TITLE XIII: GENERAL OFFENSES

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CHAPTER 130: PROPERTY OFFENSES

Section

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§ 130.01 CRIMINAL MISCHIEF.

It shall be unlawful for any person to damage property of another intentionally or recklessly, or intentionally or recklessly 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 $300.
(Neb. RS 28-519) Penalty, see § 10.99

§ 130.02 CRIMINAL TRESPASS.

(A) It shall be unlawful for any person, knowing that he or she is not licensed or privileged to do so, to enter or secretly remain in any building or occupied structure, or any separately secured or occupied portion thereof.
(Neb. RS 28-520)

(B) It shall be unlawful for any person, knowing that he or she is not licensed or privileged to do so, to 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.
(Neb. RS 28-521) Penalty, see § 10.99

§ 130.03 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 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 an offense.
Penalty, see § 10.99
Statutory reference:
Authority to prohibit nuisances, see Neb. RS 18-1720 and 28-1321

§ 130.04 INJURY TO TREES.

It shall be unlawful for any person purposely or carelessly and without lawful authority to cut down, carry away, injure, break down, or destroy any fruit, ornamental, shade, or other tree or trees standing or growing on any land belonging to another person or persons or on any public land in the corporate limits. Any public service company desiring to trim or cut down any tree, except on property owned and controlled by it, shall make an application to the Board of Trustees to do so, and the written permit of the Board of Trustees in accordance with their decision to allow such an action shall constitute the only lawful authority on the part of the company to do so.
Penalty, see § 10.99

§ 130.05 POSTING.

It shall be unlawful for any person, firm, or corporation to use the streets, sidewalks, or public grounds of the municipality for signs, signposts, or the posting of handbills or advertisements without written permission of the Board of Trustees.
Penalty, see § 10.99

CHAPTER 131: OFFENSES AGAINST PUBLIC ORDER

Section

131.01 Disorderly conduct
131.02 Street games
131.03 Obstruction of public ways
131.04 Obstructing water flow
131.05 Curfew; duty of parent or guardian; defenses
131.06 Disturbing the peace
131.07 Sexual predators; findings and intent
131.08 Sexual predators; definitions
131.09 Sexual predator residency restrictions; penalties; exceptions

§ 131.01 DISORDERLY CONDUCT.

It shall be unlawful for any person to engage in conduct or behavior which disturbs the peace and good order of the municipality by clamor or noise, intoxication, drunkenness, fighting, or using of obscene or profane language in the streets or other public places or which is otherwise indecent or disorderly conduct or lewd or lascivious behavior.
Penalty, see § 10.99
Statutory reference:
Authority to regulate noise, riots, and routs, see Neb. RS 17-556

§ 131.02 STREET GAMES.

It shall be unlawful for any person to play catch, bat a ball, or kick or throw a football or to engage in any exercise or sport upon the municipal streets and sidewalks. Nothing herein shall be construed to prohibit or prevent the Board of Trustees 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.
Penalty, see § 10.99
Statutory reference:
Additional authority, see Neb. RS 17-555 and 17-557

§ 131.03 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.
Penalty, see § 10.99
Statutory reference:
Additional authority, see Neb. RS 17-555 and 17-557
Penalties for injuring or obstructing roads, see Neb. RS 39-301 and 39-302

§ 131.04 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.
Penalty, see § 10.99
Statutory reference:
Authority to abate nuisances, see Neb. RS 17-555
Authority to prevent water obstruction, see Neb. RS 17-920

§ 131.05 CURFEW; DUTY OF PARENT OR GUARDIAN; DEFENSES.

(A) It shall be unlawful for any minor under the age of 18 years to loiter, idle, wander, stroll, or play in or upon any of the streets, roads, alleys or parks of the municipality, or other places of public amusement or recreation therein after the hour of 11:00 p.m. and until the hour of 5:00 a.m. of the following day on Sunday through Thursday, and after the hour of 12:30 a.m. and until the hour of 5:00 a.m. on Saturday and Sunday.

(B) It shall be unlawful for any parent, guardian, or any adult person having the legal care, custody, or control of any minor under the age of 18 years to allow or permit such minor to loiter, wander, stroll, idle or play in or about any of the places designated in division (A) of this section after the hour of 11:00 p.m. and until the hour of 5:00 a.m. of the following day on Sunday through Thursday, and after the hour of 12:30 a.m. and until the hour of 5:00 a.m. on Saturday and Sunday.

(C) It is a defense to prosecution under divisions (A) and (B) that the minor was:

(1) Accompanied by a parent, guardian, or other adult person having the legal care, custody, or control of such minor;

(2) On an errand at the direction of the minor's parent, guardian, or other adult person having the legal care, custody, or control of such minor and was using a direct route;

(3) In a motor vehicle involved in interstate travel;

(4) Engaged in an employment activity, including but not limited to newspaper delivery, and was using a direct route;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the police officer about the minor's presence;

(7) Attending an official school or religious activity or returning home by a direct route from an official school or religious activity;

(8) Exercising first amendment rights protected by the United States constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(9) Married or had been married or had disabilities of minority removed in accordance with the laws of the state of Nebraska.

Penalty, see § 10.99

Statutory reference:

General ordinance making authority, see Neb. RS 17-505

§ 131.06 DISTURBING THE PEACE.

It shall be unlawful for any person intentionally to disturb the peace and quiet of any person, family, or neighborhood.

(Neb. RS 28-1322)

§ 131.07 SEXUAL PREDATORS; 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 §§ 131.07 through 131.09 to serve the village's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the village by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sexual predators cannot reside.

(Ord. 131.07, passed 7-10-06)

§ 131.08 SEXUAL PREDATORS; DEFINITIONS.

For purposes of §§ 131.07 through 131.09 the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHILD CARE FACILITY. A facility licensed pursuant to the Child Care Licensing Act.

RESIDE. To sleep, live, or dwell at a place, which may include more than one location, and may be mobile or transitory.

RESIDENCE. A place where an individual sleeps, lives, or dwells, which may include more than one location, and may be mobile or transitory.

SCHOOL. A public, private, denominational, or parochial school which meets the requirements for state accreditation or approval.

SEX OFFENDER. An individual who has been convicted of a crime listed in Neb. RS 29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act.

SEXUAL PREDATOR. An individual who is required to register under the Sex Offender Registration Act, who has been classified as Level 3 because of a high risk of recidivism as determined by the Nebraska State Patrol under Neb. RS 29-4013, and who has victimized a person 18 years of age or younger.
(Ord. 131.07, passed 7-10-06)

§ 131.09 SEXUAL PREDATOR RESIDENCY RESTRICTIONS; PENALTIES; EXCEPTIONS.

(A) *Prohibited location of residence.* It is unlawful for any sexual predator to reside within 500 feet from a school or child care facility.

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

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

(D) *Exceptions.* Sections 131.07 through 131.09 shall not apply to a sexual predator who: resides within a prison or correctional or treatment facility operated by the state or a political subdivision;

established a residence before July 1, 2006, and has not moved from that residence; or established a residence after July 1, 2006, and the school or child care facility triggering the restriction was established after the initial date of the sexual predator's residence at that location.
(Ord. 131.07, passed 7-10-06)

Statutory Reference:

The Sexual Predator Residency Restriction Act, see Neb. RS 29-4003 and 29-4013

ORDINANCE NO. 131.07

VILLAGE OF GILTNER}
HAMILTON COUNTY}
STATE OF NEBRASKA}

AN ORDINANCE TO ADOPT SEXUAL PREDATOR RESIDENCY RESTRICTIONS; TO PROHIBIT CERTAIN PERSONS SUBJECT TO THE SEX OFFENDER REGISTRATION ACT AND DEFINED AS SEXUAL PREDATORS FROM RESIDING IN CERTAIN AREAS WITHIN THE VILLAGE; TO ESTABLISH PENALTIES FOR A VIOLATION; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF GILTNER:

Section 1. A new Section 131.07 is added to the Municipal Code of Giltner, Nebraska as follows:

Sec. 131.07. Findings and Intent.

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

SECTION 2. A new Section 131.08 is added to the Municipal Code of Giltner, Nebraska as follows:

Sec. 131.08 Definitions. For purposes of this ordinance:

Child care facility means a facility licensed pursuant to the Child Care Licensing Act;
School means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;
Reside means to sleep, live, or dwell at a place, which may include more than one location, and may be mobile or transitory;
Residence means a place where an individual sleeps, lives, or dwells, which may include more than one location, and may be mobile or transitory;
Sex offender means an individual who has been convicted of a crime listed in Nebr. Rev. Stat. section 29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and
Sexual predator means an individual who is required to register under the Sex Offender Registration Act, who has been classified as Level 3 because of a high risk of recidivism as determined by the Nebraska State Patrol under Nebr. Rev. Stat. section 29-4013, and who has victimized a person eighteen years of age or younger.

SECTION 3. A new Section 131.09 is added to the Municipal Code of Giltner, Nebraska as follows:

Sec. 131.10 Sexual Predator Residency Restrictions; Penalties; Exceptions.

PROHIBITED LOCATION OF RESIDENCE. It is unlawful for any sexual predator to reside within five hundred feet from a school or child care facility.
MEASURE OF DISTANCE. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility.
PENALTIES. A person who violates this section shall be punished as provided generally in the code.
EXCEPTIONS. This ordinance shall not apply to a sexual predator who: resides within a prison or correctional or treatment facility operated by the state or a political subdivision; established a residence before July 1, 2006, and has not moved from that residence; or 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]

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and posting as required by law.

Passed and approved this 10th day of July, 2006.

Randy Findley
Chairperson

(SEAL)

Charlynn Kral Krcilek
Clerk

CHAPTER 132: OFFENSES AGAINST PUBLIC JUSTICE AND ADMINISTRATION

Section

132.01 Refusing to aid a peace officer
132.02 Resisting arrest, without the use of a deadly or dangerous weapon
132.03 Obstructing a peace officer
132.04 Interfering with firefighter
132.05 False reporting

§ 132.01 REFUSING TO AID A PEACE OFFICER.

It shall be unlawful for any person, upon a request by a person known to that person to be a peace officer, unreasonably to 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 municipality; or

(B) Securing such offender when apprehended; or

(C) Conveying such offender to the jail of the county.
(Neb. RS 28-903) Penalty, see § 10.99

§ 132.02 RESISTING ARREST WITHOUT THE USE OF A DEADLY OR DANGEROUS WEAPON.

(A) This section shall apply only to those actions taken to resist arrest without the use of a deadly or dangerous weapon. It shall be unlawful for any person intentionally to prevent or attempt to prevent a peace officer, acting under color of official authority, from effecting an arrest on said person or on another by:

(1) Using or threatening to use physical force or violence against the peace officer or another; or

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

(3) Employing means which require substantial force to overcome resistance to effecting the arrest;

(B) It is an affirmative defense to prosecution under this section that the peace officer involved was out of uniform and did not identify himself or herself as a peace officer by showing credentials to the person whose arrest is attempted.
(Neb. RS 28-904) Penalty, see § 10.99

§ 132.03 OBSTRUCTING A PEACE OFFICER.

It shall be unlawful for any person to use or threaten to use violence, force, physical interference, or obstacle or intentionally to 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 official authority, or a police animal assisting a peace officer acting pursuant to the peace officer's official authority.
(Neb. RS 28-906) Penalty, see § 10.99

§ 132.04 INTERFERING WITH FIREFIGHTER.

A person commits the offense of interfering with a firefighter if at any time and place where any firefighter is discharging or attempting to discharge any official duties, the person willfully:

(A) Resists or interferes with the lawful efforts of any firefighter in the discharge or attempt to discharge an official duty; or

(B) Disobeys the lawful orders given by any firefighter while performing his or her 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 or she has no legal right or obligation to protect or control, not to assist in extinguishing a fire.
(Neb. RS 28-908) Penalty, see § 10.99

§ 132.05 FALSE REPORTING.

(A) It shall be unlawful for any person to:

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

(2) Furnish information he or she knows to be false alleging the existence of the need for the assistance of an emergency medical service or out-of-hospital emergency care provider or an emergency in which human life or property are in jeopardy to any hospital, emergency medical service, or other person or governmental agency;

(3) 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;

(4) 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;

(5) Furnish material information he or she knows to be false to any governmental department or agency with the intent to instigate an investigation or to impede an ongoing investigation and which actually results in causing or impeding such investigation.

(B) A person who violates this section commits the offense of false reporting.
(Neb. RS 28-907) Penalty, see § 10.99

CHAPTER 133: OFFENSES AGAINST PUBLIC HEALTH AND SAFETY

Section

General Provisions

133.01 Maintaining a nuisance
133.02 Appliances in yard
133.03 Putting carcass or filthy substance into well, spring, brook, or stream
133.04 Prohibited fences
133.05 Weeds; litter; stagnant water
133.06 Littering
133.07 Raising or producing stagnant water

Substance Offenses

133.20 Drinking on public property; open beverage container

Motor Vehicle and Highway Offenses

133.40 Abandoned automobiles
133.41 Shooting highway signs, markers, or notices
133.42 Removal and possession of highway signs, markers, or notices
133.43 Unlicensed or inoperable vehicles

Weapons Offenses

133.60 Discharge of firearms
133.61 Slingshots, air guns, BB guns

GENERAL PROVISIONS

§ 133.01 MAINTAINING A NUISANCE.

It shall be unlawful for any person to erect, keep up, or continue and maintain any nuisance to the injury of any part of the citizens of the municipality.
(Neb. RS 28-1321(1)) Penalty, see § 10.99
Statutory reference:
Authority to prohibit nuisances within zoning jurisdiction, see Neb. RS 18-1720 and 28-1321

§ 133.02 APPLIANCES IN YARD.

It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and accessible to children whether on private or public property unless the person first removes all doors and makes the same reasonably safe.
Penalty, see § 10.99

§ 133.03 PUTTING CARCASS OR FILTHY SUBSTANCE INTO WELL, SPRING, BROOK, OR STREAM.

It shall be unlawful for any person to put any dead animal, carcass, or part thereof or other filthy substance into any well, or into any spring, brook, or branch of running water, of which use is made for domestic purposes.
(Neb. RS 28-1304) Penalty, see § 10.99

§ 133.04 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.
Penalty, see § 10.99
Statutory reference:
Fences, see Neb. RS 18-1720, 28-1321, 39-705

§ 133.05 WEEDS; LITTER; STAGNANT WATER.

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

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

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

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

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

(F) (1) Notice to abate and remove 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 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 municipality or fails to comply with the order to abate and remove the nuisance, the municipality may have such work done. The costs and expenses of any such work shall be paid by the owner.

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

(a) Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed; or

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

(G) For purposes of this section:

(1) ***LITTER*** shall include but not be limited to:

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

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

(c) Grass, leaves, and worthless vegetation;

(d) Offal and dead animals; and

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

(2) ***WEEDS*** shall include but not be limited to bindweed (convolvulus arvensis), puncture vine (tribulus terrestris), leafy spurge (euphorbia esula), Canada thistle (cirsium arvense), perennial peppergrass (lepidium draba), 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 (canabis sativa), and ragweed (ambrosiaceae).

(Neb. RS 17-563) Penalty, see § 10.99

Cross-reference:

Nuisances; definition, see § 92.20

Weeds, see § 93.004

Statutory reference:

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

§ 133.06 LITTERING.

(A) 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:

(1) The property is an area designated by law for the disposal of such material and the person is authorized by the proper public authority to so use the property; or

(2) The litter is placed in a receptacle or container installed on the property for such purpose.

(B) ***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.

(C) Whenever litter is thrown, deposited, dropped, or dumped from any motor vehicle or watercraft in violation of this section, the operator of the motor vehicle or watercraft commits the offense of littering.

(Neb. RS 28-523) Penalty, see § 10.99

Cross-reference:

Nuisances; definition, see § 92.20

§ 133.07 RAISING OR PRODUCING STAGNANT WATER.

It shall be unlawful for any person to build, erect, continue, or keep up any dam or other obstruction in any river or stream of water in the village and thereby raise an artificial pond or produce stagnant waters which shall be manifestly injurious to the public health and safety.
(Neb. RS 28-1303) Penalty, see § 10.99

SUBSTANCE OFFENSES

§ 133.20 DRINKING ON PUBLIC PROPERTY; OPEN 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:

(i) That 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) Penalty, see § 10.99

MOTOR VEHICLE AND HIGHWAY OFFENSES

§ 133.40 ABANDONED AUTOMOBILES.

(A) (1) No person shall cause any vehicle to be an abandoned vehicle as described in division (B) (1), (2), (3), or (4) of this section.
(Neb. RS 60-1907)

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

(B) A motor vehicle is an abandoned vehicle:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the municipality, shall be held by the municipality without interest, for the benefit of the owner or lienholders of 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 municipality.
(Neb. RS 60-1905)

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

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

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

(J) Any person who violates the provisions of this section is guilty of an offense.
Statutory reference:
Additional regulations, Neb. RS 60-1901 through 60-1911

§ 133.41 SHOOTING HIGHWAY SIGNS, MARKERS, OR NOTICES.

It shall be unlawful for any person willfully or maliciously to shoot upon the public highway and injure, deface, damage or destroy any signs, monuments, road markers, traffic control or surveillance devices or other public notices lawfully placed upon said highways.
(Neb. RS 60-6,130(1)) Penalty, see § 10.99

§ 133.42 REMOVAL AND POSSESSION OF HIGHWAY SIGNS, MARKERS, OR NOTICES.

It shall be unlawful for any person, other than those authorized to do so, to remove any sign, traffic control, or traffic surveillance device placed along a public street, road, or highway for traffic control, warning, or informational purposes. Moreover, it shall be unlawful for any person to possess such a sign or device which has been removed in violation of this section.
(Neb. RS 60-6,130(3)) Penalty, see § 10.99

§ 133.43 UNLICENSED OR INOPERABLE VEHICLES.

(A) No person in charge or control of any property within the municipality, other than municipal property, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, inoperable, wrecked, junked, or discarded vehicle to remain on such property longer than 30 days. No unlicensed vehicle shall be permitted to remain on any private or public property for any length of time, provided that this section shall not apply to a vehicle in an enclosed building, to a vehicle on the premises of a business enterprise operated in a lawful place and manner, when such vehicle is necessary to the lawful operation of the business, or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the municipality. Any vehicle allowed to remain on property in violation of this section shall constitute a nuisance and shall be abated, and any person violating this section shall be guilty of a offense.

(B) *Definitions.* For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING. A structure with four walls and a roof erected in compliance with the village building codes.

DISMANTLED. Lacking any vehicle part, the absence of which, if such a vehicle were operated on the streets or highways, would cause such vehicle to be in violation of one or more state statutes pertaining to the condition of vehicles being operated on the alleys, streets or highways.

IN CHARGE OR CONTROL OF. Placement, maintenance, or keeping for any length of time in excess of 30 days.

INOPERABLE. Having one or more parts necessary for the operation of a vehicle either not attached to such vehicle or in non-working condition, including but not limited to all tires fully inflated.

JUNKED VEHICLE. Any vehicle which is inoperable or totally or partially wrecked or dismantled, or which does not display valid license plates.

WRECKED. A vehicle that has been damaged to such an extent that such vehicle, if operated on the streets or highways, would be in violation of one or more state statutes pertaining to the condition of vehicles being operated on the alleys, streets or highways.
(Ord. 03-164, passed 6-9-03) Penalty, see § 10.99

WEAPONS OFFENSES

§ 133.60 DISCHARGE OF FIREARMS.

It shall be unlawful for any person, except an officer of the law in the discharge of official duty, to fire or discharge any gun, pistol, or other fowling piece within the municipality, except that nothing in this section shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Board of Trustees.
Penalty, see § 10.99
Statutory reference:
Authority to regulate, see Neb. RS 17-556

§ 133.61 SLINGSHOTS, AIR GUNS, BB GUNS.

(A) 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 Board of Trustees.

(B) 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.
(Ord. passed 6-12-00) Penalty, see § 10.99
Statutory reference:
Authority to regulate, see Neb. RS 17-556

ORDINANCE NO. 03-164

VILLAGE OF GILTNER)
COUNTY OF HAMILTON) SS.
STATE OF NEBRASKA)

An ordinance of the Village of Giltner, Nebraska to set forth **definitions to Code δ133.43 UNLICENSED OR INOPERABLE VEHICLES.**

WHEREAS, the Chairperson and the Board of Trustees is the Governing Body of the Village of Giltner,

THEREFORE, be it ordained that the Chairperson and the Board of Trustees, Giltner Nebraska, do;

HEREBY, set forth **definitions to Code δ133.43 UNLICENSED OR INOPERABLE VEHICLES.**

δ133.43 Definitions
The following definitions are applicable to Code Section δ133.43 pertaining to unlicensed or inoperable vehicles.

(1) *Junked Vehicle* means any vehicle which is inoperable or totally or partially wrecked or dismantled, or which does not display valid license plates.
(2) *Building* means a structure with four walls and a roof erected in compliance with the village building codes.
(3) *In charge or control of* means placement, maintenance, or keeping for any length of time in excess of thirty (30) days.
(4) *Wrecked* means a vehicle that has been damaged to such an extent that such vehicle, if operated on the streets or highways, would be in violation of one or more state statutes pertaining to the condition of vehicles being operated on the alleys, streets or highways.
(5) *Dismantled* means lacking any vehicle part, the absence of which, if such a vehicle were operated on the streets or highways, would cause such vehicle to be in violation of one or more state statutes pertaining to the condition of vehicles being operated on the alleys, streets or highways.
(6) *Inoperable* means having one or more parts necessary for the operation of a vehicle either not attached to such vehicle or in non-working condition, including but not limited to all tires fully inflated.

Definitions to be filed with **Code of Giltner**, adopted by Chairperson and the Board of Trustees, Giltner, Nebraska on October 14, 2002.

Any other ordinance or section passed and approved prior to passage and approval of this ordinance and in conflict with its provisions is repealed.

This ordinance shall take effect and be in full force from and after its passage, approval, and required posting and or publication as required by law.

Steve Williams, Chairperson

Charlynn Kral Krcilek, Village Clerk

Date: June 9, 2003

(SEAL) SEAL

§ 133.43 UNLICENSED OR INOPERABLE VEHICLES (as amended 5-14-2012)

No person in charge or control of any property within the municipality, other than municipal property, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, inoperable, wrecked, junked, or discarded vehicle to remain on such property longer than 30 days. No unlicensed vehicle shall be permitted to remain on any private or public property for any length of time, provided that this section shall not apply to a vehicle in an enclosed building, **to a vehicle enclosed behind a fence sufficient to screen the vehicle from public view** on the premises of a business enterprise operated in a lawful place and manner, when such vehicle is necessary to the lawful operation of the business, or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the municipality. Any vehicle allowed to remain on property in violation of this section shall constitute a nuisance and shall be abated, and any person violating this section shall be guilty of a offense.

Penalty, see §10.99

Definitions, see § 03-164