREDATOR RESIDENCY RESTRICTIONS:**

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1. Findings and Intent.

(A) The Nebraska legislature has found that certain sex offenders present a high risk to commit repeat offenses and has enabled municipalities to restrict such persons' place of residency as provided in the Sexual Predator Residency Restriction Act.

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

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

2. Definitions. For purpose of this ordinance:

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

(B) Political subdivision means a village, a city, a county, a school district, a public power district, or any other unit of local government;

(C) School means a public, private, denominational, or parochial school which meets the requirements for accreditation or approval prescribed in Chapter 79 Neb RRS;

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

(E) Sexual predator means an individual who is required to register under the Sex Offender Registration Act, who has committed an aggravated offense as defined in section 29-4001.01 Neb RRS, and who has victimized a person eighteen years of age or younger.

3. Sexual Predator Residency Restrictions; Penalties; Exceptions.

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

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

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

(D) EXCEPTIONS. This ordinance shall not apply to a sexual predator who;

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

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

(c) 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.

*[Statutory Reference: The Sexual Predator Residency Restriction Act, Laws 2006, LB 1199, §27 to 29; Neb. Rev. Stat. Sec. 29-4003 and Sec. 29-4013] (Ord. 1652; 06/06/06) (Ord. No. 1809, 09/20/11)*