STREETS

§ 93.040 GRADING, PAVING AND OTHER IMPROVEMENTS.

(A) The municipality has the power to provide for the grading and repair of any street, avenue, or alley. No street, avenue, or alley shall be graded unless the grading is ordered to be done by the affirmative vote of two-thirds of the Board of Trustees.
(Neb. RS 17-508)

(B) The Board of Trustees may grade, partially or to an established grade, change grade, curb, recurb, gutter, regutter, pave, gravel, regravel, macadamize, remacadamize, widen, or narrow streets or roadways, resurface or relay existing pavement, or otherwise improve any streets, alleys, public grounds, public ways, entirely or partially, and streets which divide the village corporate area and the area adjoining the village. These projects may be funded at public cost or by the levy of special assessments on the property especially benefited in proportion to such benefits, except as provided in Neb. RS 19-2428 to 19-2431. The Board of Trustees may by ordinance create improvement districts, to be consecutively numbered, which may include two or more connecting or intersecting streets, alleys, or public ways, and may include two or more of the improvements in one proceeding.
(Neb. RS 17-509)

(C) Whenever the Board of Trustees deems it necessary to make the improvements in division (B) which are to be funded by a levy of special assessment on the property especially benefitted, the Board of Trustees shall by ordinance create an improvement district.
(Neb. RS 17-511)

Statutory references:

Acquisition of additional land or an easement by purchase, gift, or eminent domain, Neb. RS 18-1705
Authority to create improvement districts, impose special assessments, and issue bonds, Neb. RS 17-509 to 17-524, 18-1751
Combined improvements, Neb. RS 19-2401, 19-2408 to 19-2415
Creation of improvement district by petition of owners, Neb. RS 17-510
Deferral of special assessments on land in agricultural use zone, Neb. RS 19-2428 through 19-2431
Duty to keep streets and alleys open, in repair, and free from nuisances, Neb. RS 17-567
Improvement of federal or state highway or main thoroughfare, Neb. RS 17-412
Improvement of street which divides city corporate area and area adjoining the city, Neb. RS 17-509
Inclusion of adjacent land in improvement district, Neb. RS 19-2427
Jurisdiction over street which forms common boundary with county or another municipality, Neb. RS 18-2005
Limited street improvement districts, Neb. RS 19-2416
Objections to improvement district funded by special assessments, Neb. RS 17-511

See #93.040.1 93.040.2

§ 93.041 IMPROVEMENTS WITHOUT PETITION OR CREATION OF DISTRICT.

(A) The municipality may, without petition or creating a street improvement district, grade, curb, gutter, and pave:

(1) Any portion of a street otherwise paved so as to make one continuous paved street, but the portion to be so improved shall not exceed two blocks, including intersections, or 1,325 feet, whichever is the lesser;

(2) Any unpaved street or alley which intersects a paved street for a distance not to exceed one block on either side of such paved street; and

(3) Any side street or alley within its corporate limits connecting with a major traffic street for a distance not to exceed one block from such major traffic street.

(B) Such improvements may be performed upon any portion of a street or any unpaved street or alley not previously improved to meet or exceed the minimum standards for pavement set by the municipality for its paved streets.

(C) In order to defray the costs and expenses of these improvements, the municipality may levy and collect special taxes and assessments or issue paving bonds as provided in Neb. RS 18-2003.
(Neb. RS 18-2001 to 18-2004)

§ 93.042 VACATING PUBLIC WAYS.

(A) (1) ***SPECIAL DAMAGES*** shall mean only those losses or damages or injuries which a property owner suffers that are peculiar or special or unique to his or her property and which result from the Board of Trustees vacating such street, avenue, alley, lane or similar public way.

(2) ***SPECIAL DAMAGES*** shall not mean those losses or damages or injuries that a property owner suffers that are in common with the rest of the village or public at large, even though those losses or damages or injuries suffered by the property owner are greater in degree that the rest of the village or public at large.

(B) The Chairperson shall appoint three or five or seven disinterested residents of the municipality to a special commission to ascertain the amount of special damages that the abutting property owners are entitled to receive and which resulted from the Board of Trustees vacating such street, avenue, alley, lane or similar public way. The appointees of the special commission shall be approved by the Board of Trustees. Only special damages, as herein defined, shall be awarded to the abutting property owners.

(C) In determining the amount of compensation to award the abutting property owners as special damages, the Commission shall use the following rule:

ORDINANCE 93.042.01

VILLAGE OF GILTNER
COUNTY OF HAMILTON
STATE OF NEBRASKA

AN ORDINANCE TO VACATE SUBURBAN STREET IN VILLAGE LIMITS OF GILTNER, HAMILTON COUNTY, NEBRASKA FROM HADLEY STREET FROM THE NORTH RIGHT OF WAY OF NORTH RAILROAD STREET TO THE SOUTH RIGHT OF WAY OF AMHERST STREET, TO PROVIDE A MANNER OF ASCERTAINING ALL DAMAGES SUSTAINED BY CITIZENS OF SAID VILLAGE OR THE OWNER OF PROPERTY THEREIN BY REASON OF SAID VACATION; TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERWITH;. AND TO PROVIDE FOR THE EFFECTIVENESS OF SAID ORDINANCE AFTER ITS PASSAGE, APPROVAL AND PUBLICATION AS REQUIRED BY LAW:

BE IT ORDAINED BY THE CHAIRMAN AND VILLAGE BOARD OF THE VILLAGE OF GILTNER, HAMILTON COUNTY, NEBRASKA:

WHEREAS, the following described street located in the Village of Giltner, Hamilton County, Nebraska, to-wit:

SUBURBAN STREET IN VILLAGE LIMITS OF GILTNER, HAMILTON COUNTY, NEBRASKA FROM HADLEY STREET FROM THE NORTH RIGHT OF WAY OF NORTH RAILROAD STREET TO THE SOUTH RIGHT OF WAY OF AMHERST STREET

Should be vacated and such vacation is expedient and for the public good and safety, therefore:

Section 1. The above described street located in the Village of Giltner, Hamilton County, Nebraska, is wholly and entirely vacated and shall no longer be and constitute a street of the Village of Giltner, Hamilton County, Nebraska, and the same shall revert to the owner or owners of the abutting real estate, one-half (1/2) on each side thereof, and shall become part of such property, all in accordance with Section 17-558 of the Revised Statutes of the State of Nebraska.

Section 2 The Chairman of the Village of Giltner, Nebraska, is authorized and instructed to appoint a board of appraisers, consisting of three (3) citizens of the Village of Giltner, Nebraska, to ascertain all damages, if any, sustained by the citizens of said Village, or by the owners of the property therein by the reason of said vacation.

Section 3 Any other ordinance or section passed and approved prior to passage and approval of this ordinance and in conflict with its provisions is repealed.

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

PASSED AND APPROVED this 13th day of May, 2013.

Casey Nus
Village Chairman

ATTEST:

Joan Eastman
Village Clerk

NOTICE OF MEETING

A meeting of the Chairperson and Board of Trustees of the Village of Giltner, Nebraska, was held at the Community Center in said Village on the 13th day of May, 2013, at 7 o'clock P.M. Present were Chairperson Nuss, Trustees, Eastman, Hinrichs, Larson. Absent was: Lindquist.

Notice of the meeting was given in advance thereof by posting in three places. Meeting notice was posted at the Community Center, Library, and Post Office. Publishing was in the legally declared newspaper, The Aurora News Register as shown by the Affidavit of Publication attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Chairperson and Board of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

ORDINANCE RECORD

1 READING & PASSED

Giltner, Nebraska
May 13, 2013

Trustee Nuss introduced Ordinance No. 93.042.01 entitled :

VACATING STREET

SUBURBAN STREET IN VILLAGE LIMITS OF GILTNER, HAMILTON COUNTY, NEBRASKA FROM HADLEY STREET FROM THE NORTH RIGHT OF WAY OF NORTH RAILROAD STREET TO THE SOUTH RIGHT OF WAY OF AMHERST STREET

and moved that the statutory rule requiring reading on three different days be suspended. Trustee Eastman seconded the motion to suspend the rules and upon roll call vote on the motion, the following Trustees voted YEA: Nuss, Eastman, Hinrichs, Larson. The following Trustees voted NAY: —. Absent was: Lindquist.

The motion to suspend the rules was adopted by three-fourths of the Village Board and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Trustee Nuss moved for final passage of the ordinance, which motion was seconded by Trustee Hinrichs. The Chairperson then stated the question: "Shall Ordinance No. 93.042.01 be passed and adopted?" Upon roll call vote, the following Trustees voted YEA: Nuss, Eastman, Hinrichs, Larson. The following voted NAY: —. Absent was: Lindquist.

The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board of Trustees, the Chairperson declared the ordinance adopted and the Chairperson, in the presence of the Trustees, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto.

I, Joan Eastman, Clerk of the Village of Giltner, Nebraska, hereby certify that Ordinance No. 93.042.01, as attached herewith, was passed and approved on the 13th day of May, 2013, and has been posted in three public places, Community Center, Library, and Post Office, for legally required time after said passage.

Joan Eastman

Joan Eastman
Village Clerk
Giltner, Nebraska

(SEAL)

ORDINANCE 93.040.1

VILLAGE OF GILTNER
COUNTY OF HAMILTON
STATE OF NEBRASKA

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2004-1 IN THE VILLAGE OF GILTNER, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF THE VILLAGE OF GILTNER, NEBRASKA, as follows:

Section 1. That there be and hereby is created in the Village of Giltner, Nebraska, a street improvement district to be known and designated as Street improvement District No. 2004-1 of the Village of Giltner, Nebraska.

Section 2. That the outer boundaries of Street Improvement District No. 2004-1 shall include the following described property to wit:

Lots 1 through 14 (inclusive), Block 1, Lots 1 through 7 (inclusive), Block 2, Lots 1 through 6 (inclusive), Block 3, Lots 1 through 12 (inclusive), Block 4, all within Wheeler's First Addition, to Giltner, Hamilton County, Nebraska; Together with Lots 1 through 12 (inclusive), Block 1, Lots 1 through 14 (inclusive), Block 2, all within Shaws First Addition, to Giltner, Hamilton County, Nebraska; Together with: A tract of land being the East 680.0 feet of the West 880.0 feet of the South 150.0 feet of the Southwest Quarter of the Northeast Quarter (SW ¼ NE ¼) of Section six (6), Township Nine (9) North, Range Seven (7) West of the Sixth Principal Meridian, Hamilton County, Nebraska.

And within which District, the following streets shall be improved by paving, grading and all necessary appurtenances thereto:

North Street, extending easterly from the East line of Derby Avenue to the West line of Pelham Avenue. Olive Street, extending easterly from the East line of Derby Avenue to the West line of Pelham Avenue. Olive Street, extending easterly from the East line of Pelham Avenue to the West line of Enfield Avenue. Derby Avenue, extending southerly from the centerline of North Street to the North line of Barrett Street.

And within which District, the following streets shall be improved by asphalt, grading and incidental work connected therein.

Section 3. Said street shall be improved and said improvements shall be made in accordance with the plans, specifications and estimate prepared by the special engineers for the Village and to be approved by the Chairperson and Board. The Chairperson and Board shall have the authority to levy special assessments to pay the costs of such paving excepting street intersections against the property within said district specifically benefited thereby in proportion to benefits.

Section 4. Notice of the creation of said District shall be published as provided by law in the Aurora News Register, a legal newspaper published in Hamilton County and of general circulation in Giltner, Nebraska.

Section 5. Any other ordinance or section pass ed and approved prior to passage and approval of this ordinance and in conflict with its p ovisions is repealed.

Section 6. This ordinance shall take effect and ıe in full force from and after its passage, approval, and required publishing and posting.

PASSED AND APPROVED THIS 13th day of November, 2004.

Randy Findley
Chairperson

ATTEST:

Charlynn Kral Krcilek
Village Clerk

seal

ORDINANCE 93.040.2

VILLAGE OF GILTNER
COUNTY OF HAMILTON
STATE OF NEBRASKA

AN ORDINANCE CREATING STREET IMPROVEMENT DISTRICT NO. 2004-2 IN THE VILLAGE OF GILTNER, NEBRASKA, ORDERING THE CONSTRUCTION OF STREET IMPROVEMENTS THEREIN.

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF THE VILLAGE OF GILTNER, NEBRASKA, as follows:

Section 1. That there be and hereby is created in the Village of Giltner, Nebraska, a street improvement district to be known and designated as Street improvement District No. 2004-2 of the Village of Giltner, Nebraska.

Section 2. That the outer boundaries of Street Improvement District No. 2004-2 shall include the following described property to wit:

Lots 1 through 12 (inclusive), Lots 13 through 24, (inclusive), all within Third Addition, to Giltner, Hamilton County, Nebraska; Together with Lots 1 through 18 (inclusive), Block 9, Lots 1 through 4 (inclusive), Block 10, all within the Original Town of Giltner, Hamilton County, Nebraska.

And within which District, the following street shall be improved by paving, grading and all necessary appurtenances thereto:

Amherst Street, extending easterly from the East line of Commercial Avenue to the northeasterly line of North Railroad Street running adjacent to the Burlington Northern Santa Fe Railroad.

And within which District, the street shall be improved by asphalt, grading and incidental work connected therein.

Section 3. Said street shall be improved and said improvements shall be made in accordance with the plans, specifications and estimate prepared by the special engineers for the Village and to be approved by the Chairperson and Board. The Chairperson and Board shall have the authority to levy special assessments to pay the costs of such paving excepting street intersections against the property within said district specifically benefited thereby in proportion to benefits.

Section 4. Notice of the creation of said District shall be published as provided by law in the Aurora News Register, a legal newspaper published in Hamilton County and of general circulation in Giltner, Nebraska.

Section 5. Any other ordinance or section passed and approved prior to passage and approval of this ordinance and in conflict with its provisions is repealed.

Section 6. This ordinance shall take effect and be in full force from and after its passage, approval, and required publishing and posting.

PASSED AND APPROVED THIS 13th day of December, 2004.

Randy Findley
Chairperson

ATTEST:

Charlynn Kral Krcilek
Village Clerk

seal

"The abutting property owner is entitled to recover as compensation the difference between the value of such property immediately before and immediately after the vacating of such street, avenue, alley, lane, or similar public way. However, if no difference in value exists the abutting property owner is entitled to no compensation."

(D) Whenever the Board of Trustees decides that it would be in the best interests of the municipality to vacate a street, avenue, alley, lane, or similar public way, the Board of Trustees shall comply with the following procedure:

(1) *Notice.* Notice shall be given to all abutting property owners either by first class mail to their last known address or if there is no known address then by publishing the notice in a newspaper that is of general circulation in the municipality. The content of the notice will advise the abutting property owners that the Board of Trustees will consider vacating such street, avenue, alley, lane, or similar public way at their next regular meeting or, if a special meeting is scheduled for such discussion, then the date, time and place of such meeting.

(2) *Consent; waiver.*

(a) The Board of Trustees may have all the abutting property owners sign a form stating that they consent to the action being taken by the Board of Trustees and waive their right of access. The signing of such form has no effect on claims for special damages, as defined in divisions (A) through (C) of this section by the abutting property owners but does create the presumption that the Board of Trustees' action was proper.

(b) However, if all the abutting property owners do not sign the consent/waiver form, the Board of Trustees may still proceed with vacating such street, avenue, alley, lane, or similar public way under the authority granted them by Neb. RS 17-558 and 17-559.

(3) *Ordinance.* The Board of Trustees shall pass an ordinance that shall state essentially the following:

(a) A declaration that the action is expedient for the public good or in the best interests of the municipality.

(b) A statement that the municipality shall have an easement for maintaining all utilities.

(c) A method or procedure for ascertaining special damages to abutting property owners.

(4) *Filing.* The Clerk shall file a copy of the ordinance with the County Register of Deeds to ensure that abutting property owners can gain title to their share of the vacated street, avenue, alley, lane, or similar public way and so that such land will be drawn to the attention of the County Assessor.

Statutory reference:

Authority, see Neb. RS 17-558 and 17-559

§ 93.043 CROSSINGS.

The Board of Trustees may order and cause to be constructed, under the supervision of the municipal official in charge of streets, such street, avenue, and alley crossings as the Board of Trustees shall deem necessary. When a petition for the construction of any such crossings is filed by an interested resident in the office of the Municipal Clerk, the Municipal Clerk shall refer such application to the Utilities Superintendent who shall investigate and make a recommendation to the Board of Trustees. Action by the Board of Trustees on such application, whether the application is approved or rejected, shall be considered final.

Statutory reference:

Authority, see Neb. RS 17-509

§ 93.044 NAMES AND NUMBERS.

The Board of Trustees may at any time, by ordinance, rename any street or provide a name for any new street. Buildings used for residence or business purposes and located along such streets shall retain such numbers as the Board of Trustees may require. It shall be the duty of the municipal official in charge of streets, upon the erection of any new building or buildings, to assign the proper numbers to the building or buildings and give notice to the owner or owners and occupant or occupants of the same.

Statutory reference:

Authority to improve, see Neb. RS 17-509

§ 93.045 CUTTING INTO PAVING, CURB, OR SIDEWALK.

It shall be unlawful for any person to cut into any paving, curb, or sidewalk for the purpose of constructing a driveway or any other purpose whatsoever without first having obtained a written permit from the Board of Trustees therefor. Before any person shall obtain a permit, the person shall inform the Municipal Clerk of the place where such cutting is to be done, and it shall be the Utilities Superintendent's duty to inspect the place of entry into the paving, sidewalk, or curb, before the same is cut. When cutting into any paving, it shall be the duty of the party to cut the paving under such rules and regulations as may be prescribed by the Board of Trustees or the Municipal Engineer. When the applicant is ready to close the opening made, the applicant shall inform the Utilities Superintendent, who shall supervise and inspect the materials used and the work done in closing the opening. It shall be discretionary with the Board of Trustees to order the Utilities Superintendent, under the supervision and inspection of the Municipal Engineer or the committee of the Board of Trustees on the streets and alleys, to do the work of cutting and closing the paving and charge the costs thereof to the party who obtained such permit. The Board of Trustees may consent to the work of cutting and closing the paving to be done by the party holding such permit. Before any permit is issued by the Board of Trustees, the applicant for such permit shall deposit with the Municipal Treasurer a sum set by resolution of the Board of Trustees for all paving, curb, or sidewalk to be cut. Such sum shall be set on a per square foot cost of construction basis. The deposit shall be retained by the Municipality for the purpose of replacing the paving, curb, or sidewalk, in the event that the work is done by the municipality. In the event that the municipality elects to require the applicant to replace the paving, curb, or sidewalk, the deposit shall

be retained by the municipality until the work is completed to the satisfaction of the Utilities Superintendent or the committee of the Board of Trustees on streets and alleys. In addition to making the deposit above set forth, the applicant shall, before any permit is issued, execute a bond to the municipality with a good and sufficient surety or sureties to be approved by the Board of Trustees in a sum set by resolution of the Board of Trustees.

Statutory reference:

Authority, see Neb. RS 17-567

§ 93.046 DRIVEWAY APPROACHES.

(A) The Utilities Superintendent may require the owner of property served by a driveway approach constructed or maintained upon the street right-of-way to repair or replace any such driveway approach which is cracked, broken, or otherwise deteriorated to the extent that it is causing or is likely to cause damage to or interfere with any street structure, including pavement or sidewalks.

(B) The Municipal Clerk shall give the property owner notice by registered letter or certified mail, directed to the last-known address of such owner or the agent of such owner, directing the repair or replacement of such driveway approach. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Utilities Superintendent may cause such work to be done and assess the cost upon the property served by such approach.

(Neb. RS 18-1748) Penalty, see § 10.99

§ 93.047 EXCAVATION.

It shall be unlawful for any person to make an excavation in any street or streets for any purpose whatsoever unless a written permit is issued by the Utilities Superintendent authorizing such excavations.

Penalty, see § 10.99

Statutory reference:

Authority, see Neb. RS 17-557

§ 93.048 DRIVING STAKES.

It shall be unlawful for any person to drive any peg or stake of any kind into the pavement in any street or alley without first procuring the written consent of the Utilities Superintendent.

Penalty, see § 10.99

Statutory reference:

Authority, see Neb. RS 17-557

§ 93.049 MIXING CONCRETE.

It shall be unlawful for any person to mix any concrete or plastering material directly on the street pavement for any reason whatsoever.
Penalty, see § 10.99
Statutory reference:
Authority, see Neb. RS 17-557

§ 93.050 HARMFUL LIQUIDS.

It shall be unlawful for any person to place or permit to leak in the gutter of any street any waste gasoline, kerosene, or high lubricating oils, which damage or act as a solvent upon said streets.
Penalty, see § 10.99
Statutory reference:
Authority, see Neb. RS 17-557

§ 93.051 EAVE AND GUTTER SPOUTS.

It is hereby declared unlawful for any person to erect or maintain any dwelling house or business building within the limits of the municipality where the dwelling or building abuts on any sidewalk or street without providing proper guttering and eave spouts to receive the waste waters that collect on the sidewalks and streets. All eave spouts erected on any dwelling house or business building shall be constructed to drain into the alleys or shall be buried beneath the sidewalks and drain into the streets where it is found to be impossible to drain the eave spouts into the alley.
Penalty, see § 10.99
Statutory reference:
Authority, see Neb. RS 17-557

§ 93.052 HEAVY EQUIPMENT; SPECIAL TIRES.

It shall hereafter be unlawful for any person or persons to move or operate heavy equipment across any curb, gutter, bridge, culvert, sidewalk, crosswalk, or crossing on any unpaved street without first having protected such curb, gutter, bridge, culvert, sidewalks, crosswalk, or crossing with heavy plank sufficient in strength to warrant against the breaking or damaging of such curb, gutter, bridge, culvert, sidewalk, crosswalk, or crossing. Hereafter, it shall be unlawful to run, drive, move, operate, or convey over or across any paved street a vehicle, machine, or implement with sharp discs or sharp wheels that bear upon the pavement, with wheels having cutting edges, with wheels having lugs, any protruding parts, or bolts thereon that extend beyond a plain tire so as to cut, mark, mar, indent, or otherwise injure or damage any pavement, gutter, or curb, provided that, where heavy vehicles, structures, and machines move along paved or unpaved streets, the County Sheriff is hereby authorized and empowered to choose the route over which the moving of such vehicles, structures, or machines will be permitted and allowed. Nothing in this section shall be construed to apply to pneumatic tires with

metal or metal-type studs not exceeding 5/16 of an inch in diameter inclusive of the stud-casting with an average protrusion beyond the tread surface of not more than 7/64 of an inch between November 1 and April 1, provided that school buses and emergency vehicles shall be permitted to use metal or metal-type studs all year; it shall be permissible to use farm machinery with tires having protuberances which will not injure the streets. It shall be permissible to use a rubber tired crane with a fixed load when such vehicle will be transported on a state highway or on any road within the corporate limits of the municipality, the municipality in which the crane is intended to be transported has authorized a one-day permit for the transportation of the crane and specified the route to be used and the hours during which the crane can be transported, such vehicle is escorted by another vehicle or vehicles assigned by the municipality, and such vehicle's gross weight does not exceed the limits set out in Neb. RS 60-6,294(10), and it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to slide or skid.

Penalty, see § 10.99

Statutory reference:

Tire requirements, see Neb. RS 60-6,250

Rubber-tired cranes, see Neb. RS 60-6,288(2)(j)

§ 93.053 PIPE LINES AND WIRES.

Poles, wires, gas mains, pipe lines, and other appurtenances of public service companies shall be located, or erected over, upon, or under the streets, alleys, and common grounds of the municipality. Application for location of the above shall be made to the Board of Trustees in writing. Approval by that body shall be issued in writing. Any public service company granted a right-of-way for the erection and maintenance of poles, conduits, gas mains, pipe lines, and wires shall at all times erect and locate their poles, wires, gas mains, pipe lines, and other appurtenances at such places and in such manner as shall be designated by the Board of Trustees. Such poles, wires, gas mains, pipe lines, and other appurtenances, shall be removed or relocated by the companies at their own expense when requested to do so by the Board of Trustees. Any such relocation shall be ordered by resolution of the Board of Trustees, and the Municipal Clerk shall notify any and all companies affected. The companies shall, within 24 hours after receiving notice, at their own expense, cause the poles, wires, gas mains, pipe lines, or other appurtenances to be removed. The Board of Trustees shall designate another location as closely as possible where the poles, wires, gas mains, pipe lines, or other appurtenances, may be reset or placed. All poles, wires, gas mains, pipe lines, or other appurtenances, shall be reset, placed, or erected in such a manner that they will not interfere with the water system, sewerage system, poles, wires, and mains of any public utility, adjacent buildings, or with travel on the public ways and property. Whenever possible, all pole lines, wires, gas mains, pipe lines, or appurtenances shall be confined to the alleys of the municipality.

Penalty, see § 10.99

§ 93.054 SNOW, DEBRIS, AND THE LIKE ON STREET PROHIBITED.

It shall be unlawful to place, push, or deposit snow, sleet, ice, or mud or any debris, including leaves, grass, and branches, from private property onto the streets of the municipality.
Penalty, see § 10.99

Statutory reference:

Authority to regulate, see Neb. RS 17-557

ORDINANCE NO. 2022-06

AN ORDINANCE TO ANNEX AND INCLUDE WITHIN ITS CORPORATE LIMITS REAL ESTATE HEREINAFTER DESCRIBED TO THE VILLAGE OF GILTNER, NEBRASKA.

BE IT ORDAINED BY THE CHAIRPERSON AND THE BOARD OF TRUSTEES OF THE VILLAGE OF GILTNER, NEBRASKA, as follows:

1. **Annexation**. The Chairperson and Board of Trustees of the Village of Giltner, Nebraska, hereby find and determine the land and lot hereinafter described is contiguous or adjacent to the Village of Giltner; that said land and lot is urban or suburban in character; and that said tract of land should be and pursuant to the provisions of Neb. Rev. Stat. §17-405.01, the same hereby is respectively annexed to and included within the corporate limits of the Village of Giltner, Nebraska.

> A tract of land comprising a part of the Northeast Quarter of the Northeast Quarter (NE¼NE¼), Section Seven (7), Township Nine (9) North, Range Seven (7) West of the 6th P.M., Hamilton County, Nebraska. More particularly described as follows:
>
> Beginning at the southeast corner of Block One (1), Wheeler's Subdivision of Giltner, Nebraska: thence S 89°59'16"W on and upon the south line of said Block 1, a distance of 330.07 feet to the southwest corner of said Block 1: thence S 00°42'23"W and parallel with the east line of said NE¼NE¼ a distance of 665.60 feet to a point on the south line of said NE¼NE¼; thence N 89°59'47" E on and upon the south line of said NE¼NE¼ a distance of 330.07 feet to the southeast corner of said NE¼NE¼: thence N 00°42'23"E on and upon the east line of said NE¼NE¼ a distance of 665.55 feet to the Point of Beginning. Said tract contains 5.043 acres more or less, of which 0.504 acres are occupied by County Road right-of-way.

2. **Plat or Map.** The map of said tract is hereby annexed, prepared by Jasnowski Surveying, LLC, is hereby adopted and approved, and the Chairperson and Village Clerk are hereby authorized to file said map in the office of the County Clerk of Hamilton County, Nebraska, ex officio Register of Deeds.

3. **Filing of Ordinance.** The Village Clerk is hereby authorized and directed to file a certified copy of this Ordinance with the County Clerk of Hamilton County, Nebraska, ex officio Register of Deeds.

4. **Inhabitants, Benefits.** The inhabitants of said addition shall be entitled to municipal benefits as are afforded other inhabitants of the Village of Giltner, Nebraska, as provided by Neb. Rev. Stat. §17-405.04.

5. **Effective Date.** This Ordinance shall be in full force and effect immediately from the date of its passage, approval and publication or posting as provided by law and upon proclamation of the Chairperson of the Village Board and the Chairperson of the Village Board is hereby authorized and directed to so proclaim.

Passed and approved this 9th day of January 2023.

Cody D. Nuss, Chairperson

ATTEST:

Joan M. Fruit, Village Clerk

(SEAL)

MOVED FOR FINAL PASSAGE

Read Ordinance by title and Trustee L. Eastman moved for final passage of said Ordinance. Seconded by Trustee K. Spotts.

The Chairperson then instructed the Clerk to call the roll for the vote on final passage of Ordinance No. 2022-06. The Clerk called the roll and the following was the vote on said Ordinance.

Yeas: L. Eastman, K. Spotts, and C. Nuss
Nays: —
Absent: D. Antle
Motion: Approved

Trustees of the Village Board, having voted in the affirmative for the passage and approval of said Ordinance No. 2022-06, the Chairperson declared said Ordinance duly passed and adopted as an ordinance of the Village of Giltner, Nebraska.

CERTIFICATE OF PASSAGE AND POSTING

OF ORDINANCE NO. 2022-06

STATE OF NEBRASKA)
)
County of Hamilton) ss.
)
Village of Giltner)

I, the undersigned, duly elected, qualified and acting Clerk of the Village of Giltner, County of Hamilton, State of Nebraska, do hereby certify:

That the annexed and foregoing is a full, true and correct copy of Ordinance No. 2022-06 of said Village; the same appears of record in the journal and ordinance book of said Village; that said Ordinance was duly passed by the Board of Trustees of said Village on the 10th day of January, 2023; that said Ordinance was signed and approved by the Chairperson of said Village Board on the 9th day of January, 2023; and there being no newspaper published in said Village, three (3) copies of said Ordinance were duly posted by me on the 10th day of January, 2023, one in each of three (3) public places in said Village as follows:

Village Office, Giltner, Nebraska
Village Maintenance Shop
U.S. Post Office, Giltner, Nebraska

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of said Village this 10th day of January, 2023.

Joan M. Fruit
Joan M. Fruit, Village Clerk

(SEAL)

CHAPTER 94: ANIMALS

Section

General Provisions

94.01 Running at large
94.02 Prohibited animals and fowl
94.03 Wild animals
94.04 Killing and injuring
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Dogs; General Provisions

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Cats

94.60 Owner and possessor of cats

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94.62 Rabies

94.99 Penalty

GENERAL PROVISIONS

§ 94.01 RUNNING AT LARGE.

(A) It shall be unlawful for the owner, keeper, or harborer of any animal, or any person having the charge, custody, or control thereof, to permit a horse, mule, cow, sheep, goat, swine, or other animal to be driven or run at large on any of the public ways and property, or upon the property of another, or to be tethered or staked out in such a manner so as to allow such animal to reach or pass into any public way.

(B) It shall be unlawful for any person to allow poultry, chickens, turkeys, geese, or any other fowls to run at large within the corporate limits, except in enclosed places on private property.
Penalty, see § 10.99
Statutory reference:
Authority, see Neb. RS 17-547

§ 94.02 PROHIBITED ANIMALS AND FOWL.

(A) It shall be unlawful for any person to keep or maintain within the corporate limits any horse, mule, sheep, cow, goat, swine, or other livestock.

(B) It shall be unlawful for any person to keep or maintain within the corporate limits any poultry, chickens, turkeys, geese, or any other fowls.
Penalty, see § 10.99
Statutory reference:
Authority, see Neb. RS 17-547

§ 94.03 WILD ANIMALS.

No wild animals may be kept within the corporate limits except such animals kept for exhibition purposes by circuses and educational institutions.
Penalty, see § 10.99
Statutory reference:
Powers of the Board of Trustees, Neb. RS 17-207

ORDINANCE NO. 2024-01

AN ORDINANCE TO AMEND AND REPEAL CERTAIN PROVISIONS OF CHAPTER 94: PROHIBITED ANIMALS AND FOWL; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRPERSON AND THE BOARD OF TRUSTEES OF THE VILLAGE OF GILTNER, NEBRASKA, as follows:

1. Section 94.02 of the Code of Giltner is amended to read as follows:

§94.02 PROHIBITED ANIMALS AND FOWL.

(A) It shall be unlawful for any person to keep or maintain within the corporate limits any horse, mule, sheep, cow, goat, swine, or other livestock.

(B) It shall be unlawful for any person to keep or maintain within the corporate limits any poultry, chickens, turkeys, geese, or any other fowls, except when explicitly authorized by this Code.

(1) *Permit to keep and maintain chickens.* The Village Board may permit any person owning or renting property located within the corporate limits to keep or maintain chickens on such property. Any person applying for such permit must notify the Village Clerk of the number of chickens to be kept or maintained on the property and shall pay a $10.00 permit fee to the Village Board.

(2) *Requirements and Conditions.* Permit holders shall be allowed to keep and maintain a total of not more than twelve chickens on a single property at any one time. Chickens shall be kept and maintained in a single enclosed coop and run, the dimensions of which shall be not less than four feet by eight feet and not more than eight feet by eight feet. Chickens are to be kept and maintained in a sanitary manner and permit holders are required to clean a coop and run located on their property at least once per week. A $25.00 fine shall automatically be assessed to all permit holders the Village Board determines is responsible for any chicken found to be running at large. Permit holders have a continuing obligation to notify the Village Clerk when the number of chickens kept or maintained under a permit increase or decrease.

(3) *Prohibition on Roosters.* Under no circumstances shall any permit holder keep or maintain any rooster on any property located within the corporate limits.

2. This Ordinance shall be in full force and effect immediately from the date of its passage, approval and publication or posting as provided by law and upon proclamation of the Chairperson of the Village Board and the Chairperson of the Village Board is hereby authorized and directed to so proclaim.

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

Passed and approved this 10th day of June, 2024.

~~Cody D. Nuss, Chairperson~~
Kyle Spotts, Interim Chairperson

ATTEST:

Joan M. Fruit, Village Clerk

(SEAL)

SUSPENSION OF RULES

Whereupon it was moved by Trustee Logan Eastman and seconded by Trustee Kelli Greathouse that the statutory rules in regard to the passage and adoption of ordinances be suspended so that said Ordinance might be introduced, read, approved and passed at the same meeting. Chairperson Nuss instructed the Clerk to call the roll for the vote thereon. The Clerk called the roll and the following was the vote on this motion.

Yeas: Greathouse, Eastman, Antle, & Spotts
Nays:
Absent: Nuss
Motion: Approved

MOVED FOR FINAL PASSAGE

Read Ordinance by title and Trustee Kyle Spotts moved for final passage of Ordinance No. 2024-01. The Clerk called the roll and the following was the vote on Ordinance No. 2024-01.

Yeas: Greathouse, Eastman, Antle, & Spotts
Nays:
Absent: Nuss
Motion:

Trustees of the Village Board, having voted in the affirmative for the passage and approval of said Ordinance No. 2024-01, the Chairperson said Ordinance No. 2024-01 duly passed and adopted as an ordinance of the Village of Giltner, Nebraska.

CERTIFICATE OF PASSAGE AND POSTING OF ORDINANCE NO. 2024-01

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

I, the undersigned, duly elected, qualified and acting Clerk of the Village of Giltner, County of Hamilton, State of Nebraska, do hereby certify:

That the annexed and foregoing is a full, true and correct copy of Ordinance No. 2024-01 of said Village; the same appears of record in the journal and ordinance book of said Village; that said Ordinance was duly passed by the Board of Trustees of said Village on the 10th day of June, 2024; that said Ordinance was signed and approved by the Chairperson of said Village Board on the 10th day of June, 2024; and there being no newspaper published in said Village, three (3) copies of said Ordinance were duly posted by me on the 13th day of June, 2024, one in each of three (3) public places in said Village as follows:

Village Office, Giltner, Nebraska

Giltner Maintenance Shop

U.S. Post Office, Giltner, Nebraska

IN WITNESS WHEREOF, I have hereunto set my hand officially and affixed the seal of said Village this 13th day of June, 2024.

Joan M. Fruit

Joan M. Fruit, Village Clerk

(SEAL)

VILLAGE OF GILTNER CORPORATE SEAL HAMILTON COUNTY NEBRASKA

§ 94.04 KILLING AND INJURING.

No person shall kill or injure any animal by the use of firearms, stones, clubs, poisons, or any other manner unless the animal is vicious or dangerous and cannot be captured without danger to the persons attempting to effect a capture of the animal.
Penalty, see § 10.99
Statutory reference:
Definitions, see Neb. RS 28-1008
Cruelty prohibited, see Neb. RS 28-1009

§ 94.05 ENCLOSURES.

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

§ 94.06 ABANDONMENT, NEGLECT AND CRUELTY.

(A) *Definitions.* For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDON. To leave any animal for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health.

ANIMAL. Any vertebrate member of the animal kingdom except man. The term shall not include an uncaptured wild creature.

CRUELLY MISTREAT. To knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise set upon any animal.

CRUELLY NEGLECT. To fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health.

HUMANE KILLING. The destruction of an animal by a method which causes the animal a minimum of pain and suffering.

LAW ENFORCEMENT OFFICER. Any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of the municipality, or any other public official authorized by the municipality to enforce state or local animal control laws, rules, regulations, or ordinances.
(Neb. RS 28-1008)

(B) *Enforcement powers; immunity.*

(1) Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may seek a warrant authorizing entry upon private property to inspect, care for, or impound the animal.

(2) Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner as prescribed by law.

(3) Any law enforcement officer acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence.
(Neb. RS 28-1012)

(C) *Violation.* A person commits cruelty to animals if he or she abandons, cruelly mistreats, or cruelly neglects an animal.
(Neb. RS 28-1009) Penalty, see § 10.99

§ 94.07 POSSESSION BY NON-RESIDENTS; TIME LIMITED.

It shall be unlawful for any person to maintain any animal or fowl within the village limits for more than 20 days while they are not a resident within the village limits.
(Ord. 131B, passed 9-2-91)

DOGS; GENERAL PROVISIONS

§ 94.20 OWNER DEFINED.

Any person who shall harbor or permit any dog to be for ten days or more in or about his or her house, store, or enclosure, or to remain to be fed, shall be deemed the ***OWNER*** and possessor of such dog and shall be deemed to be liable for all penalties herein prescribed.
(Neb. RS 54-606)

§ 94.21 RUNNING AT LARGE.

It shall be unlawful for the owner of any dog to allow such dog to run at large at any time within the corporate limits of the municipality. It shall be the duty of the County Sheriff or designated animal control officer to cause any dog found to be running at large within the municipality to be taken up and

impounded. ***RUNNING AT LARGE*** shall mean any dog found off the premises of the owner and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage, or other suitable means of physical restraint.
Penalty, see § 10.99
Statutory reference:
Authority, see Neb. RS 17-526
Dog collars see required, see Neb. RS 54-605

§ 94.22 RABIES THREAT; PROCLAMATION; INSPECTION.

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

(B) Any dog suspected of being afflicted with rabies, or any dog not vaccinated in accordance with the provisions of this chapter which has bitten any person and caused an abrasion of the skin, shall be seized and impounded under the supervision of the Board of Health for a period of not less than ten days. If upon examination by a veterinarian, the dog has no clinical signs of rabies at the end of such impoundment, it may be released to the owner, or, in the case of an unlicensed dog, it shall be disposed of in accordance with the provisions herein. If the owner of the said dog has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten days, at which time the dog shall be examined by a licensed veterinarian at the owner's expense. If no signs of rabies are observed, the dog may be released from confinement.
Statutory reference:
Similar provisions, see Neb. RS 71-4406

§ 94.23 CAPTURE IMPOSSIBLE.

The County Sheriff or designated animal control officer shall have the authority to kill any animals showing vicious tendencies, or characteristics of rabies which make capture impossible because of the danger involved.
Penalty, see § 10.99

§ 94.24 FEMALES IN SEASON.

It is hereby declared unlawful for the owner, keeper, or harborer of a female dog to permit her to run at large within the municipality while in season. Any such female dog found running at large in

violation of this section shall be declared to be a public nuisance and as such may be impounded or killed according to the provisions herein.
Penalty, see § 10.99

§ 94.25 DANGEROUS DOGS. — See amended July 9, 2012

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

ANIMAL CONTROL AUTHORITY. An entity authorized to enforce the animal control laws of the municipality.

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

DANGEROUS DOG. Any dog that, according to the records of the animal control authority:

(1) Has killed or inflicted severe injury on a human being on public or private property;

(2) Has killed a domestic animal without provocation while the dog was off the owner's property; or

(3) Has been previously determined to be a potentially dangerous dog by an Animal Control Authority and the owner has received notice of such determination and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals. A dog shall not be defined as a ***DANGEROUS DOG*** if the threat, any injury that is not a severe injury, or the damage was sustained by a person who, at the time, was committing a willful trespass as defined in Neb. RS 20-203, 28-520, or 28-521 or any other tort upon the property of the owner of the dog, who was tormenting, abusing, or assaulting the dog, who has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or who was committing or attempting to commit a crime.

DOMESTIC ANIMAL. A cat, a dog, or livestock.

OWNER. Any person, firm, corporation, organization, political subdivision, or department possessing , harboring, keeping, or having control or custody of a dog.

POTENTIALLY DANGEROUS DOG.

(1) Any dog that when unprovoked:

§ 94.25 DANGEROUS/VICIOUS DOGS. *(As Amended, July 9, 2012)*

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

ANIMAL CONTROL AUTHORITY. An entity authorized to enforce the animal control laws of the municipality.

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

DANGEROUS DOG. Any dog that, according to the records of the animal control authority:

(1) Has killed or inflicted severe injury on a human being on public or private property;

(2) Has killed a domestic animal without provocation while the dog was off the owner's property; or

(3) Has been previously determined to be a potentially dangerous dog by an Animal Control Authority and the owner has received notice of such determination and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals. A dog shall not be defined as a ***DANGEROUS DOG*** if the threat, any injury that is not a severe injury, or the damage was sustained by a person who, at the time, was committing a willful trespass as defined in Neb. RS 20-203, 28-520, or 28-521 or any other tort upon the property of the owner of the dog, who was tormenting, abusing, or assaulting the dog, who has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or who was committing or attempting to commit a crime.

DOMESTIC ANIMAL. A cat, a dog, or livestock.

OWNER. Any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog.

POTENTIALLY DANGEROUS DOG.

(1) Any dog that when unprovoked:

(a) Inflicts a nonsevere injury on a human or injures a domestic animal either on public or private property;

(b) Chases or approaches a person upon streets, sidewalk, or any public grounds in a menacing fashion or apparent attitude of attack; or

(2) Any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

SEVERE INJURY. Any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones or that creates a potential danger to the life or health of the victim.
(Neb. RS 54-617)

VICIOUS DOG.

(1) The following are hereby declared to be Vicious Dogs:

(i) Pit Bull;
(ii) Pit Bull Mixed Breed;
(iii) Rottweiler;
(iv) Doberman Pinscher;
(v) Mastiff;
(vi) Chow;
(vii) Wolf Hybrids;
(viii) Any dogs that have the appearance and characteristics of being predominantly of one (1) or more of the above breeds, and which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds.

(B) *Restraint.* No owner of a dangerous **or vicious** dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash, **muzzled, and supervised by a person at least nineteen (19) years of age.**
(Neb. RS 54-618)

(C) *Confinement.* While unattended on the owner's property, a dangerous **or vicious** dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded **not less than two (2) feet** in to the ground. The pen or structure shall also protect the dog from the elements. The owner of a dangerous **or vicious** dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property.
(Neb. RS 54-619)

(D) *Failure to comply.*

(1) Any dangerous **or vicious** dog may be immediately confiscated by an animal control officer if the owner is in violation of this section. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous **or vicious** dog confiscated by an animal control officer or for the destruction of any dangerous **or vicious** dog if the action by the animal control authority is pursuant to the law and if the owner violated this section.
(Neb. RS 54-620)

(2) In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous **or vicious** dog in an expeditious and humane manner.
(Neb. RS 54-621)

(E) The owner of a vicious dog shall keep current the license for such vicious dog through renewal as provided in Ordinance §94.40. Such license is not transferable and shall be renewable only by the holder of the license or by a member of the immediate family of such licensee who is at least nineteen (19) years of age.

(F) The owner of a vicious dog shall be at least nineteen (19) years of age.

(G) The owner of a vicious dog shall, at the owner's own expense, have the vicious dog spayed or neutered and shall present to the animal control authority written proof from a licensed veterinarian that this sterilization has been performed.

(H) The owner of a vicious dog shall, at the owner's own expense, cause an identifying microchip to be inserted beneath the skin of the vicious dog by a licensed veterinarian who shall provide the chip identification number to the animal control authority within 72 hours of the procedure being completed. The animal control authority shall maintain a file containing the registration numbers and names of the vicious dogs and the names and addresses of the owners. The owner shall notify the animal control authority of any change of address.

(I) ***Severability.***
If any provision clause, sentence, or paragraph of this ordinance or the application thereof to any person or circumstances shall be hald invalid, that invalidity shall not affect the other provisions of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Animals

(J) *Additional regulations.* Nothing in this section shall be construed to restrict or prohibit the Board of Trustees from establishing and enforcing laws or ordinances at least as stringent as the provisions of divisions (A) through (H).
(Neb. RS 54-624) Penalty, see § 10.99

WHEREAS, procedures to amend Code §94.25 in Nebraska Revised Statute 17-526 and 54-603 have been met;

THEREFORE BE IT ORDAINED, that the above written amendment change to §94.25 be added to the Giltner Village Code.

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

This amended 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.

Passed and approved this 9th day of July, 2012.

Casey Nuss, Chairperson

Attested:

Joan Eastman, Village Clerk

(a) Inflicts a nonsevere injury on a human or injures a domestic animal either on public or private property;

(b) Chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or

(2) Any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

SEVERE INJURY. Any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones or that creates a potential danger to the life or health of the victim.
(Neb. RS 54-617)

(B) *Restraint.* No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash.
(Neb. RS 54-618)

(C) *Confinement.* While unattended on the owner's property, a dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property.
(Neb. RS 54-619)

(D) *Failure to comply.*

(1) Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this section. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated this section.
(Neb. RS 54-620)

(2) In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner.
(Neb. RS 54-621)

(E) *Additional regulations.* Nothing in this section shall be construed to restrict or prohibit the Board of Trustees from establishing and enforcing laws or ordinances at least as stringent as the provisions of divisions (A) through (D).
(Neb. RS 54-624) Penalty, see § 10.99

§ 94.26 LIABILITY OF OWNER.

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

Penalty, see § 10.99

Statutory reference:

Statutory liability, see Neb. RS 54-601

Joint liability, see Neb. RS 54-602

§ 94.27 IMPOUNDING.

It shall be the duty of any animal control official designated by resolution of the Board of Trustees to capture, secure, and remove in a humane manner to the municipal animal shelter any dog violating any of the provisions of this chapter. The dogs so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog shall be kept and maintained at the shelter for a period of not less than five days after public notice has been given unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the Municipal Clerk and at the shelter within 24 hours after impoundment as public notification of such impoundment. Notice of the impoundment of any licensed dog shall be mailed to the owner listed on the license application of such dog, by regular U.S. Mail, at the address of such applicant. Any dog may be reclaimed by its owner during the period of impoundment by payment of a general impoundment fee and daily board fee as set by resolution of the Governing Body and on file at the office of the Municipal Clerk. The owner shall be required to comply with the licensing and rabies vaccination before release. If the dog is not claimed at the end of the required waiting period after public notice has been given, any animal control official designated by resolution of the Board of Trustees, may dispose of the dog in accordance with the applicable rules and regulations pertaining to the same, provided that if, in the judgment of any designated animal control official, a suitable home can be found for any such dog within the municipality, the said dog shall be turned over to that person, and the new owner shall then be required to pay all fees and meet all licensing and vaccinating requirements provided in this chapter. The municipality shall acquire legal title to any unlicensed dog impounded in the animal shelter for a period longer than the required waiting period after giving notice. All dogs shall be destroyed and buried in the summary and humane manner as prescribed by the Board of Health unless a suitable home can be found for such dog.

Statutory reference:

Pounds authorized, see Neb. RS 17-548

Pounds created by rabies control authorities, see Neb. RS 71-4408

Ordinance # 94.27 (Amended 2/11/13)

VILLAGE OF GILTNER
COUNTY OF HAMILTON
STATE OF NEBRASKA

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF GILTNER, NEBRASKA TO ADOPT AN AMENDMENT TO CHANGE THE WORDING OF CODE #94.27

§94.27 Impounding: It shall be the duty of any animal control official designated by resolution of the Board of Trustees to capture, secure, and remove in a humane manner to the municipal animal shelter any dog violating any of the provisions of this chapter. The dogs so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog shall be kept and maintained at the shelter for a period of not less than five days after public notice has been given unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the Municipal Clerk and at the shelter, and the three posting areas in town, to be given on a timely manner, or to be notified on next business day by Municipal Clerk of such impoundment." Notice of the impoundment of any licensed dog shall be mailed to the owner listed on the license application of such dog, by regular U.S. Mail, at the address of such applicant. Any dog may be reclaimed by its owner during the period of impoundment by payment of a general impoundment fee and daily board fee as set by resolution of the Governing Body and on file at the office of the Municipal Clerk. The owner shall be required to comply with the licensing and rabies vaccination before release. If the dog is not claimed at the end of the required waiting period after public notice has been given, any animal control official designated by resolution of the Board of Trustees, may dispose of the dog in accordance with the applicable rules and regulations pertaining to the same, provided that if, in the judgment of any designated animal control official, a suitable home can be found for any such dog within the municipality, the said dog shall be turned over to that person, and the new owner shall then be required to pay all fees and meet all licensing and vaccinating requirements provided in this chapter. The municipality shall acquire legal title to any unlicensed dog impounded in the animal shelter for a period longer than the required waiting period after giving notice. All dogs shall be destroyed and buried in the summary and humane manner as prescribed by the Board of Health unless a suitable home can be found for such dog.

Penalty, see §94.99
Statutory reference: Pounds authorized, see Neb. RS 17-548, Pounds created by rabies control authorities, see Neb. RS 71-4408.

WHEREAS, procedures to amend code #94.27 in Nebraska Revised State Statute RS 17-548 AND RS 71-4408 have been met,

THEREFORE BE IT ORDAINED, that the above written amendment change to Code #94.27 be added to the Giltner Village Code

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.

Casey Nuss, Chairperson

(SEAL) VILLAGE OF GILTNER CORPORATE SEAL HAMILTON COUNTY NEBRASKA

Joan Eastman, Village Clerk

Date: Febr. 11, 2013

DOGS; LICENSING

§94.40 LICENSE REQUIRED. - *(As Amended* 07.09 *, 2012)*

Any person who shall own, keep, or harbor a dog over the age of six months within the municipality shall within 30 days after acquisition of the dog acquire a license for each such dog annually by or before May 1 of each year. The tax shall be delinquent from and after May 10, provided that the possessor of any dog brought into or harbored within the corporate limits subsequent to May 1 of any year, shall be liable for the payment of the dog tax levied herein and such tax shall be delinquent if not paid within 10 days of bringing the dog into the corporate limits of the municipality. Licenses shall be issued by the Municipal Clerk upon the payment of a license fee of $7 for each neutered dog and $10 for each unneutered dog, provided that the tax shall be $9 for each neutered dog for every license issued after the fee has become delinquent and $12 for each unneutered dog for every license issued after the fee has become delinquent. Also in those fees a $1 will go to the State of Nebraska. The license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog The owner shall state at the time the application is made and upon printed forms provided for such purpose his or her name and address and the name, breed, color, and sex of each dog owned and kept by the owner. **The owner shall also provide a recent, color photograph of the dog, no larger than 4" by 6" which shall be retained by the Municipal Clerk.** A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for, and no license or tag shall be issued until the certificate is shown.

Any dog remaining unlicensed on May 11 each year or on the 11th day following the date the dog is brought into or harbored within the corporate limits shall be immediately impounded by the Animal Control Authority until the owner of the dog has complied with these licensing requirements. The owner shall also be liable for all costs associated with the impoundment and said costs must be paid in addition to the licensing fees before the dog will be returned to owner. Any dog remaining impounded for 14 days shall be deemed abandoned by owner at which time the Animal Control Authority shall determine an appropriate and humane disposition of the dog.

Penalty, see §94.99

Statutory reference:

Authority, see NEB RS 17-526 and 54-603

WHEREAS, procedures to amend Code §94.40 in Nebraska Revised Statute 17-526 and 54-603 have been met;

THEREFORE BE IT ORDAINED, that the above written amendment change to §94.40 be added to the Giltner Village Code.

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

This amended 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.

Casey Nuss, Chairperson

Attested:

Joan Eastman, Village Clerk

VILLAGE OF GILTNER
CORPORATE
SEAL
HAMILTON COUNTY NEBRASKA

§ 94.28 ANIMAL SHELTER.

The municipal animal shelter shall be safe, suitable, and conveniently located for the impounding, keeping, and destruction of dogs. The said shelter shall be sanitary, ventilated, and lighted.

DOGS; LICENSING

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(Am. Ord. 94.40, passed 7-11-11) Penalty, see § 94.99

Statutory reference:

Authority, see Neb. RS 17-526 and 54-603

§ 94.41 DOG GUIDES, HEARING AID DOGS, AND SERVICE DOGS; EXEMPT FROM LICENSE TAX.

Every dog guide for a blind or visually impaired person, hearing aid dog for a deaf or hearing-impaired person, and service dog for a physically limited person shall be licensed as required by the municipal code, but no license tax shall be charged upon a showing by the owner that the dog is a graduate of a recognized training school for dog guides, hearing aid dogs, or service dogs. Upon the retirement or discontinuance of the dog as a dog guide, hearing aid dog, or service dog, the owner of the dog shall be liable for the payment of the required license tax.

Statutory reference:

Statutory fee exemption, see Neb. RS 54-603

§ 94.42 LICENSE TAGS.

(A) Upon the payment of the license fee, the person designated by the licensing authority shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs so licensed and shall entitle the owner to keep or harbor the said dog until April 30 following such licensing.

(B) In the event that a license tag is lost and upon satisfactory evidence that the original tag was issued in accordance with the provisions herein, the person designated by the licensing authority shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee set by resolution of the Board of Trustees for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the general fund. It shall be the duty of the person designated by the licensing authority to issue tags of a suitable design that are different in appearance each year.

Statutory reference:

Authority, see Neb. RS 17-526 and 54-603

§ 94.43 WRONG LICENSING.

It shall be unlawful for the owner, keeper, or harborer of any dog to permit or allow such dog to wear any license, metallic tag or other municipal identification than that issued by the Municipal Clerk for dogs, nor shall the owner, keeper, or harborer wrongfully and knowingly license an unneutered dog with a license prescribed for a neutered dog.

Penalty, see § 10.99

§ 94.44 UNCOLLARED DOGS.

All dogs found running at large upon the streets and public grounds of the municipality without a collar or harness are hereby declared a public nuisance. Uncollared dogs found running at large shall be destroyed or impounded by the person so designated by the Board of Trustees.

Statutory reference:

Similar provisions, see Neb. RS 54-605

§ 94.45 REMOVAL OF TAGS.

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

Penalty, see § 10.99

CATS

§ 94.60 OWNER AND POSSESSOR OF CATS.

Any person who shall harbor or permit any cat to be for ten days or more in or about his or her house, store, or enclosure, or to remain to be fed, shall be deemed the owner and possessor of such cat and shall be deemed to be liable for all penalties prescribed.

§ 94.61 RUNNING AT LARGE.

It shall be unlawful for the owner of any cat to allow such cat to run at large at any time within the corporate limits of the municipality. It shall be the duty of the County Sheriff or designated animal control officer to cause any cat found to be running at large within the municipality to be taken up and impounded. Running at large shall mean any cat found off the premises of the owner and not under control of the owner or a responsible person, either by leash, cord, chain, rope, cage or other suitable means of physical restraint.
Penalty, see § 10.99

§ 94.62 RABIES.

(A) It shall be the duty of the Board of Trustees, whenever in its opinion the danger to the public safety from rabid cats is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any cat to confine it for a period of not less than 30 days or more than 90 days from the date of such proclamation or until such danger is passed. The cats may be harbored by any good and sufficient means in a house, garage, or yard on the premise wherein said owner may reside. Upon issuing the proclamation, it shall be the duty of all persons owning, keeping, or harboring any cat to confine the same as herein provided.

(B) Any cat suspected of being afflicted with rabies, which has bitten any person and caused an abrasion of the skin, shall be seized and impounded under the supervision of the Board of Health for a period of not less than ten days. If upon examination by a veterinarian, the cat has no clinical signs of rabies at the end of such impoundment, it may be released to the owner. If the owner of the cat or animal has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten days, at which time the cat shall be examined by a licensed veterinarian at the owner's expense. If no signs of rabies are observed, the cat may be released from confinement.

§ 94.99 PENALTY.

(A) Any person, or that person's agents or servants, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon

conviction thereof shall be fined in any sum not exceeding $100. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this code.

(B) (1) Whenever a nuisance exists as defined in this code, the municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

(C) Any person violating any provisions of § 94.40 shall be fined $25 per day per animal after May 10.

Statutory reference:

Authority to abate nuisances, see Neb. RS 18-1720 and 18-1722

CHAPTER 95: TREES

Section

95.01 Definitions
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§ 95.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

LARGE TREES. Trees that when mature exceed 40 feet in height.

MEDIUM TREES. Trees that when mature in height are 25 to 40 feet tall.

PARK TREES. Trees, shrubs, bushes and all other woody vegetation in public parks and recreational property having individual names and all areas owned by the village, or to which the public has free access as a park.

SMALL TREES. Trees that at their mature height are less than 25 feet tall.

STREET TREES. Trees, shrubs, bushes and all other woody vegetation on land lying on village right-of-way lying between property lines on either side of all streets, avenues, boulevards, cul-de-sacs, alleys or ways within the village and the driving surfaces thereof.

VILLAGE FORESTER. The Village Utility Superintendent. The Utility Superintendent shall have the authority and support to carry out, execute and administer the Comprehensive Village Tree Plan for the village as proposed by the Board of Trustees.

§ 95.02 STREET TREE SPECIES TO BE PLANTED.

The official street tree species list for the village shall be the correct zone recommendations for the village area of the most current "List of Woody Plants for Nebraska Communities" put out by the Nebraska Forest Service. No species other than those included in this list may be planted as street trees without written permission of the Board of Trustees. Tree species not recommended for plantings shall be contained in the Comprehensive Village Tree Plan.

§ 95.03 SPACING.

The spacing of street/park trees will be in accordance with the three species size classes listed in § 95.02 and the suggested spacing between street/park trees shall be no closer together than the following: small trees, 30 feet; medium trees, 40 feet; large trees, 50 feet; except in special plantings designed or approved by landscape architects or professional arborists.

§ 95.04 DISTANCE FROM CURB AND SIDEWALK.

The distance street/park trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in § 95.02 and trees should not be planted where there is less than six feet between any curb and/or sidewalk. If more than six feet exists in the property, trees planted in the property shall be equal distance but no less than three feet from the sidewalk and the curb. Private property trees shall be encouraged to be planted greater distances from sidewalks as described above for street/park trees.

§ 95.05 DISTANCE FROM STREET CORNERS, FIRE HYDRANTS, ALLEYS, AND DRIVEWAYS.

(A) No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines.

(B) No street tree shall be planted closer than 12 feet of any fireplug/fire hydrant.

(C) No street trees other than those species listed as small trees in § 95.02 may be planted within 15 feet of a neighbor's driveway without permission from the neighbor.

(D) No street trees other than those species listed as small trees in § 95.02 may be planted within 15 feet of a municipal alleyway.
Penalty, see § 10.99

§ 95.06 UTILITIES.

No street trees other than those species listed as small trees in § 95.02 may be planted under or within 15 lateral feet of any overhead utility wire, street light, or over or within seven lateral feet of any underground water line, sewer line, transmission line or other utility or as otherwise described by municipal easement rights.
Penalty, see § 10.99

§ 95.07 PUBLIC TREE CARE.

The municipality shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, boulevards, lanes, squares, cul de sacs and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Board of Trustees may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, communication lines, or other public improvements, or is affected with an injurious fungus, virus, bacteria, insect or other pest. This section does not prohibit the planting of street/park trees by adjacent property owners providing that the selection and location of the tree is in accordance with this chapter.

§ 95.08 TREE TOPPING.

It shall be unlawful as a normal practice for any person to top any street/park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than four inches in diameter within the tree crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the Board of Trustees or the Governing Body.
Penalty, see § 10.99

§ 95.09 PRUNING.

(A) Every owner of any tree overhanging any street or right-of-way within the municipality shall prune the branches so that such the branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 12 feet above the surface of the street or alleyways or traffic signs. The owners shall remove all dead or hazardous trees, broken or decayed limbs which constitute a menace to the safety of the public. The municipality shall have the

right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or intersection or interferes with visibility of any traffic control device or sign.

(B) Every owner of any tree overhanging any sidewalk within the village shall prune branches so a sidewalk clearance of eight feet is maintained.

Cross-reference:

Overhanging branches, see § 93.006

§ 95.10 DEAD OR HAZARDOUS TREE REMOVAL.

The municipality shall have the right to cause the removal of any dead or hazardous trees or shrubs within the municipal limits when such vegetation constitutes a hazard to life and property, or harbors, insects/diseases which are a potential threat to other trees within the village. The Board of Trustees shall notify in writing the owners of such trees. Removal shall be done by the owners at their own expense and shall be accomplished within the time limits set by the Board of Trustees. If any owner fails to comply with the removal notice, the municipality shall cause the trees removal and the expense thereof shall be charged to the owner and become a lien upon the real estate concerned.

§ 95.11 REMOVAL OF STUMPS.

All stumps of street and park trees shall be removed below the surface of the ground.

§ 95.12 INTERFERENCE PROHIBITED.

It shall be unlawful for any person to prevent, delay or interfere with the implementation of the decisions of the Board of Trustees, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street/park trees, or trees on public or private grounds, as authorized in this chapter.

Penalty, see § 10.99

§ 95.13 PERMITS AND BONDS.

It shall be unlawful for any person or firm to engage in the business or occupation of planting, pruning, treating, or removing of street or park trees within the village without first applying for and procuring a permit from the Governing Body. No license shall be required of any public service company or municipal employee during such work in the pursuit of their public service endeavors. Before any permit shall be issued, each applicant shall first file evidence of possession of liability insurance and workman's compensation indemnifying the village or any person injured or damaged as a result of the negligence of the permittee or its employees or agents.

Penalty, see § 10.99