

## Title XVII Chapter 71 Traffic Regulations

### Traffic; General

#### **170.71.10 Truck Routes; Designating Route**

It shall be unlawful to operate upon any street or alley in the City of Stanton, Nebraska except those streets or alleys hereinafter designated as a "truck route" any semi tractor truck with trailer attached or unattached, trucks with bed or boxes that exceed 9 feet in length or more, including agricultural and industrial equipment exceeding 10,000 pounds. It shall not be unlawful for the following vehicles to operate upon any street or alley in the City of Stanton, Nebraska: emergency vehicles, vehicles being used for the purpose of delivering or collecting goods, wares, merchandise, vehicles being directly used for building, repair, service, moving operations, vehicles being used to obtain materials or making repairs while dealing with regularly established businesses, or equipment related thereto, vehicles being driven directly to the residence of the owner of the same, and by only the shortest direct route from the nearest truck route. (Ref. 60-681 N.R.S. Reissue 2004)

All owners of such vehicles desiring to park, store, house or locate such vehicles on residential property inside the City limits shall provide off-street parking for said vehicles, shall provide appropriate access to the residential property on which the vehicle is to be parked, stored, housed or located and at no time shall any such vehicles be parked, stored, housed or located on terraces.

**The following streets are hereby designated as "Truck Routes":** All federal and state highways passing through the corporate City limits, Fir Street: 8<sup>th</sup> Street to 10<sup>th</sup> Street, 10<sup>th</sup> Street: Veteran's Avenue to Fir. Signage designating said streets as "Truck Routes" shall be erected upon or at the entrances to such affected highway/street or parts thereof affected as may be most appropriate.

Added by Ordinance 750, June 13, 2006; Amended by Ordinance 753, August 1, 2006; Amended by Ordinance 808 – December 7, 2010; Amended by Ordinance 871 – January 3, 2017

#### **170.71.21 Speed Limit**

Except as otherwise provided, no person shall operate a vehicle in the areas designated below at a speed in excess of that shown below or as otherwise posted:

Douglas Street From 6 <sup>th</sup> Street to 8 <sup>th</sup> Street	15 mph
All Alleys	15 mph
All parks and recreational areas owned by the City	15 mph

#### **170.71.50 Jay Walking**

No pedestrian shall cross any street at a place other than a crosswalk; nor cross any street intersection diagonally.

#### **170.71.51      Turning; "U" Turns**

No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation, or where a sign is posted indicating that U-turns are prohibited.

#### **170.71.52      Speed; Electronic Detector**

The speed of any motor vehicle within the Municipality may be determined by the use of radio microwaves or other electronic device. The results of such determinations shall be accepted as prima facie evidence of the speed of such motor vehicle in any court, or legal proceedings, where the speed of the motor vehicle is at issue.

The driver of any such motor vehicle may be arrested without a warrant under the authority herein granted if the arresting officer is in uniform or displays his badge of authority; Provided, that such officer shall have observed the recording of the speed of such motor vehicle by the radio microwaves, or other electronic device or had received a radio message from the officer who observed the speed of the motor vehicle recorded by the radio microwaves or other electronic device. In the event of an arrest based on such a message, such radio message must have been dispatched immediately after the speed of the motor vehicle had been recorded, and must include a description of the vehicle and the recorded speed.

#### **170.71.53      Drunken Driving; Penalty**

It shall be unlawful for any person to operate, or be in actual physical control of, any motor vehicle while under the influence of alcoholic liquor, or of any drug. Any person who shall operate or be in actual physical control of any motor vehicle while under the influence of alcoholic liquor, or of any drug, shall be deemed guilty of a crime and upon conviction thereof, such person shall be punished as provided by State law. For purposes of this Section the determination of whether an individual is under the influence of either alcohol or drugs shall be as prescribed in the Statutes of Nebraska.

#### **170.71.54      Driving Under The Influence; Person Under Twenty-one Years of Age**

(1) It shall be unlawful for any person under twenty-one (21) years of age to operate or be in the actual physical control of any motor vehicle:

(a) When such person has a concentration of two-hundredths of one gram or more by weight of alcohol per one hundred milliliters of his or her blood but less than the concentration prescribed under subdivision (1)(b) of Neb. RS 60-6,196; or

(b) When such person has a concentration of two-hundredths of one gram or more by weight of alcohol per two hundred ten liters of his or her breath but less than the concentration prescribed under subdivision (1) (c) of Neb. RS 60-6,196.

(2) Any person who operates or has in his or her actual physical control a motor

vehicle in the state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood or breathe for the purposes of determining the concentration of alcohol in such blood or breath.

(3) Any peace officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of the municipality may require any person under twenty-one (21) years of age to submit to a chemical test or tests of his or her blood or breath for the purpose of determining the concentration of alcohol in such blood or breath when the officer has probable cause to believe that such person was driving or was in actual physical control of a motor vehicle in the municipality in violation of this section. Such peace officer may require such person to submit to a preliminary breath test. Any person who refuses to submit to such a preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation of this section shall be placed under arrest.

(4) Any person arrested as provided in this section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood or breathe for a determination of the concentration of alcohol. If the chemical test discloses the presence of a concentration of alcohol in violation of this section, or such person refuses to submit to such test or tests required pursuant to this section shall be guilty of an offense.

(5) Upon the conviction of any person for the violation of this section, there shall be assessed as part of the court costs the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with Neb. RS 60-6201, for the test administered and the analysis thereof if such test was actually made.

#### **170.71.55 Reckless Driving**

Any person who drives a motor vehicle in such a manner as to indicate an indifferent or wanton disregard for the safety of persons or property shall be deemed to be guilty of reckless driving, and as such shall be punished as provided by statute.

#### **170.71.56 Careless Driving**

Any person who drives any motor vehicle in this Municipality carelessly or without due caution so as to endanger a person or property shall be guilty of careless driving.

#### **170.71.57 Negligent Driving**

Any person who operates a motor vehicle in such a manner as to indicate a want of ordinary care and caution that a person of ordinary prudence would use under like circumstances shall be deemed guilty of negligent driving.

#### **170.71.58 Backing**

It shall be unlawful for any person to back a motor vehicle on the Municipal streets

except to park in or to remove the vehicle from a permitted parking position, to move the vehicle from a driveway, or to back to the curb for unloading where such unloading is permitted; Provided, a vehicle shall be backed only when such movement can be made in safety and in no case shall the distance of the backing exceed one and one half (1 1/2) lengths of the vehicle.

**170.71.59      Passing; Intersections**

The driver of a vehicle shall not overtake and pass another vehicle proceeding in the same direction, while traversing a street intersection, if such passing requires such overtaking vehicle to drive to the left of the center of the street.

**170.71.60      Passing; Hindrance**

The driver of a vehicle about to be overtaken and passed by another vehicle shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.

**170.71.61      Driving Abreast**

Two (2) or more vehicles shall not be driven abreast except when passing, or when traversing a multi-lane or one way street; Provided, motorcycles may be driven no more than two (2) abreast in a single lane.

**170.71.62      Following; Distance**

The operator of a vehicle shall not follow another vehicle more closely than is reasonable and prudent having due regard for the speed of the vehicles, and the traffic and condition of the street.

**170.71.63      Crowding; Front Seat**

No person shall drive a motor vehicle when it is so loaded, or when there is in the front seat such a number of persons, exceeding three (3), as to obstruct the view of the driver to the front or sides of the vehicle or to interfere with the driver's control over the driving mechanism of such vehicle.

**170.71.64      Driving in Sidewalk Space**

No motor vehicle or livestock shall be driven or ridden within any sidewalk space, except a permanent or temporary driveway.

**170.71.65      Vehicle; Muffler**

Every motor vehicle operated within this Municipality shall be provided with a

muffler in good working order to prevent excessive or unusual noise or smoke. No person shall modify or change the exhaust muffler, intake muffler or any other noise abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. It shall be unlawful to use a "muffler cut out" on any motor vehicle upon any streets; provided, the provisions of this Section shall not apply to authorized emergency vehicles.

**170.71.66      Brakes; Prohibition on Utilization of a Dynamic Braking Device or Engine Brakes**

It shall be unlawful, except in the case of emergency, for any person to use a dynamic braking device or engine brakes or to otherwise discharge into the ambient air the blowdown or the exhaust of any internal combustion engine, unless such discharge be through an appropriate muffler.

For the purpose of this section, the use of a dynamic braking device or engine brakes shall be defined as a device which when activated retards one or more pistons on the engine of a truck or other motor vehicle in order to assist the truck or other motor vehicle in braking and in the process of doing so creates a loud and offensive noise from the truck or motor vehicle.

For the purpose of this section, an EMERGENCY means that an immediate stoppage or slowing of the vehicle is necessary in order to prevent injury to persons or damage to property or to remedy an injury that has already occurred, and that friction brakes are either not available or would not have been effective in bringing the vehicle to a stop or slowing it.

**170.71.67      Truck Routes; Penalties**

Any person who is found guilty of violating Section 170.71.01 of the Nebraska Basic Code, Local Legislation of Stanton, Nebraska shall be fined:

1. Not more than \$100.00 for the first offense;
2. Not more than \$200.00 for a second offense within a one year period;
3. Not more than \$300.00 for a third and subsequent offense within a one year period.

(Ref. Section 60-689 N.R.S. Reissue 2004)

Added by Ordinance 750, June 13, 2006

**170.71.68      All Terrain Vehicle and Utility Type Vehicle Regulations**

(1) For purposes of this section:

(a) All-terrain vehicle means any motorized off-highway vehicle which (a) is fifty inches or less in width, (b) has a dry weight of nine hundred pounds or less, (c) travels on three or more low-pressure tires, (d) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one

passenger, (e) has a seat or saddle designed to be straddled by the operator, and (f) has handlebars or any other steering assembly for steering control.  
(Neb. Rev. Stat. 60-6,355)

(b) (i) Utility-type vehicle means any motorized off-highway vehicle which (A) is not less than forty-eight inches nor more than seventy-four inches in width, (B) is not more than one hundred thirty-five inches, including the bumper, in length, (C) has a dry weight of not less than nine hundred pounds nor more than two thousand pounds, (D) travels on four or more low pressure tires, and (E) is equipped with a steering wheel and bench or bucket-type seating designed for at least two people to sit side by side.

(ii) Utility-type vehicle does not include golf cars or low speed vehicles.  
(Neb. Rev. Stat. 60-6,355)

(c) Golf car vehicle means a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum gross weight of two thousand five hundred pounds, has a maximum passenger capacity of not more than four persons, and is designed and manufactured for operation on a golf course for sporting and recreational purposes. (Neb. Rev. Stat. 60-116.01)

(d) Street or highway means the entire width between the boundary limits of any street, road, avenue, boulevard, or way which is publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.  
(Neb. Rev. Stat. 60-624)

(2) An all-terrain vehicle, utility-type vehicle and golf car vehicle may be operated on streets and highways within the corporate limits of the city only if the operator and the vehicle comply with the provisions of this section.

(3) An all-terrain vehicle, utility-type vehicle, or golf car vehicle may be operated only between the hours of sunrise and sunset and shall not be operated at a speed in excess of the posted speed limit or thirty miles per hour, whichever is less. When operating such vehicles as authorized in subsection (2) of this section, the headlight and taillight of the vehicle shall be on and the vehicle shall be equipped with a bicycle safety flag which extends not less than five feet above ground attached to the rear of such vehicle. The bicycle safety flag shall be triangular in shape with an area of not less than thirty square inches and shall be day-glow in color.

(4) Any person operating an all-terrain vehicle, utility-type vehicle, or golf car vehicle as authorized in subsection (2) of this section shall have:

(a) A valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. 60-4,126; and

(b) Liability insurance coverage for the all-terrain vehicle, utility-type vehicle, or golf car vehicle while operating such vehicle on a street or highway and proof of the same shall be kept on the vehicle and presented to a law enforcement officer upon a request for the same. A person who is unable to produce a copy of a current and effective liability policy for said vehicle upon the request of a law enforcement officer shall be allowed ten (10) days after the date of the request to produce proof to the City Attorney that a current and effective liability policy was in existence for the vehicle at the time of said request. Upon timely presentation of such proof, the citation shall be dismissed by the City Attorney without costs and no prosecution for the offense cited shall occur.

(5) All-terrain vehicles, utility-type vehicles, and golf car vehicles may be operated without complying with subsections (3) and (4) of this section on streets and highways in parades which have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.

(6) An all-terrain vehicle, utility-type vehicle, or golf car vehicle shall not be operated on any controlled-access highway with more than two marked traffic lanes, and the crossing of any controlled-access highway with more than two marked traffic lanes shall not be permitted. Subsections (2) through (4) and (7) of this section authorize and apply to operation of such vehicles only on a street or highway other than a controlled-access highway with more than two marked traffic lanes.

(7) Subject to subsection (6) of this section, the crossing of a street or highway shall be permitted by an all-terrain vehicle, utility-type vehicle, or golf car vehicle without complying with subsections (3) and (4) of this section only if:

(a) The crossing is made at an angle of approximately ninety degrees to the direction of the street or highway and at a place where no obstruction prevents a quick and safe crossing;

(b) The vehicle is brought to a complete stop before crossing the shoulder or roadway of the street or highway;

(c) The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;

(d) In crossing a divided highway, the crossing is made only at an intersection of such highway with another highway; and

(e) Both the headlight and taillight of the vehicle are on when the crossing is made.

(8) All such vehicles must be registered prior to use within the City Limits and have a City issued registration slip and plate with a current date sticker attached in the lower right hand corner of the plate. Said plate must be attached to the vehicle in such a manner that is readily visible from the rear of the vehicle. The Registration slip, plate, and sticker will be issued from the City Office at the time of original registration of the vehicle. Initial registration fee for each vehicle registered shall be \$25.00. All vehicle registrations must be renewed annually; renewal registration fee for such vehicles shall be \$15.00 per vehicle per calendar year. At time of renewal, the City will issue a current date sticker for that calendar year and a current vehicle registration slip. All date stickers and registration slips shall expire on December 31 of the calendar year in which said date stickers and registration slips were issued. A person may renew their annual registration no sooner than December 1 of the calendar year in which the vehicle's current registration expires. The current registration slip and proof of liability insurance must be kept with the vehicle at all times for review by any law enforcement officer upon request.

(9) If a vehicle is sold or will no longer be used on public roadways within the City Limits, a \$5.00 refund will be issued to the owner of said vehicle when the plate is returned to the City. A vehicle purchased in trade for another vehicle may utilize the same plate but the new registration information must be provided to the City Office within 15 days of acquisition.

(10) The following information must be provided to the City at the time such vehicles are registered: Name of owner, address, proof of insurance, VIN, year, make, model, vehicle color and engine size.

(Neb. Rev. Stat. 60-6,356) Adopted by Ordinance 777 – November 6, 2007; Amended by Ordinance 807 – December 7, 2010; Amended by Ordinance 853 – October 6, 2015

#### **170.71.69 All Terrain Vehicle Penalty**

A person who violates Section 170.71.69 of this code shall be punished as provided in Section 10.99 of this Code. A person who violates Section 170.71.68,(4)(b) by operating such vehicle without proof of insurance and by failing to provide law enforcement with such proof of insurance within 5 days of a request for the same, shall be fined \$100.00.

A person who violates any other provisions of Section 170.71.68 shall be fined:

- a) \$25.00 for the first offense;
- b) \$50.00 for a second offense;
- c) \$100.00 for a third and all subsequent offenses and the registration for the vehicle in question shall be immediately revoked for a period of one (1) year from the date of the offense. The person violating this ordinance shall not be allowed to register any other all-terrain vehicle, utility-type vehicle, or golf car vehicle with the City for a period of one (1) year from the date of the offense.



(Neb. Rev. Stat. 60-6,356) Adopted by Ordinance 777 – November 6, 2007; Amended by Ordinance 853 – October 6, 2015

## Title XVII Chapter 72 Parking Regulations

### **Parking; General**

#### **170.72.01 Library Parking; Designation of on Street Parking Stalls or Spaces and Access Aisles / Designation of Off Street Parking Stalls or Spaces and Access Aisles**

1.A. The governing body may designate parking spaces, including access aisles, for the exclusive use of: Stanton Public Library patrons.

B. If the governing body so designates a parking space or access aisle, it shall be indicated by posting above ground and immediately adjacent to and visible from each space or access aisle a sign indicating the parking space or access aisle as "LIBRARY PARKING ONLY". In addition to such sign, the space or access aisle may also be indicated by green paint on the curb or edge of the paved portion of the street adjacent to the space or access aisle.

2. The municipality or any person in lawful possession of any off street parking facility may designate stalls or spaces, including access aisles, in such facility owned or operated by the municipality or person for the exclusive use of Stanton Public Library patrons. If the governing body or any person in lawful possession of any off street parking facility so designates a parking space or access aisle, it shall be indicated by posting above ground and immediately adjacent to and visible from each space or access aisle a sign indicating the parking space or access aisle as "LIBRARY PARKING ONLY". In addition to such sign, the space or access aisle may also be indicated by green paint which shall identify the actual boundaries of said parking space, stall or access aisle.

#### **170.72.07 Truck and Trailer Parking**

It shall be unlawful for the owner or operator of a semi-tractor truck with trailer attached or unattached, or any trailer unattached, or other motor vehicle attached or other motor vehicle with trailer, bed or boxes attached which exceeds nine (9) feet in length, or motor vehicles with a five (5) ton or more license, certificate or plate, except emergency vehicles, to park on the streets within the City, except when being used for the purpose of delivering or collecting goods, wares, merchandise or materials or obtaining repairs from or dealing with regularly established business firms on new or used trucks or equipment related thereto, and then only for a period of time no longer than is necessary for the expeditious delivery or collecting of such goods, wares, merchandise or materials.

The above shall not apply to trucks or motor vehicles being used within the City in connection with building, repair, service or moving operations.

#### **170.72.10 Time Limit; Overnight Parking; Business District**

It shall be unlawful for any person to park or stand any vehicle within the limits of the business district between the hours of two (2:00) o'clock a.m. and seven (7:00) o'clock a.m. of any day.

#### **170.72.11      Snow Removal and Maintenance on Streets and Alleys**

It shall be unlawful to park or stand any vehicle on any street or alley in the Municipality at any time within twelve hours after a snowfall of three inches or more has occurred within a 24 hour period, unless the snow has been removed within that time.

The Municipal Police may order any street or alley, or portion thereof, vacated for weather emergencies or street maintenance. Notice shall be given by personally notifying the owner or operator of a vehicle parked on such street or alley, or by posting appropriate signs along such streets or alleys. Such signs shall be posted not less than 4 hours prior to the time that the vacation order is to be effective. Any person parking a vehicle in violation of this Section shall be subject to the penalties provided in this Chapter, and such vehicle may be removed and parked, under the supervision of the Municipal Police, to a suitable nearby location without further notice to the owner or operator of such vehicle.

Added by Ordinance 760 – February 6, 2007

#### **170.72.60      Parking; Library Parking; Penalty for Violation**

Any person, who violates the provisions of Sections 170.72.01, shall be subject to having his or her vehicle towed or having placed on his or her vehicle a parking ticket by any police officer or person or persons designated by the Chief of Police with such enforcement authority. Said parking ticket shall be for the sum of one hundred dollars (\$100.00) and the owner or operator of any such vehicle shall, within seventy-two (72) hours, pay the same to the office of the City Clerk. If said ticket is not paid within said seventy-two (72) hour period, the parking violation shall constitute an offense, and the owner or operator of said vehicle shall, upon conviction thereof, be subject to a fine of one hundred (\$100.00). If the identity of the operator of a motor vehicle cannot be determined, the owner or person in whose name such vehicle is register shall be held prima facie responsible for such infraction.

## **Handicapped Parking**

### **170.72.70      Handicapped or Disabled Persons Parking (Refer to State Statutes for current law)**

#### **1. DESIGNATION OF ON STREET PARKING SPACES; DISPLAY OF PERMITS**

A) The Governing Body may designate parking spaces, including access aisles, for the exclusive use of (1) handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Neb. RS 60-311.14, (2) handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state, (3) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Municipality, whose motor vehicles display the permit specified in Neb. RS 18-1739, and (4) such other motor vehicles, as certified by the Municipality, which display such permit. All such permits shall be displayed by hanging the permit from the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. The permit shall be displayed on the dashboard only when there is no rearview mirror.

(B) If the Governing Body so designates a parking space or access aisle, it shall be indicated by posting above ground and immediately adjacent to and visible from each space or access aisle a sign as described in Neb. RS 18-1737. In addition to such sign, the space or access aisle may also be indicated by blue paint on the curb or edge of the street adjacent to the space or access aisle. (Neb. RS 18-1736)

#### **2. DESIGNATION OF OFF STREET PARKING STALLS OR SPACES**

The Municipality and any person in lawful possession of any off-street parking facility may designate stalls or spaces, including access aisles, in such facility owned or operated by the Municipality or person for the exclusive use of (a) handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to such individuals pursuant to Neb. RS 60-311.14, (b) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Municipality, whose motor vehicles display the permit specified in Neb. RS 18-1739, and (c) such other motor vehicles, as certified by the Municipality, which display such permit. Such designation shall be made by posting aboveground and immediately adjacent to and visible from each stall or space, including access aisles, a sign which is in conformance with the requirements in Neb. RS 18-1737. (Neb. RS 18-1737)

#### **3. HANDICAPPED PARKING INFRACTION; DEFINED**

For purposes of this Article:

(A) Access aisle means a space adjacent to a handicapped parking space or passenger loading zone which is constructed and designed in compliance with the federal Americans with Disabilities Act of 1990 and the federal rules and regulations adopted and promulgated in response to the act. (Neb. RS 18-1736)

(B) (1) Handicapped or disabled person means any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred feet (200') without the use of a wheelchair, crutch, walker, or prosthetic, orthotic, or other assistant device, any individual whose personal mobility is

limited as a result of respiratory problems, any individual who has a cardiac condition to the extent that his or her functional limitations are classified in severity as being Class III or Class IV, according to standards set by the American Heart Association, and any individual who has permanently lost all or substantially all the use of one or more limbs;

(2) Temporarily handicapped or disabled person means any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than one (1) year. (Neb. RS 18-1738)

(C) Handicapped parking infraction means the violation of any section of this Article regulating (1) the use of parking spaces, including access aisles, designated for use by handicapped or disabled persons, (2) the unauthorized possession, use, or display of handicapped or disabled parking permits, or (3) the obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the federal Americans with Disabilities Act of 1990. (Neb. RS 18-1741.01)

#### 4. PERSONAL PERMIT; ISSUANCE; RENEWAL

(A) The Municipal Clerk shall take an application, on a form provided by the Department of Motor Vehicles, from a handicapped or disabled person or temporarily handicapped or disabled person or his or her parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces or access aisles provided for by this Article when the holder of the permit will enter or exit the motor vehicle while it is parked in such spaces or access aisles. For purposes of this section, the handicapped or disabled person or temporarily handicapped or disabled person shall be considered the holder of the permit.

(B) A person applying for a permit or for the renewal of a permit shall complete an application, shall provide proof of identity, and shall submit a completed medical form containing the statutory criteria for qualification and signed by a physician, physician assistant, or advanced practice registered nurse certifying that the person who will be the holder meets the definition of handicapped or disabled person or temporarily handicapped or disabled person. No applicant shall be required to provide his or her social security number. In the case of a temporarily handicapped or disabled person, the certifying physician, physician assistant, or advanced practice registered nurse shall indicate the estimated date of recovery or that the temporary handicap or disability will continue for a period of six months, whichever is less.

(C) A person may hold only one permit under this section and may hold either a permit under this section or a permit under section 5 (Motor Vehicle Permit; Issuance), but not both.

(D) A copy of the completed application form shall be given to each applicant. The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address and license number of all persons applying for a permit pursuant to this section.

(E) An application for the renewal of a permit under this section may be filed within thirty days prior to the expiration of the permit. The existing permit shall be invalid upon receipt of the new permit. (Neb. RS 18-1738)

(F) The Municipal Clerk shall not accept the application for a permit of any person making application contrary to the provisions of Neb. RS 18-1738.02. (Neb. RS 18-1738.02)

## 5. MOTOR VEHICLE PERMIT; ISSUANCE; RENEWAL

(A) The Municipal Clerk shall take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces or access aisles provided for by this Article if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of a handicapped or disabled person or temporarily handicapped or disabled person and such person will enter or exit the motor vehicle while it is parked in such designated spaces or access aisles.

(B) A person applying for a permit for the renewal of a permit pursuant to this section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, shall complete such forms as are provided to the Municipal clerk by the Department of Motor Vehicles, and shall demonstrate to the Municipal Clerk that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. A copy of the completed application form shall be given to each applicant.

(C) No more than one such permit shall be issued for each motor vehicle. A person may hold either a permit under this section or a permit under section 4 (Personal Permit; Issuance), but not both.

(D) An application for the renewal of a permit under this section may be filed within thirty days prior to the expiration of the permit. The existing permit shall be invalid upon receipt of the new permit.

(E) The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this section. (Neb. RS 18-1738.01)

(F) The Municipal Clerk shall not accept the application for a permit of any person making application contrary to Neb. RS 18-1738.02. (Neb. RS 18-1738.02)

## 6. PERMITS; PROHIBITED ISSUANCE; DUPLICATE PERMITS

(A) No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to section 8 (Permits Nontransferable; Violations; Suspension). At the expiration of such suspension, a permit may be renewed in the manner provided for renewal in this Article.

(B) A duplicate permit may be provided without cost if the original permit is destroyed, lost or stolen. Such duplicate permit shall be issued in the same manner as the original permit, except that a newly completed medical form need not be provided if a completed medical form submitted at the time of the most recent application for a permit or its renewal is on file with the Municipal Clerk or the Department of Motor Vehicles. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued. (Neb. RS 18-1739)

## 7. PERMITS; PERIOD VALID; RENEWAL OF TEMPORARY PERMITS

(A) All permanently issued permits for handicapped or disabled parking authorized by this Article shall be issued for a period ending on September 30 of the third year after the date of issuance and shall expire on that date.

(B) All permits authorized under this Article for temporarily handicapped or disabled parking shall be issued for a period ending not more than six months after the date of issuance but may be renewed one time for a period not to exceed six months. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability. (Neb. RS 18-1740)

#### 8. PERMITS NONTRANSFERABLE; VIOLATIONS; SUSPENSION

Permits issued under this Article shall not be transferable and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purpose for which it is issued. No person shall alter or reproduce in any manner a permit issued pursuant to this Article. No person shall knowingly hold more than one permit or knowingly provide false information on an application for a permit.

No person who is not the holder of a handicapped or disabled parking permit issued to him or her as a handicapped or disabled person shall display a handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person.

No person who is the holder of a handicapped or disabled parking permit issued for the use of such person when transporting a handicapped or disabled person shall display his or her handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person unless a handicapped or disabled person is actually in the vehicle displaying the permit as the time it is parked, has left the vehicle while it was parked, and will return to the vehicle before it leaves the designated space or access aisle.

No person who is not the holder of a handicapped or disabled parking permit issued for use when a vehicle is transporting a handicapped or disabled person shall display a handicapped or disabled parking permit and park in a space or access aisle designated for the exclusive use of a handicapped or disabled person unless a handicapped or disabled person is actually in the vehicle displaying the permit at the time it is parked, has left the vehicle while it was parked, and will return to the vehicle before it leaves the designated space or access aisle.

Any violation of this section shall constitute a handicapped parking infraction and shall be cause for suspension of such permit for a period of six months and imposition of the penalty provided for violation of this Chapter. In addition, the trial court shall impose a fine of not more than \$250 which may be waived by the court if, at the time of sentencing, all handicapped parking permits issued to or in the possession of the offender are returned to the court. At the expiration of such six month period, a suspended permit may be renewed in the manner provided for renewal in this Article. (Neb. RS 18-1741)

#### 9. CITATION, ISSUANCE; COMPLAINT; TRIAL; DISMISSAL

(1) For any offense classified as a handicapped parking infraction, a handicapped parking citation may be issued by any peace officer or by any person designated by ordinance by the Governing Body to exercise the authority to issue a citation for any handicapped parking infraction.

(2) When a handicapped parking citation is issued for a handicapped parking infraction, the person issuing the handicapped parking citation shall enter thereon all required information, including the name and address of the cited person or, if not known, the license number and description of the offending motor vehicle, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three (3) days after the issuance of the handicapped parking citation. One (1) copy of the handicapped parking citation shall be delivered to the person cited or attached to the offending motor vehicle.

(3) At least twenty-four (24) hours before the time set for the appearance of the cited person, either the Municipal Attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with a handicapped parking infraction or such person shall be released from the obligation to appear as specified.

(4) The trial of any person for a handicapped parking infraction shall be by the court without a jury. A person cited for a handicapped parking violation may waive his or her right to trial.

(5) For any handicapped parking citation issued for a handicapped parking infraction by reason of the failure of a vehicle to display a handicapped parking permit issued pursuant to section 18-1738 or 18-1738.01 RS Neb., the complaint shall be dismissed if, within seven (7) business days after the date of issuance of the citation, the person cited files with the court the affidavit included on the citation, signed by a peace officer certifying that the recipient is the lawful possessor in his or her own right of a handicapped parking permit issued under section 18-1738 or 18-1738.01 RS Neb. and that the peace officer has personally viewed the permit.

#### 10. REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY

(A) The owner or person in lawful possession of an off-street parking facility, after notifying the municipal police, and the Municipality, if it provides on-street parking or owns, operates, or provided an off-street parking facility, may cause the removal, from a stall or space, including access aisles, designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, of any vehicle not displaying the proper permit of the distinguishing license plates specified in this Article if there is posted above ground and immediately adjacent to and visible from such stall or space, including access aisles, a sign which clearly and conspicuously states the area so designated as a tow-in zone.

(B) A person who parks a vehicle in any on-street parking space or access aisle which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, or in any so exclusively designated parking space or access aisle in any off-street parking facility, without properly displaying the proper permit or when the handicapped or disabled person to whom or from whom, as the case may be, the license plate or permit is issued will not enter or exit the vehicle while it is parked in the designated space or access aisle shall be guilty of a handicapped parking infraction and shall be subject to the penalties and procedures set



forth in section 9 (Citation, Issuance; Complaint; Trial; Dismissal). The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalties and procedures described in this section.

(C) In the case of a privately owned off-street parking facility, the Municipality shall not require the owner or person in lawful possession of such facility to inform the Municipality of a violation of this section prior to the Municipality issuing the violator a handicapped parking infraction citation. (Neb. RS 18-1737)

## **Title XVII Chapter 90 Leisure and Recreation**

### **Library Regulations**

#### **170.90.26 Unlawful Library Conduct**

It shall be unlawful for any person to take or retain possession beyond the due date thereof of any property owned by, or in the custody of the Public Library, or to remove from the Public Library building, in violation of an By-Law, rule or regulation adopted by the Library Board or City Council for the protection and government of the Public Library or in violation of any agreement entered into by any person concerning utilization of the Public Library, or to willfully and maliciously write upon, deface, injure or destroy any book, periodical, record, film or other property owned by, or in the custody of the Public Library. Any person who shall violate the terms of any agreement concerning utilization of the Public Library or any property owned by, or in the custody of the Public Library, or who unlawfully takes or retains possession of any property owned by, or in the custody of the Public Library beyond the due date thereof, or removes from the Public Library, writes upon, defaces, injures or destroys any book, periodical, record, film or other property owned by or in the custody of the Public Library, shall be guilty of an offense.

Penalty: See Section 10.99

Added by Ordinance 804 – September 14, 2010

## **Swimming Pool Regulations**

### **170.90.50 Swimming Pool; Operation and Funding**

The Municipality owns and manages the Municipal Swimming Pool. The Governing Body, for the purpose of defraying the cost of the management, maintenance, and improvements of the Swimming Pool may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from the said tax shall be known as the Swimming Pool Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income producing personal property and real estate from any source for the purpose of endowing the Swimming Pool. The Swimming Pool Fund shall at all times be in the custody of the Municipal Treasurer. The Board of Park Commissioners shall manage the Swimming Pool. The Board shall have the power and authority to hire and supervise the Swimming Pool Manager and such employees as they may deem necessary and shall pass such rules and regulations for the operation of the Swimming Pool as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the Governing Body.

### **170.90.51 Swimming Pool; Admission Charge**

The Board of Park Commissioners may, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the Swimming Pool, make a reasonable admission charge for the use by any person of the Municipal Swimming Pool. The said charges shall be on file at the office of the Municipal Clerk and shall also be posted in a conspicuous place at the Municipal Swimming Pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; provided, that nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color or national origin in the classification of persons for admission charges.

### **170.90.52 Swimming Pool; Rentals**

The Board of Park Commissioners shall have the authority to rent the Municipal Swimming Pool to such organizations and other persons as they may in their discretion see fit, subject to the review of the Governing Body. The Board shall prescribe rules and regulations for such rentals and require an appropriate number of qualified lifeguards to be in attendance during the rental period. Such fees and other costs shall be on file at the office of the Municipal Clerk and posted in a conspicuous place at the Municipal Swimming Pool.

### **170.90.53 Swimming Pool; Rules and Regulations**

The Board of Park Commissioners shall have the power and authority to enact bylaws, rules and regulations for the protection of those using the Swimming Pool and for

the efficient management thereof. They may provide suitable penalties for the violation of such bylaws, rules and regulations subject to the review and supervision of the Governing Body.

Title XVII Chapter 91 Health and Safety

**Garbage Regulations**

**170.91.25 Garbage Disposal; Public Disposal Site**

The area located generally east of the fairgrounds and identified by signage as "Burn Site" is hereby designated a "Public Disposal Site". Residents of the Municipality may utilize said site for the deposit and/or disposal of grass, branches, shrubs, leaves and other worthless vegetation. No other items or materials of any kind shall be deposited or disposed of at said site. The deposit or disposal of said vegetation shall be the only authorized activity at the Public Disposal Site.

**Hours of Use:** Members of the public may utilize the site only during the following times: one-half hour before sunrise and one-half hour after sunset. It shall be unlawful for anyone to utilize the site for any purpose other than the deposit or disposal of grass, branches, shrubs, leaves and any other worthless vegetation. Burning of any materials at the site by members of the public is hereby prohibited.

Added by Ordinance 747, June 13, 2006

**170.91.26 Garbage Disposal; Public Disposal Site; Penalty**

**Penalties:** Any person who is found guilty of violating Section 170.91.25 of the Nebraska Basic Code, Local Legislation of Stanton, Nebraska shall be fined:

1. Not more than \$100.00 for the first offense;
2. Not more than \$200.00 for a second offense within a 1 year period.

Added by Ordinance 747, June 13, 2006

## **Fire Regulations**

### **170.91.60 Fires; Preservation of Property**

Any official of the Municipal Fire Department shall have the power during the time of a fire to cause the removal of any private or public property whenever it shall become necessary to do so for the preservation of such property from fire, to prevent the spreading of fire, or to protect adjoining property. The said officials may direct the Municipal firefighters to remove any building, structure, or fence for the purpose of checking the progress of any fire, and the official in charge of the fire fighting effort shall have the power to blow up, or cause to be blown up, with powder or otherwise, any building or erection during the progress of a fire for the purpose of extinguishing or checking the same.

### **170.91.61 Fires; Equipment**

It shall be unlawful for any person except the Fire Chief and the members of the Municipal Fire Department to molest, destroy, handle or in any other way to interfere with the use and storage of any of the fire trucks and other apparatus belonging to the Municipality.

It shall be unlawful for any person, without the consent of the Fire Chief to drive any vehicle over unprotected hose of the Fire Department.

### **170.91.62 Fires; Interference**

It shall be unlawful for any person or persons to hinder or obstruct the Municipal Fire Chief or the members of the Fire Department in the performance of their duty.

### **170.91.63 Fires; Obstruction**

It shall be unlawful for any person to obstruct the use of a fire hydrant, or have or place any material within fifteen (15) feet of the said hydrant. Any vehicle or material found as an obstruction may be immediately removed by the Fire Chief or any member of the Fire Department, at the risk, cost and expense of the owner or claimant.

### **170.91.64 Fire; False Alarm**

It shall be unlawful for any person to intentionally and without good and reasonable cause raise any false alarm of fire.

### **170.91.65 Fire; Fire Code Enforcement**

It shall be the duty of all Municipal officials to enforce the incorporated fire code provisions and all infractions shall be immediately brought to the attention of the Fire Chief.

**170.91.66 Fire; Violation Notice**

It shall be the duty of the owner, lessee, or occupant of any building or structure that was lawfully inspected as hereinbefore prescribed, and who receives written or verbal notice of a violation of any of the provisions of the Municipal ordinances to correct the condition that violates the said ordinance or ordinances within five (5) days from the date of receipt of such notice.

**170.91.67 Fire; Fires Regulated**

It shall be unlawful for any person to set out a fire on the pavement, or near any curb, now built or hereafter to be built, within the Municipality.

It shall be lawful to build or set out fires; Provided, that the person building such fires shall have the substance to be burned in a fireproof trash burner constructed so as to prevent the escape of burning paper or other substance; Provided further, that such lawful open burning shall be limited to and consist solely of straw, hay, leaves, brush, paper, or other wood products. If any person shall require a fire of materials other than those lawfully allowed, such fire shall be built and maintained in the manner prescribed by the Fire Chief.

**170.91.68 Fire; Following Fire Apparatus**

The driver of any vehicle shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet, or drive into, or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

**170.91.69 Fire; Fire Limits Defined**

The area within the city limits of the Municipality according to the Official Zoning Map shall be and constitute the fire limits.

## **Gases**

### **170.91.70      Poisonous and Flammable Gases**

Any person, firm, or corporation desiring to store or keep in the Municipality for any period of time any form of poisonous or flammable gas or liquefied petroleum gas in excess of sixty (60) gallons or add to, enlarge, or replace any facility used for the storage of such gases must first obtain a permit from the Governing Body. The Governing Body shall require the name of the gas, the place of storage, and the amount of gas stored. If a permit is granted, the Governing Body shall prescribe such rules, regulations, and precautionary actions as they may deem necessary. Any such present use that is discontinued for a period of sixty (60) days shall not be revived without a permit.



## **Explosives**

### **170.91.71 Explosives; Storage Permit**

Any person, firm or corporation desiring to store or keep for any period of time dynamite, gunpowder, nitroglycerine, or other high explosives within the Municipality shall first obtain a permit to do so from the Governing Body. The permit shall contain the type of explosives to be stored, place of storage, and amount stored. Any change in ownership, location, amount or type of explosives shall necessitate application for a new permit on the part of the owner thereof.

All high explosives, including dynamite, gunpowder and nitroglycerine shall be stored in a proper receptacle which shall be closed at all times, except when actually in use. Such cement, metal or stone receptacle shall not be located in any room where there is a flame or flammable materials. The area surrounding storage facilities shall be kept clear of rubbish, brush, dry grass, or trees for not less than twenty-five (25) feet in all directions. Any other combustible materials shall be kept a distance of not less than fifty (50) feet from outdoor storage facilities.

### **170.91.72 Bullets**

Cartridges, shells and percussion caps shall be kept in their original containers away from flame, flammable materials, and high explosives.

### **170.91.73 Blasting Permits**

Any person wishing to discharge high explosives within the Municipality must secure a permit from the Governing Body and shall discharge such explosives in conformance with their direction and under their supervision, and in no case shall any person perform blasting operations unless operating under the direct supervision of a person in possession of a valid user's permit issued by the State Fire Marshal.

### **170.91.74 Transportation**

Any person wishing to transport high explosives in the Municipality shall first acquire a permit from the Municipal Police and shall take such precautions and use such route as he may prescribe. Nothing herein shall be construed to apply to the Municipal Police, or any of the Armed Services of the United States. No vehicle transporting explosives shall make an unscheduled stop for longer than five (5) minutes within the Municipality and in the event of mechanical failure, immediate notice of such breakdown shall be given the Police Chief who shall then prescribe such precautions as may be necessary to protect the residents of the Municipality and a reasonable time for removal of the vehicle from the Municipality.

## **Fireworks**

### **170.91.80 Regulations**

It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever, except sparklers, Vesuvius fountains, spray fountains, torches, color fire cones, star and comet type color aerial shells without explosive charges for the purpose of making a noise, color wheels, lady fingers, not exceeding seven-eighths inch (7/8") in length or one-eighth inch (1/8") in diameter, and which do not contain more than fifty (50) milligrams each in weight of explosive material. Color wheels, top cap pistols and permissible caps may be sold at retail at all times; provided, that all other permissible fireworks that are authorized may be sold only between June 25<sup>th</sup> and July 4<sup>th</sup> of each year.

Fireworks may be discharged, exploded or used in the City on June 25<sup>th</sup> through and including July 4<sup>th</sup> of each year during the following times:

June 25<sup>th</sup> through July 3<sup>rd</sup>      8:00 a.m. to 11:00 p.m.

July 4<sup>th</sup>      8:00 a.m. to Midnight

The discharge or exploding of fireworks within the City on any dates and times other than those set forth in this section or as otherwise allowed by this Article shall constitute an offense unless prior approval for this discharge or exploding has been acquired from the City Council. The provisions of this section shall not apply to any fireworks to be used for purpose of public exhibitions or display which has been approved by the City Council or to fireworks furnished for agricultural purposes pursuant to written authorization from the State Fire Marshal.

A person commits the offense of unlawful throwing of fireworks if he or she throws any firework, or any object which explodes upon contact with another object:

- a. From or into a motor vehicle
- b. Onto any street, highway, alley or sidewalk
- c. At or near any person
- d. Into any building
- e. Into or at any group of persons.

The driver of any motor vehicle from which any offense as set forth under subsection (3) of this section shall have been committed shall be prima facie responsible for the commission of said offense and may be charged accordingly. Unlawful throwing of fireworks is punishable under the general penalty section of this code.

### **170.91.81 Defined**

Fireworks shall mean any composition or device for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and which meets the definition of common or special fireworks set forth by the United State Department of Transportation in Title 49, Code of Federal Regulations.

## Title XVII Chapter 92 Public Ways and Property Regulations

### **170.92.15 Streets; Repair on Street or Right of Way**

In the event it shall be necessary to repair, replace, cut into, excavate in, or remove any portion of the paving in any City street or any area within 15 feet from the center line of any City street, the consent of the City Superintendent shall be first secured and the paving / area shall be restored to its former condition. Work of removing and restoring any street pavement or any area within 15 feet from the center line of any street for any such purpose shall be performed solely by the City Superintendent and in accordance with the provisions of this Code and any other specifications of the City regulating paving. The necessary repairs and the costs thereof including but not limited to labor, materials and cost of renting any equipment within 15 feet from the center line of any City street shall be made a charge against said property owner. The work of removing and restoring any area more than 15 feet from the center line of any street for any purpose shall be performed by the property owner under the supervision, control and direction of the City Superintendent and in accordance with the provisions of this Code and any other specifications of the City regulating paving. The necessary repairs and the costs thereof including but not limited to labor, materials and cost of renting any equipment for any area more than 15 feet from the center line of any City street shall be made a charge against said property owner. The property owner shall obtain written permission from the City Superintendent before the commencement of any such repair, replacement or work.

Added by Ordinance 748, June 13, 2006

### **170.92.77 Streets; Snow, Debris, and the Like on Street Prohibited; Penalty**

Any person who violates Section 92.77 by placing, pushing, or depositing snow, sleet, ice or mud, or any debris, including leaves, grass and branches, from private property onto the streets of the city shall be fined:

- a) \$25.00 for the first offense;
- b) \$50.00 for a second offense and all subsequent offenses

Added by Ordinance 886, August 7, 2018

## Title XVII Chapter 93 Animals

### **170.93.09 Impoundment**

The owner of any animal confined in the pound may upon proper showing and identification reclaim the animal upon payment of a fee pursuant to the schedule set forth below: provided (1) the owner of the dog or cat shall have paid the required license fee and obtained the proper license and obtained any rabies vaccination required pursuant to this Chapter before the dog or cat can be reclaimed or (2) the owner of the dog or cat or the person responsible for the dog or cat must sign a statement indicating that within seventy-two (72) hours of the release of the dog or cat, said person shall have paid the required license fee and obtained the proper license and any rabies vaccination required pursuant to this Chapter. Failure to obtain the license and / or the rabies vaccination within seventy-two (72) hours after release from impoundment shall constitute a separate offense.

Payment of a daily boarding cost, plus the impoundment fee as listed on the City of Stanton User Fee Schedule shall be paid by the owner.

The owner shall remain responsible for all penalties for violation of any of the provisions of this Chapter. All animals which have remained in the pound seventy-two (72) hours without being claimed or released may be destroyed in a humane manner, except as hereinbefore provided. All animal owners residing at the same residence shall be treated as a single owner for purposes of determining the impoundment fee required under this section.

The following impoundment regulations apply to pit bulls:

1. The Animal Control Authority of the City, is authorized to immediately impound any pit bull found in the City, which does not fall within one of the exceptions contained in § 170.93.48 above. Unless it is determined that the pit bull falls under one of the exceptions and subject to subsection 2 below, ten calendar days after impoundment the Animal Control Authority shall destroy the pit bull unless the owner of the pit bull produces evidence deemed sufficient by the Animal Control Authority that the pit bull is to be permanently taken out of the City, and the owner pays the cost of impoundment.

2. When the Animal Control Authority has impounded any pit bull pursuant to this section or when the Animal Control Authority has issued a written warning pursuant to § 170.93.48 and the owner of the pit bull disputes the classification of the animal as a pit bull, disputes the issuance of a warning and/or disputes whether the pit bull is exempted from § 170.93.47, the owner of the pit bull may file with the City Clerk a written request for a hearing before the City Council within seven calendar days after impoundment. The appellant/owner of the pit bull shall bear the burden of proof at such hearing and the Mayor shall act as hearing officer. At the conclusion of the hearing or some time thereafter the hearing officer shall render a written decision. The findings of the City Council shall be conclusive.

3. The City Council upon finding that the animal is a pit bull pursuant to subsection 2 above shall order the destruction of the pit bull unless the owner of the pit bull produces evidence deemed sufficient by the City Council or Animal Control Authority that the pit bull

is to be permanently taken out of the City, and the owner pays the cost of impoundment. The Animal Control Authority shall not destroy any pit bull until all legal proceedings and appellate time frames have expired.

4. Nothing herein shall prevent the City Council or Animal Control Authority from simultaneously following any other procedure or process contained within this Title as appropriate.

Amended by Ordinance 797 – May 5, 2009; Amended by Ordinance 805 – September 14, 2010; Amended by Ordinance 899 – February 5, 2019

#### **170.93.40 License Fee and Tax Required**

The license fee for all dogs and cats shall be as listed on the City of Stanton User Fee Schedule and allowed under Neb RS 54-603(3); provided, however, the license fee for all spayed female dogs and cats and neutered male dogs and cats shall be as listed on the City of Stanton User Fee Schedule and allowed under Neb. RS 54-603(3); provided, however, the license fee for all house only dogs and cats shall be as listed on the City of Stanton User Fee Schedule and allowed under Neb RS 54-603(3).

Unless previously licensed as spayed or neutered, a dog or cat shall be so licensed only if the license fee is accompanied by a statement signed by a veterinarian describing such dog or cat and verifying the fact that dog or cat has been spayed or neutered. If a person maintains a dog kennel wherein he or she buys and sells dogs and cats, and is allowed in the zoning district the kennel is located in, he or she shall pay an annual fee as listed on the City of Stanton User Fee Schedule and allowed under Neb RS 54-603(3), in lieu of the aforementioned fee.

Amended by Ordinance 810 – December 7, 2010; Amended by Ordinance 897 – January 8, 2019

#### **170.93.44 Barking and Chasing; Complaints**

(A) It shall be unlawful for the owner to allow a dog to annoy or disturb any neighborhood or person by loud, continued, or frequent barking, howling, or yelping or to habitually bark at or chase pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the city.

(B) Upon the complaint with the City Clerk or animal control officer, that any dog is an annoyance or disturbance, or otherwise violates the provisions of this section, the city police or animal control officer shall investigate the complaint and, if in his or her opinion the situation warrants, notify the owner to silence and restrain the dog.

(C) The provisions of this section shall not be construed to apply to any city animal shelter.

(D) Any person who is found to be in violation of this title shall be fined:

- (1) \$25.00 for the first offense and
- (2) \$50.00 for the second and all subsequent offenses

Penalty, see § 10.99 Statutory reference: Authority to guard against annoyances, see Neb. RS 17-526

Added by Ordinance 797 – May 5, 2009

#### **170.93.45 Dangerous Dogs**

(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 city, and includes any local law enforcement agency or other agency designated by the city to enforce the animal control laws of the city.

**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 includes 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.**

(a) Any dog that, according to the records of the animal control authority:

(i) Has killed a human being;

(ii) Has inflicted injury on a human being that requires medical treatment;

(iii) Has killed a domestic animal without provocation; or

(iii) Has been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice of such determination, and the dog inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.

(b) A dog shall not be defined as a DANGEROUS DOG if the individual was tormenting, abusing, or assaulting the dog at the time of the injury or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog.

(c) A dog shall not be defined as a DANGEROUS DOG if the injury, damage, or threat was sustained by an individual who, at the time, was committing a willful trespass as defined in Neb. RS 20-203, 28-520, or 28-521, was committing any other tort upon the property of the owner of the dog, was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

**DOMESTIC ANIMAL.** A cat, a dog, or livestock. Livestock includes buffalo, deer, antelope, fowl, and any other animal in any zoo, wildlife park, refuge, wildlife area, or nature center intended to be on exhibit.

**MEDICAL TREATMENT.** Treatment administered by a physician or other licensed health care professional.

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

**POTENTIALLY DANGEROUS DOG.**

(a) Any dog that when unprovoked:

(i) Inflicts an injury on a human being that does not require medical treatment; or  
(ii) Injures a domestic animal; or  
(iii) Chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack.  
(b) Any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals. (Neb. RS 54-617)

(B) (1) A dangerous dog that has been declared as such shall be spayed or neutered and implanted with a microchip identification number by a licensed veterinarian within 30 days after such declaration. The cost of both procedures is the responsibility of the owner of the dangerous dog. Written proof of both procedures and the microchip identification number shall be provided to the animal control authority after the procedures are completed.

(2) No owner of a dangerous dog or potentially dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is securely leashed with a leash no longer than six feet in length, the animal is at all times under the immediate control of a person 19 years of age or older and the animal is properly muzzled to reasonably prevent the animal from biting.

(3) Except as provided in division (B)(4) of this section or for a reasonable veterinary purpose, no owner of a dangerous dog shall transport such dog or permit such dog to be transported to another county, city, or village in this state.

(4) An owner of a dangerous dog may transport such dog or permit such dog to be transported to another county, city, or village in this state for the purpose of permanent relocation of the owner if the owner has obtained written permission prior to such relocation from the animal control authority of the county, city, or village in which the owner resides and from the county, city, or village in which the owner will reside. Each animal control authority may grant such permission based upon a reasonable evaluation of both the owner and the dog, including if the owner has complied with the laws of this state and of the county, city, or village in which he or she resides with regard to dangerous dogs after the dog was declared dangerous. An animal control authority shall not grant permission under this section if the county, city, or village has an ordinance or resolution prohibiting the relocation of dangerous dogs. After the permanent relocation, the animal control authority of the county, city, or village in which the owner resides shall monitor the owner and such dog for a period of at least 30 days but not to exceed 90 days to ensure the owner's compliance with the laws of this state and of such county, city, or village with regard to dangerous dogs. Nothing in this division shall permit the rescindment of the declaration of dangerous dog. (Neb. RS 54-618)

(C) (1) No person, firm, partnership, limited liability company, or corporation shall own, keep, or harbor or allow to be in or on any premises occupied by him, her, or it or under his, her, or its charge or control any dangerous dog or potentially dangerous dog without such dog being confined so as to protect the public from injury.

(2) While unattended on the owner's property, all dangerous dogs and potentially dangerous dogs 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. Walls shall be at least 6 feet in height and at least 6 feet taller than any internal structure. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at least two feet. The pen or structure shall also protect the dog from the elements. The pen or structure shall be at least ten feet from any property line of the owner. The owner of a dangerous dog or potentially dangerous dog shall post warning signs on the property where the dog is kept that are clearly visible from all areas of public access and that inform persons that a dangerous dog or potentially dangerous dog is on the property. Each warning sign shall be no less than ten inches by twelve inches and shall contain the words "Warning" and "Dangerous Animal" or "Potentially Dangerous Animal" as the case may be in high-contrast lettering at least three inches high on a black background. (Neb. RS 54-619)

**(D) Failure to comply.**

(1) Any dangerous dog or potentially 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) Effect of prior conviction.** If a dangerous dog of an owner with a prior conviction under this section attacks or bites a human being or domestic animal, in addition to any other penalty, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. (Neb. RS 54-623) Penalty, see § 10.99 Statutory reference: Prior conviction; ownership of dangerous dog prohibited for ten years after, see Neb. RS 54-623. Added by Ordinance 797 – May 5, 2009

**170.93.46 Pit Bull defined.**

A "pit bull" is defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier or American Staffordshire Terrier as set forth in the standards established by the American Kennel Club or United Kennel Club for any of the aforementioned breeds. Added by Ordinance 797 – May 5, 2009



#### **170.93.47 Pit Bulls prohibited.**

It shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport or sell within the City of Stanton, Nebraska, any pit bull. Added by Ordinance 797 – May 5, 2009

#### **170.93.48 Exceptions.**

1. Pit bulls currently and continuously registered, licensed, confined and cared for pursuant to § 170.93.49 of this Chapter shall be exempt from § 170.93.47 provided said pit bulls are located within the City limits on the effective date of § 170.93.47. Failure to register or license a pit bull pursuant to § 170.93.49(1) immediately removes this exemption from the pit bull. Failure to confine and care for the pit bull pursuant to § 170.93.49 shall result in a written warning. Failure to confine and care for a pit bull after a warning has been previously issued for the pit bull shall immediately remove the exemption from the pit bull.

2. Offspring of registered pit bulls shall be exempt from § 170.93.47 for the first 3 months of life. Within ten days of their birth, owners of offspring of registered pit bulls shall send a certified letter to the City Clerk and local law enforcement announcing their birth. Failure to properly notify the City Clerk and local law enforcement shall remove the exemption from the offspring.

3. Pit bulls temporarily transported and held in the City for the purpose of showing the pit bull in a place of public exhibition, contest or show sponsored by a dog club association or similar organization shall be exempt from § 170.93.47. Pit bulls may not be temporarily transported or held in the City for the above referenced purpose for more than thirty days.

4. Pit bulls held in the City's animal shelter, transported by City personnel or transported by persons contracted by the City for animal control services shall be exempt from § 170.93.47. Added by Ordinance 797 – May 5, 2009

#### **170.93.49 Pit Bull registration, confinement and care.**

1. Registration. All pit bulls located in the City on the effective date of §170.93.47 must be registered by their owners within three months from the effective date of this section. Owners shall register their pit bull with the City Clerk on the license form by listing the applicable pit bull breed next to the word "breed" on the city license form. The word pit bull should be placed next to the word "breed" on the form if the dog has the appearance and characteristics of being predominately of the breeds of Staffordshire Terrier, American Pit Bull Terrier or American Staffordshire Terrier. Owners of pit bulls currently licensed but unsure if they filled out the "breed" section of the form may contact the City Clerk and amend their license if necessary but must do so within three months from the effective date of this ordinance. Each year, upon renewal of the license, the owner of a pit bull must register the pit bull by appropriately filling in the breed section.

##### **2. Confinement and Care.**

a. All pit bulls in the City shall be securely confined within an occupied house or residence or in a securely enclosed pen, kennel or dog run, except when leashed as

provided in this section. Such pen, kennel or dog run must have secure sides and a secure top attached to the sides, or in lieu of a top, walls at least six feet in height and at least six feet taller than any internal structure. Such structure must have a secure bottom, floor or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground not less than two feet to prevent digging under the walls by the confined pit bull. All structures must comply with all city zoning and building regulations. All structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

b. No pit bull may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit on its own volition.

c. No pit bull may go outside its pen, kennel, dog run, house or residence, unless the pit bull is securely leashed with a leash no longer than six feet in length, the animal is at all times under the immediate control of a person 19 years of age or older and the animal is properly muzzled to reasonably prevent the animal from biting.

d. No pit bull shall be kept on a chain, rope, or other type of leash outside its kennel, pen, dog run, house or residence, unless both the pit bull and the leash are under the actual physical control of a person 19 years of age or older. Added by Ordinance 797 – May 5, 2009

#### **170.93.50      Violence on a Service Dog; Interference with a Service Dog**

A person commits the offense of violence on a service dog when he or she (a) intentionally injures, harasses, or threatens to injure or harass or (b) attempts to intentionally injure, harass, or threaten a dog that he or she knows or has reason to believe is a dog guide for a blind or visually impaired person, a hearing aid dog for a deaf or hearing impaired person, or a service dog for a physically limited person.

A person commits the offense of interference with a service dog when he or she (a) intentionally impedes, interferes, or threatens to impede or interfere or (b) attempts to intentionally impede, interfere, or threaten to impede or interfere with a dog that he or she knows or has reason to believe is a dog guide for a blind or visually impaired person, a hearing aid dog for a deaf or hearing impaired person, or a service dog for a physically limited person.

Evidence that the defendant initiated or continued conduct toward a dog as described above after being requested to avoid or discontinue such conduct by the blind, visually impaired, deaf, hearing impaired, or physically limited person being served or assisted by the dog shall create a rebuttable presumption that the conduct of the defendant was initiated or continued intentionally.

For purposes of this section:

1. Blind person means a person with totally impaired vision or with vision, with or without correction, which is so severely impaired that the primary means of receiving information is through other sensory input, including but not limited to Braille, mechanical reproduction, synthesized speech or readers.

2. Deaf person means a person with totally impaired hearing or with hearing, with or without amplification, which is so severely impaired that the primary means of receiving

spoken language is through other sensory input, including but not limited to lip reading, sign language, finger spelling, or reading.

3. Hearing-impaired person means a person who is unable to hear air conduction thresholds at an average of 40 decibels or greater in the person's better ear.

4. Physically limited person means a person having limited ambulatory abilities, including but not limited to having a permanent impairment or condition that requires the person to use a wheelchair or to walk with difficulty or insecurity to the extent that the person is insecure or exposed to danger.

5. Visually impaired person means a person having a visual acuity of 20/200 or less in the person's better eye with correction or having a limitation to the person's field of vision so that the widest diameter of the visual field subtends an angular distance not greater than 20 degrees.

#### **170.93.51      Animal Waste**

It shall be unlawful for the owner of any animal to allow the animal to urinate or defecate off of the property of the owner, or on any public property, unless the animal owner immediately collects and removes the animal waste from the property. It shall be unlawful for any person to dispose of any pet or animal waste by dumping or abandoning said waste on property located within the City limits. The owner of any animal that damages property by urinating or defecating on said property shall be liable for the damage resulting therefrom.

#### **170.93.52      Exception to License; Transient Dogs**

The provisions of this Chapter with respect to licensing and vaccination against rabies shall not apply to dogs or cats owned by any person temporarily remaining with the City less than thirty (30) days; or any dog or cat brought into the City for bench or show purposes; provided such dog or cat remains under the control of and near its owner or keeper, or motor vehicle. It shall be unlawful to bring any dog or cat into the City except in compliance with the laws and rules and regulations of the State of Nebraska regarding the handling of dogs and cats.

#### **170.93.53      Registration and Housing of Guard Dogs**

Each guard dog used within the City of Stanton shall be licensed as hereinbefore provided and registered as such a guard dog. For registration, the following information shall be provided:

1. The business name, address, and telephone number of the commercial or industrial property or place of business where the guard dogs are to be used;
2. The name, address, and telephone number of the dog's handler(s) who can be reached by any time during the day or night. For the purpose of this section, a handler is a person who is responsible for and capable of controlling the operations of a guard dog;

3. The location where the dog is to be housed and a general description of its use;
4. It shall be the responsibility of the owner of said guard dog to notify the City Clerk of any changes recorded as part of the registration.

Housing and facilities where the guard dog is utilized shall have anti-escape fences completely surrounding it, and / or be an anti-escape building sufficient to house guard dogs. All gates and entrances to the area where the guard dog is housed, used, or trained shall be kept locked when not in use and clearly marked with signs warning of such guard dog. The Chief of Police may require additional measures be taken to protect the public from accidental contact with any guard dog.

#### **170.93.54 Animal Pound Records and Reports**

The Chief of Police shall keep an accurate account of all animals received at the pound and released, showing the date and from whom received, the description of the animal, the name and address of the person or persons to whom the animal is released. An accurate account and description of all animals destroyed shall be kept.

#### **170.93.55 Prohibited Animals and Fowls**

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.

It shall be unlawful for any person to keep or maintain within the corporate limits any poultry, chickens, turkeys, geese or any other fowl.

#### **170. 93.56 Proof of insurance for dangerous animals, potentially dangerous animals and pit bulls.**

Any animal that has been determined to be a dangerous animal by a court determination, any animal administratively determined to be a potentially dangerous animal, and any pit bull as defined in § 170.93.46 that is required to be licensed under this chapter cannot be licensed unless the person having custody, ownership or control of such dog or other animal first presents written proof of public liability insurance of not less than \$100,000.00 to the City Clerk and Animal Control Authority. Such insurance shall be maintained in effect for the period such dangerous or potentially dangerous animal is so designated, provided, that insurance for a pit bull as defined in §170.93.46 shall be maintained in effect for the life of the pit bull. Added by Ordinance 797 – May 5, 2009

#### **170.93.57 Destruction of dangerous dogs.**

While responding to a call, report or complaint involving a dog, an Animal Control Officer or Law Enforcement Officer may destroy said dog provided:

- (A) The officer reasonably believes that any such dog poses a danger or threat to the safety of the officer or others, and
- (B) Reasonable efforts by the officer to restrain or confine said dog have failed, or

(C) The officer reasonably believes any such efforts to restrain or confine said dog will be ineffective.

Added by Ordinance 797 – May 5, 2009

No animals

## Title XVII Chapter 94 Trees

### Tree Regulations

#### **170.94.50 Trees; Definitions**

A. Street Trees - Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the City.

B. Park Trees - Park trees are herein defined as trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owned by the City, or to which the public has free access as a park.

#### **170.94.51 Trees; Street Species To Be Planted**

A list of acceptable trees for the City of Stanton, State of Nebraska, will be kept at the City Hall. The list of acceptable trees will be revised or updated on a regular basis or as the need arises. No species other than those included in the list of acceptable trees may be planted as street trees without permission of the City Tree Board.

#### **170.94.52 Trees; Spacing**

The spacing of street trees will be in accordance with the tree species size classes as indicated on the list of acceptable trees, and no trees may be planted closer together than the following: small trees, twenty-five feet (25'); medium trees, thirty three feet (33'); and large trees, forty feet (40'); except in special plantings designed or approved by a landscape architect.

#### **170.94.53 Trees; Distance from Curb and Sidewalk**

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the tree species size classes as indicated on the list of acceptable trees and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet (2'); medium trees, three feet (3'); and large trees, four feet (4').

#### **170.94.54 Trees; Distance from Street Corners and Fireplugs**

No street tree shall be planted closer than thirty-five feet (35') of any street corner, measured from the point of nearest intersection curbs or curb lines. No street tree shall be planted closer than ten feet (10') to any fireplug.

#### **170.94.55 Trees; Utilities**

No street trees other than those species listed as small trees on the list of acceptable

trees may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any under ground water line, sewer line, transmission line or other utility. It shall be the general philosophy of the City Tree Board not to recommend planting of a tree under a utility line. However, in those instances where a property owner desires to plant a tree in the area in between the street and the sidewalk, where the potential height of the tree at maturity will come in conflict with a utility line, the appropriateness of planting a tree or the type of tree or shrub to be planted, will be determined on a case by case basis by the City Tree Board.

#### **170.94.56      Trees; Public Tree Care**

The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The City employees and Utility companies may trim or remove city trees in an emergency situation without notifying the Stanton Tree Board or adjacent property owners when there is eminent danger to life or property.

The City Tree Board may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvement, or is affected with any injurious fungus, insect or other pest. This section does not prohibit the planting of street trees by adjacent property owners, providing the selection and location of said trees is in accordance with Sections 94.51 through 94.55 of this Article.

#### **170.94.57      Trees; Tree Topping**

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree 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 ordinance at the determination of the City Tree Board.

#### **170.94.58      Trees; Corner Clearance**

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

**170.94.59      Trees; Dead or Diseased Tree Removal on Private Property**

The City shall have the right to cause the removal of any dead or diseased trees on private property within the City when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the City. The City Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

**170.94.60      Trees; Removal of Stumps**

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

**170.94.61      Trees; Arborists License and Bond**

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating, or removing street or park trees within the City without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance; provided however, that no license shall be required of any public service company, city employee, or Stanton Tree Board member, doing such work in pursuit of their public endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of One Hundred Thousand Dollars (\$100,000.00) for bodily injury and One Hundred Thousand Dollars (\$100,000.00) for property damage indemnifying the City or any person injured or damage resulting from the pursuit of such endeavors as herein described.



Title XVII Chapter 110 Business Licensing

**Occupation Taxes**

**170.110.01 Occupation Taxes; Amounts; Collection Date**

For the purpose of raising revenue an occupation tax is hereby levied on the following businesses:

Alcoholic Beverages

Class B \$100

Class C \$300

Class D \$200

All other Class of licenses shall be equal to the license fee paid yearly

Provided, that such occupation tax shall not apply to a license which is a nonprofit corporation as defined in section 53-103 RS-Neb, and is a holder of a license issued under the provisions of subdivision (5)C of Section 53-124 RS Neb.

All occupation taxes shall be due and payable at the time of liquor license renewal. In the first year the license is issued, the occupation tax as set forth above shall be prorated on a monthly basis from the date the license is issued to the end of the first license year.

The revenue shall be deposited in the General Fund by the Municipal Treasurer. The Municipal Treasurer shall keep an accurate account of all revenue turned over to her. All forms and receipts herein mentioned shall be issued in duplicate. One (1) copy shall then be kept by each party in the transaction.

Ordinance 884 – May 1, 2018

Title XVII Chapter 111 Alcoholic Beverages

**Alcoholic Beverages**

**170.111.03 CONSUMPTION IN PUBLIC PLACES OR PLACES OPEN TO THE PUBLIC; RESTRICTIONS**

- (A) Except when the Nebraska Liquor Control Commission has issued a license as provided in Neb. RS 53-186(2) or as provided in Neb. RS 60-6,211.08, 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.
1. Consumption of alcoholic liquor shall be allowed at Elkhorn Acres Golf Course by course customers until such time as Elkhorn Acres Golf Club receives their liquor license as provided in Neb. RS 53-186(2) or as provided in Neb. RS 60-6,211.08.
- (B) It is unlawful for any person owning, operating, managing, or conducting any dance hall, restaurant, café, or club or any place open to the general public to permit or allow any person to consume alcoholic liquor upon the premises except as permitted by a license issued for such premises pursuant to the Nebraska Liquor Control Act. It is unlawful for any person to consume alcoholic liquor in any dance hall, restaurant, café, or club or any place open to the general public except as permitted by a license issued for such premises pursuant to the Act. This division does not apply to a retail licensee while lawfully engaged in the catering of alcoholic beverages or to limousines or buses operated under Neb. RS 60-6,211.08.

Added by Ordinance 831 – April 12, 2013

**170.111.10 Special Designated Permits; Approval**

That as authorized by Section 53-124.11 of the Nebraska Revised Statutes, the Stanton City Clerk is hereby authorized and designated as the agent of the City of Stanton, Nebraska, to approve or deny a special designated permit applied for by the holder of a liquor license.

That in determining whether an application shall be approved or denied, the Clerk shall consider the following criteria:

- a) Whether applicant holds a current liquor license, with all occupation taxes paid in full;
- b) Whether the application is for a location previously approved by Council for serving of alcoholic liquor;
- c) Whether any citizen's protest has been filed against said application.

That the City Clerk may, in her discretion, refer any such application to the City Council for determination; that upon denial of any application by the City Clerk, the applicant may further request that the application be submitted to the City Council.  
Added by Ordinance 822 – December 6, 2011

**170.111.48 Alcoholic Beverages; Hours of Sale**

It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the Municipality except during the hours provided herein:

Alcoholic Liquors, Beer, Wine

Sunday through Saturday

Off Sale / On Sale

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

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

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

Title XVII Chapter 114 Fair Housing

**Fair Housing Regulations**

**170.114.50 Purpose**

The purpose of this Article is to promote the general welfare of the residents of Stanton, Nebraska, by endorsing the provisions of the Nebraska Fair Housing Act, sections 20-301 through 20-344 RS Neb., to the effect that there shall be no discrimination in the City of Stanton, Nebraska, in the acquisition, ownership, possession or enjoyment of housing in accordance with Article 1, Section 25, of the Constitution of the State of Nebraska.

**170.114.51 Definitions**

As used in this Article unless the context otherwise requires:

(1) Aggrieved person shall include any person who: (a) claims to have been injured by a discriminatory housing practice, or (b) believes that he or she will be injured by a discriminatory practice that is about to occur;

(2) Commission shall mean the Nebraska Equal Opportunity Commission;

(3) Dwelling shall mean any building, structure, or portion thereof which is occupied as or designed or intended for occupancy as a residence for one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof;

(4) Familial status shall mean one or more minors being domiciled with: (a) a parent or another person having legal custody of such individual; or (b) the designee of a parent or other person having legal custody, with written permission of the parent or other person.

(5) Handicap shall mean, with respect to a person: (a) physical or mental impairment, excluding the current illegal use of or addiction to a controlled substance as defined in section 28-401 RS Neb., which substantially limits one or more of such person's major life activities, (b) a record of having such an impairment, or (c) being regarded as having such an impairment;

(6) Person shall include one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries;

(7) Rest shall include lease, sublease, let, and otherwise grant for consideration the right to occupy premises not owned by the occupant; and

(8) Restrictive covenant shall mean any specification limiting the transfer, rental, or lease of any housing because of race, creed, religion, color, national origin, sex, handicap, familial status, or ancestry.

#### **170.114.52 Unlawful Acts**

Except as exempted by section 170.114.56, it shall be unlawful to:

- (1) Refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental or otherwise make unavailable or deny, refuse to show, or refuse to receive and transmit an offer for a dwelling to any person because of race, color, religion, national origin, familial status, or sex;
- (2) Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, national origin, familial status, or sex;
- (3) Make, print, publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, handicap, familial status, or sex or an intention to make any such preference, limitation, or discrimination;
- (4) Represent to any person because of race, color, religion, national origin, handicap, familial status, or sex that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available;
- (5) Cause to be made any written or oral inquiry or record concerning the race, color, religion, national origin, handicap, familial status, or sex of a person seeking to purchase, rent, or lease any housing;
- (6) Include in any transfer, sale, rental or lease of housing any restrictive covenants or honor or exercise or attempt to honor or exercise any restrictive covenant pertaining to housing;
- (7) Discharge or demote an employee or agent or discriminate in the compensation of such employee or agent because of such employee's compliance with this Article or the Nebraska Fair Housing Act; and
- (8) Induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, handicap, familial status, or sex.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any minor.

#### **170.114.53 Handicapped Person; Discriminatory Practices Prohibited; Design and Construction Standards**

- (1) Except as exempted in section 170.114.56, it shall be unlawful to:
  - (a) Discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of: (i) the buyer or renter; (ii) Any person associated with the buyer or renter; or (iii) a person residing in or intending to reside in the dwelling after it is so sold, rented, or made available; or
  - (b) Discriminate against any person in the terms, conditions, or privileges of sale or

rental of a dwelling or in the provision of services or facilities in connection with a dwelling because of a handicap of: (i) such person; (ii) any person associated with such person; or (iii) a person residing in or intending to reside in the dwelling after it is so sold, rented, or made available.

(2) For purposes of this section, discrimination shall include:

(a) A refusal to permit, at the expense of the handicapped person reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that in the case of rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

(b) A refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the handicapped person equal opportunity to use or enjoy a dwelling; and

(c) In connection with the design and construction of covered multifamily dwellings for first occupancy after September 1, 1991, a failure to design and construct the dwellings in such a manner that: (i) the public use and common use portions of the dwelling are readily accessible to and usable by handicapped persons; (ii) all the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and (iii) all premises within the dwellings contain the following features of adaptive design: (A) an accessible route into and through the dwelling; (B) light switches, electrical outlets, thermostats, and other environmental controls in accessible locations; (C) reinforcements in bathroom walls to allow later installation of grab bars; and (D) kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space.

(3) Compliance with the appropriate requirements of the American National Standards Institute standard for buildings and facilities providing accessibility and usability for physically handicapped people, ANSI A117.1, shall satisfy the requirements of subdivision (2)(c)(iii) of this section.

(4) For purposes of this section, covered multifamily dwellings shall mean:

(a) Buildings consisting of four or more units if such buildings have one or more elevators; and

(b) Ground floor units in other buildings consisting of four or more units.

(5) Nothing in this section shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

#### **170.114.54 Transaction Related to Residential Real Estate; Discriminatory Practices Prohibited**

(1) It shall be unlawful for any person or other entity whose business included engaging in transactions related to residential real estate to discriminate against any person in making available such a transaction because of race, color, religion, sex, handicap, familial

status, or national origin.

(2) For purposes of this section, transaction related to residential real estate shall mean any of the following: (a) The making or purchasing of loans or providing other financial assistance: (i) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or (ii) Secured by residential real estate; or (b) The selling, brokering, or appraising of residential property.

(3) Nothing in this section shall prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, national origin, handicap, familial status, or sex.

#### **170.114.55 Multiple Listing Service; Other Service; Discriminatory Practices Prohibited**

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization, or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against any person in the terms or conditions of such access, membership, or participation on account of race, color, religion, national origin, handicap, familial status, or sex.

#### **170.114.56 Religious Organization, Private Home; Private Club or Housing for Older Persons; Restricting Use Not Prohibited**

(1) Nothing in this Article shall prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society from limiting the sale, rental, or occupancy of a dwelling which it owns or operates for other than commercial purposes to persons of the same religion or from giving preferences to such persons unless membership in such religion is restricted on account of race, color, national origin, handicap, familial status, or sex.

(2) Nothing in this article shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than commercial purposes, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.

(3) Nothing in this Article shall prohibit or limit the right of any person or his or her authorized representative to refuse to rent a room or rooms in his or her own home for any reason or for no reason or to change tenants in his or her own home as often as desired, except that this exception shall not apply to any person who makes available for rental or occupancy more than four sleeping rooms to a person or family within his or her home.

(4) Nothing in this Article regarding familial status shall apply with respect to housing for older persons. For purposes of this subsection, housing for older persons shall mean housing: (a) Provided under any state program that the commission determines is specifically designed and operated to assist elderly persons or defined in the program; (b) Intended for and solely occupied by persons sixty-two (62) years of age or older; or (c) Intended and operated for occupancy by at least one person fifty-five (55) years of age or

older per unit.

**170.114.57 Information**

The Municipal Clerk upon request shall make available to an aggrieved person, or any other person, information regarding the Nebraska Fair Housing Act and the Nebraska Equal Opportunity Commission without cost to such individual.



Title XVII Chapter 115 Lottery

**170.115.50 Participation; Restrictions**

(1) No person under nineteen (19) years of age shall play or participate in any way in the lottery established and conducted by the Municipality.

(2) No owner or officer of a lottery operator with whom the Municipality contracts to conduct its lottery shall play the lottery conducted by the Municipality. No employee or agent of the Municipality, lottery operator, or authorized sales outlet location shall play the lottery of the Municipality for which he or she performs work during such time as he or she is actually working at such lottery or while on duty.

(3) Nothing shall prohibit (a) any member of the Governing Body, a municipal official, or the immediate family of such member or official or (b) an owner or officer of an authorized sales outlet location for the Municipality from playing the lottery conducted by the Municipality as long as such person is nineteen (19) years of age or older.

(4) No person, or employee or agent of any person or the Municipality, shall knowingly permit an individual under nineteen (19) years of age to play or participate in any way in the lottery conducted by the Municipality.

(5) For purposes of this section, immediate family of a member of the Governing Body or a municipal official shall mean (a) a person who is related to the member or official by blood, marriage, or adoption and resides in the same household or (b) a person who is claimed by the member or official, or the spouse of the member or official, as a dependent for federal income tax purposes.

## Title XVII Chapter 116 Bingo Regulations

### **Bingo Regulations (See State Statute for current law)**

#### **170.116.50 Regulations**

Games of Bingo shall be conducted within the Municipality in accordance with all laws of the Municipality and the State of Nebraska if the said game of bingo is played for or involves profit or gain. Any association duly licensed by the State of Nebraska to conduct the game of bingo shall obtain a written permit from the Governing Body before commencing operation of said game. Application shall be made to the Municipal Clerk for such permit. Said application form shall contain such information and documents or copies thereof as the Governing Body deems necessary to determine whether to grant or reject the application. Upon the determination that granting the application would be proper, the Governing Body shall immediately direct the Municipal Clerk to issue the said license to the applicant upon the payment of an annual permit fee of ten (\$10.00) dollars. Said license shall be subject to revocation at any time for good cause. Any person or persons, so licensed, shall be subject to any other fees, rules and regulations which the Governing Body may designate. All permits so issued will automatically expire on September thirtieth (30<sup>th</sup>), following its issuance or renewal. The fee for each renewal unless otherwise prescribed shall be in the sum of ten (\$10.00) dollars. Said fee shall be credited to the General Fund. The permit shall be on display at any place where a game of bingo is conducted.

#### **170.116.51 Quarterly Report**

Each association conducting the game of bingo shall submit a written quarterly report to the Municipal Clerk covering the preceding calendar quarter on or before the thirtieth (30<sup>th</sup>) day of the immediately succeeding calendar quarter.

#### **170.116.52 Incorporated Regulation**

All applicable State statutes as they now exist or may hereafter be amended shall be, and will constitute, a part of this Section as if repeated verbatim herein, and violation of any State statute will be a distinct and separate offense against the Municipality as well as against the State. Violators thereof shall be separately prosecuted by the Municipality for each of such offenses, and if convicted, shall be deemed to be guilty of a misdemeanor.

Title XVII Chapter 130 Property Offenses

**170.130.50 Removing Dirt**

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

Title XVII Chapter 131 Offenses Against Public Order

**170.131.50 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 in the municipality, or other places of public amusement or recreation therein, after the hour of 12:00 am (midnight) and until the hour of 5:00 am each day.

(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 that 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 12:00 am (midnight) and until the hour of 5 am each day.

(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 that 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 that minor and 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 U.S. 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.

Adopted by Ordinance 757 – November 7, 2006

**170.131.51 Window Peeping**

It shall be unlawful for any person to go upon the private premise of another to look or peep into any window, door, or other opening in a building occupied by any other person.

**170.131.52 Vagrancy**

Any person not having visible means of support and maintenance and who shall live without employment; all persons wandering about and living in sheds, barns, or in the open

air; all persons who go about begging and soliciting alms; any and all prostitutes, keepers, occupants, and pimps of houses of prostitution; and all persons who are commonly engaged in gambling shall be deemed to be and are hereby declared to be vagrants.

**170.131.53    Loitering**

It shall be unlawful for any person to loiter on the streets, in the park, on the sidewalk, or on any other public ways and property at unreasonable hours, and those persons who are unable to give a good and satisfactory reason why they should be there shall be deemed to be guilty of loitering.

Title XVII Chapter 133 Offenses Against Public Health and Safety

**170.133.20 Use of Tobacco by Minors**

It shall be unlawful for any person under the age of 18 years to smoke cigarettes or cigars or to use tobacco in any form whatever. Any minor so charged with the violation of this section may be free from prosecution when the minor shall have furnished evidence for the conviction of the person or persons selling or giving him or her the cigarettes, cigars, or tobacco.

It shall be unlawful for any person under the age of 18 years to possess any tobacco products; provided that the possession by a person under the age of 18 years under the supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home, or when required in the performance of a person's duty as an employee, shall not be prohibited.

For purposes of this section, tobacco products shall be defined to mean any substance containing tobacco leaf, including, but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

Adopted by Ordinance 758 – November 7, 2006

Title XVII Chapter 134 Offenses Against Public Morals

**170.134.50 Profane Language**

It shall be unlawful for any person or persons to publicly use any profane, indecent, abusive or offensive language or gesture which is shocking to the public morals, on any street, sidewalk, or public place within the Municipality. Such use of profane language shall be deemed to be a misdemeanor.

**170.134.51 Sexual Predator Residency; 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 City's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the City by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sexual predators cannot reside.

Added by Ordinance 754 – August 1, 2006

**170.134.52 Sexual Predator Residency; Definitions**

For purposes of this ordinance:

- 1) Child care facility means a facility licensed pursuant to the Child Care Licensing Act;
- 2) School means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;
- 3) Reside means to sleep, live, or dwell at a place, which may include more than one location, and may be mobile or transitory;
- 4) Residence means a place where an individual sleeps, lives or dwells, which may include more than one location, and may be mobile or transitory;
- 5) 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
- 6) Sexual predator means an individual who is required to register under the Sex Offender Registration Act, who has committed an aggravated offense as described in Nebr. Rev. Stat. section 29-4001.01, and who has victimized a person eighteen years of age or younger.

Added by Ordinance 754 – August 1, 2006; Amended by Ordinance 838 – April 1, 2014

**170.134.53 Sexual Predator Residency; Restrictions; Penalties; Exceptions**

- 1) PROHIBITED LOCATION OF RESIDENCE. It is unlawful for any sexual predator to reside within five hundred feet from a school or child care facility.
- 2) 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.
- 3) PENALTIES. A person who violates this section shall be punished as provided generally in the code.
- 4) EXCEPTIONS. This ordinance shall not apply to a sexual predator who:
  - a. Resides within a prison or correctional or treatment facility operated by the state or a political subdivision;
  - b. Established a residence before July 1, 2006, and has not moved from that residence; or
  - c. Established a residence after July 1, 2006, and the school or child care facility triggering the restriction was established after the initial date of the sexual predator's residence at that location.

Added by Ordinance 754 – August 1, 2006



## Title XVII Chapter 150 Building Regulations

### Building Regulations

#### **170.150.10 Building Regulations; Prohibition of Lead Pipes, Solder and Flux**

Any pipe, solders or flux used in the installation or repair of any residential or non-residential facility which is connected to the public water supply system shall be lead free.

For purposes of this section, lead free shall mean:

1. Solders and flux – not more than two-tenths (.2%) percent lead
2. Pipe and pipe fittings – not more than eight (8%) percent lead.

#### **170.150.11 Building Regulations; International Building Code**

A certain document, one (1) copy of which is on file in the office of the city clerk of the City of Stanton, Nebraska, being marked and designated as the “2012 International Building Code” as published by the International Code Council, Inc., is hereby adopted as the building code of the City of Stanton, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 170.150.11.1 of this article.

Adopted by Ordinance 771 – October 30, 2007; Amended by Ordinance 890 – September 4, 2018

##### **170.150.11.1 Building Regulations; International Building Code; Additions, insertions and changes**

The following sections of the building code adopted in 170.150.11 are hereby revised as follows:

*Section (A) 101.1* Title. Insert: The City of Stanton, Nebraska.

*Section (A) 104.1* General. Add the following after the last sentence:

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

Insert the following after Sec. 104.7:

*Section (A) 104.9.1* Payment of Fees: The code official shall keep an accurate account of all fees collected and such collected fees shall be turned in daily to the City Clerk.

*Section (A) 105.2* Amend item 1,2 and 4 under “Building” to read as follows:

1. One story detached accessory structures used as playhouses and similar uses, provided the floor area does not exceed 64 square feet.
2. Fences not over 4 feet high.
4. Retaining walls less than 48" high when measured from the top of the finished grade at base of retaining wall to top of retaining wall unless supporting a surcharge or impounding Class I, II, or IIIA liquids. Retaining walls over 48" above finished grade shall be provided with a guardrail. The guardrail shall be a minimum of 36" high.

*Section (A) 107.1* General. Add the following sentence to end of Exception:

A plan stamped by a design professional shall not be required for pole/post and beam structures of 2400 square feet or less.

*Section (A) 107.3.1* Approval of construction documents. Delete this section.

*Section 109.2* Schedule of permit fees. Insert the permit fees as set forth in 170.33.51 of the Nebraska Basic Code, Local Legislation of Stanton, Nebraska for the fee schedule.

*Section (A) 111.2* Certificate issued.

After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced, the building official may issue a certificate of occupancy.

*Section 114.4* Violation penalties. Amend to read as follows:

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

*Section 115.2* Issuance. Amend to read as follows:

Upon notice from the code official, work on any building or structure that is being done contrary to the provisions of this code or in a dangerous or unsafe

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

*Section 115.3* Unlawful continuance. Amend to read as follows:

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than five hundred dollars (\$500.00).

*Section 1510.3* Recovering versus replacement. Add:

4. Architectural laminated asphalt shingles shall not be covered with an additional layer of asphalt shingles.

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

To establish flood hazard areas, the governing body has adopted flood hazard maps and regulations as set forth in Ordinance 720 of the City of Stanton, Nebraska. The adopted flood hazard maps and supporting data are hereby adopted by reference and declared to be part of this section.

*Section 3412.2* Applicability. Insert: September 4, 2018

Adopt Appendix B – Board of Appeals

Adopt Appendix F – Rodent Proofing

This ordinance shall apply to new residential and new commercial construction.

Adopted by Ordinance 771 – October 30, 2007; Repealed Ordinance 771 and adopted by Ordinance 890 – September 4, 2018

#### **170.150.11.2 Building Regulations; International Building Code; Finished walls**

1. Sheetrock / paneling shall not be installed over existing wall/ceiling surfaces unless approved by the building official.

2. Un-inhabitable basements shall not have non-structural partition walls. Basements without code compliant stairways, minimum ceiling heights and at least one egress window shall be considered to be un-inhabitable.

Adopted by Ordinance 890 – September 4, 2018

#### **170.150.12 Building Regulations; International Residential Code**

A certain document, one (1) copy of which is on file in the office of the city clerk of the City of Stanton, Nebraska, being marked and designated as the “2012 International Residential Code” as published by the International Code Council Inc., is hereby adopted as the one and two family dwelling code of the City of Stanton, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 170.150.12.1 of this article.

Adopted by Ordinance 772 – October 30, 2007; Amended by Ordinance 891 – September 4, 2018

##### **170.150.12.1 Building Regulations; International Residential Code; Additions, insertions and changes**

The following sections of the one and two family dwelling code adopted in 170.150.12 are hereby revised as follows:

*Section R101.1* Title. Insert: the City of Stanton, Nebraska.

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

Permit shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

1. One story detached accessory structures, provided the floor area does not exceed 64 square feet.
2. Fences not over 4 feet high.
3. Retaining walls that are not over 4 feet in height measured from the top of finished grade to top of wall.
4. A plan stamped by a design professional shall not be required for pole / post and beam buildings of 2400 square feet or less.
5. Sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, counter tops, and similar finish work.
7. Prefabricated above ground swimming pools.

8. Swings and other playground equipment accessory to a one or two family dwelling.
9. Window awnings supported by an exterior wall.
10. Replacement of existing windows with like size windows where no structural alteration is required to affect said change. Window opening size shall not be substantially diminished by replacement and in no instance shall a casement or slider style window be replaced with a double hung window style, unless minimum egress standard is met.
11. Reroofing permits shall not be required for detached un-inhabitable accessory structures.

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

*Section R108.2* Schedule of permit fees. Insert the permit fees as set forth in 170.33.51 of the Nebraska Basic Code, Local Legislation of Stanton, Nebraska for the fee schedule.

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

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

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

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

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

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

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

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

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

**BUILDING ENVELOPE.** Building sections which separate inside, conditioned spaces from outside air.

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

Roof snow load	30 lbs. per square foot
Ground snow load	25 lbs. per square foot
Wind speed	90 mph
Seismic design category	B
Subject to damage from weathering	Severe
Subject to damage from frost line depth	42 inches
Subject to damage from termite	Moderate to heavy
Subject to damage from decay	None to slight
Winter design temp	4 degrees
Flood hazards	Not available

*Section R302.5.1* Amend. Delete "equipped with self-closing device."

*Section R303.7* Stairway illumination. Amend to read as follows:

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

*Section R305.1* Minimum ceiling height. Amend to read as follows:

Habitable spaces, hallways, corridors, bathrooms, toilet rooms and laundry room areas shall have a clear ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. For rooms with sloped ceilings, at least 50 percent of the required floor area of the room must have a ceiling height of at least 7 feet (2134 mm)

and no portion of the required floor area may have a ceiling height of less than 5 feet (1524 mm).

2. Bathrooms shall have a minimum ceiling height of 6 feet 8 inches (2032 mm) at the center of the front clearance area for fixtures as shown in Figure R307.1. The ceiling height above fixtures shall be such that the fixture is capable of being used for its intended purpose. A shower or tub equipped with a showerhead shall have a minimum ceiling height of 6 feet 8 inches (2032 mm) above the minimum area 30 inches (762 mm) by 30 inches (762 mm) at the showerhead.

*Section R305.1.1* Basements. Amend to read as follows:

Residential one and two family basements built prior to January 1, 2000, which contain habitable and non-habitable spaces, hallways, corridors, bathrooms, toilet rooms, and laundry rooms shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Residential basements built on or after January 1, 2000, with areas shown above in this section, shall have a ceiling height of not less than 7 feet (2134 mm).

Exception: Beams, girders, ducts or other obstructions may project to within 6 feet 4 inches (1931 mm) of the finished floor.

*Section R309.5* Fire Sprinklers. Delete this text. Add: "Garages located less than 10 feet from a dwelling unit on the same lot shall be protected with not less than 5/8" gypsum board applied to the interior and exterior of exterior walls.

*Section R311.7.5.1* Risers. Add Exception: 1. Secondary stairways serving only storage and utility areas need not comply with rise height and tread depth.

*Section R311.7.8.1* Height. Handrail height, measured vertically from the sloped plane adjoining the tread nosing, or finish surface of ramp slope, shall not be less than 30 inches and or more than 38 inches.

*Section R313.1.3* Opening limitation. Delete Exception 2.

*Section R402.2* Concrete. Add the following sentence:

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

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

Exceptions:

1. Accessory buildings less than one hundred eighty (180) square feet shall not be required to be constructed with footings which extend below frost line.

Concrete for slab on grade shall be a minimum of four (4) inches thick and a grid work of number 4 rebar four (4) foot on center.

*Section R501.3* Fire protection of floors. Delete this section.

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

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

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

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

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

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

*Section R506.2.3* Vapor retarder. Delete this section.

*Section R907.3* Recovering versus replacement. Add:

4. Architectural laminated asphalt shingles shall not be covered by an additional layer of asphalt shingles.

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

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

*Section M1305.1* Appliance access for inspection service, repair and replacement. Amend. Add after last sentence: "Mechanical rooms containing two or more appliances shall not be less than 40 square feet in area nor less than 4 feet in width or depth."

*Section M1502.4.1* Add after . . . (No. 28 gauge): "or material as approved by code official."



*Section M1502.4.4.1* After last sentence add: "Dryer vent length shall not exceed rated length of dryer manufacturer."

*Section P2603.5.1* Section depth. Insert "48" inches in two locations.

Adopt Appendix F – Radon Control Methods.

*Section AF103.1* General. Amend. Add after last sentence: "Alternative system designs may be installed when approved by the building official."

Adopt Appendix G – Swimming pools, spas and hot tubs

Delete AF103.3 Soil gas retarder

Delete AF103.5.2 Soil gas retarder

This ordinance shall apply to new residential construction.

Adopted by Ordinance 772 – October 30, 2007; Repealed Ordinance 772 and adopted by Ordinance 891 – September 4, 2018

#### **170.150.12.2 Building Regulations; International Residential Code; Finished walls**

1. Sheetrock / paneling shall not be installed over existing wall/ceiling surfaces unless approved by the building official.
2. Un-inhabitable basements shall not have non-structural partition walls. Basements without code compliant stairways, minimum ceiling heights and at least one egress window shall be considered to be un-inhabitable.

Adopted by Ordinance 891 – September 4, 2018

#### **170.150.13 Building Regulations; International Plumbing Code**

A certain document, one (1) copy of which is on file in the office of the city clerk of the City of Stanton, Nebraska, being marked and designated as the "2012 International Plumbing Code", and all Appendices, as published by the International Code Council, is hereby adopted as the plumbing code of the City of Stanton, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 170.150.13.1 of this article.

Adopted by Ordinance 773 – October 30, 2007; Amended by Ordinance 892 – September 4, 2018

### **170.150.13.1 Building Regulations; International Plumbing Code; Additions, insertions and changes**

The following sections of the plumbing code adopted in 170.150.13 are hereby revised as follows:

*Section 101.1* Title. Insert: the City of Stanton, Nebraska.

*Section 106.2* Exempt work. Amend to read as follows: The following work shall be exempt from the requirement for a permit:

1. The stopping of leaks in drains, water, soil, waste, or vent pipe provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and that it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets.
3. The replacement of faucets and fixtures and water closets, provided the fixtures are not being relocated.

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

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

*Section 106.6.2* Fee Schedule. Insert the following: The permit fees as set forth in 170.33.51 of the Nebraska Basic Code, Local Legislation of Stanton, Nebraska for the fee schedule.

*Section 106.6.3* Fee refunds. Amend to read as follows:

The code official is authorized to establish a refund policy.

*Section 108.4* Violation Penalties. Amend to read as follows:

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

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

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

Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than five hundred dollars (\$500.00).

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

*Section 305.6* Freezing. Amend to read as follows:

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

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

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

*Section 306.3* Backfilling. Amend to read as follows:

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

*Section 406.3* Waste Connection. Amend to read as follows:

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

*Section 410.1* Approval. Amend to read as follows:

Drinking fountains shall conform to ASME A112.19.1M, ASME A112.19.2M or ASME A112.19.9M and water coolers shall conform to ARI 1010. Drinking fountains and water coolers shall conform to NSF 61, Section 9. Where water is served in restaurants, drinking fountains shall not be required. In other occupancies, where drinking fountains are required, water coolers or bottled water dispensers shall be permitted to be substituted for not more than 50 percent of the required drinking fountains. In occupancies of 15 or less, a drinking fountain is not required.

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

Tempered water shall be delivered from public hand washing facilities.

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

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

Exceptions:

1. The required separation distance shall not apply where the bottom of the water service pipe within 5 feet (1524mm) of the sewer is a minimum of 18 inches (457mm) above the top of the highest point of the sewer and the pipe materials conform to Table 702.3.
2. Water service pipe is permitted to be located in the same trench with a building drain, provided such building drain is constructed of materials listed in Table 702.2.

Insert the following after Section 603.2.1:

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

*Section 607.1* Where required. Amend to read as follows:

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

*Section 607.1.1* Water temperature limiting means. Delete this section in its entirety.

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

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

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

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

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

*Section 705.8.2* Solvent cementing. Amend to read as follows:

Joint surfaces shall be clean and free from moisture. An approved primer that conforms to ASTM F656 shall be applied. Solvent cement not purple in color and conforming to ASTM D2564, CSA B137.3, CSA B181.2, or CSA B182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent cement joints shall be permitted above or below ground.

*Section 705.14.2* Solvent cementing. Amend to read as follows:

Joint surfaces shall be clean and free from moisture. An approved primer that conforms to ASTM F656 shall be applied. Solvent cement not purple in color and conforming to ASTM D2564, CSA B137.3, CSA B181.2, or CSA B182.1 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM D 2855. Solvent cement joints shall be permitted above or below ground.

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

*Section 715.1* Sewage backflow. Amend to read as follows:

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

Insert the following after 715.5:

Section 715.6 Cleanouts. All cleanouts located upstream from a backwater valve shall have notification that a backwater device is installed in the drainage system. Such notification shall be in the form of a warning label that is readily visible prior to servicing the drainage system. An accessible cleanout shall be installed immediately downstream from the backwater valve.

Section 715.7 Repair or Replacement. Backwater valves shall be installed as required when sewer service lines to existing structures are repaired or replaced.

*Section 904.1* Roof extension. Insert: 12 inches

*Section 1111.1* Subsoil drains. Amend to read as follows:

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

*Chapter 13, Section 1303* Delete this section in its entirety

This ordinance shall apply to new residential and new commercial construction.

Adopted by Ordinance 773 – October 30, 2007; Ordinance 773 repealed and adopted by Ordinance 892 – September 4, 2018

#### **170.150.14 Building Regulations; International Mechanical Code**

A certain document, one (1) copy of which is on file in the office of the city clerk of the City of Stanton, Nebraska, being marked and designated as the “2012 International Mechanical Code”, and all Appendices, as published by the International Code Council, is hereby adopted as the mechanical code of the City of Stanton, Nebraska, as if fully set out

in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 170.150.14.1 of this article.

Adopted by Ordinance 774 – October 30, 2007; Amended by Ordinance 893 – September 4, 2018

**170.150.14.1 Building Regulations; International Mechanical Code; Additions, insertions and changes**

The following sections of the mechanical code adopted in 170.150.14 are hereby revised as follows:

*Section 101.1* Title. Insert: the City of Stanton, Nebraska.

*Section 106.5.1* Delete this section in its entirety.

*Section 106.5.2* Fee Schedule. Insert the following: The permit fees as set forth in 170.33.51 of the Nebraska Basic Code, Local Legislation of Stanton, Nebraska for the fee schedule.

*Section 106.5.3* Amend to read as follows:

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

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

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

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

Upon notice from the code official, work on any mechanical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for a fine of not more than five hundred dollars (\$500.00).

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

*Section 202* Add definition:

Packaged Terminal Air Conditioner (PTAC). A type of self-contained heating and air conditioning system unit commonly found in hotels, motels, senior housing facilities, hospitals, condominiums, apartments, add on rooms and sun rooms.

*Section 805.3* Factory Built Chimney offsets. Delete this section in its entirety.

This ordinance shall apply to new residential and new commercial construction.

Adopted by Ordinance 774 – October 30, 2007; Repealed Ordinance 774 and adopted by Ordinance 893 – September 4, 2018

### **170.150.15 Building Regulations; International Property Maintenance Code**

A certain document, one (1) copy of which is on file in the office of the city clerk of the City of Stanton, Nebraska, being marked and designated as the “2012 International Property Maintenance Code”, and all Appendices, as published by the International Code Council, is hereby adopted as the property maintenance code of the City of Stanton, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 170.150.15.1 of this article.

Adopted by Ordinance 775 – October 30, 2007; Amended by Ordinance 894 – September 4, 2018

#### **170.150.15.1 Building Regulations; International Property Maintenance Code; Additions, insertions and changes**

The following sections of the property maintenance code adopted in 170.150.15 are hereby revised as follows:

*Section 101.1* Title. Insert: the City of Stanton, Nebraska.

*Section 103.5* Fees. Amend section to read as follows:

The permit fees as set forth in 170.33.51 of the Nebraska Basic Code, Local Legislation of Stanton, Nebraska for the fee schedule. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be charged as necessary to reasonably recover costs.

*Section 110.1* General. Amend section to read as follows:



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

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

If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official may cause the structure to be demolished and removed, either through an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

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

Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. A fee set forth in the fee schedule authorized by 170.33.51 shall accompany each application for appeal to the board of appeals, which fee shall be refunded to the applicant in the event the board of appeals finds in favor of the applicant. The applicant shall also pay all publication costs necessitated by the filing of said application as well as all costs associated with arranging for the presence of a court reporter at the hearing and the costs for creating a transcript of the hearing. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means, or that the strict application of any requirement of this code would cause an undue hardship.

*Section 112.4* Failure to comply. Amend section to read as follows:

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than twenty-five dollars (\$25) or more than five hundred dollars (\$500) per day, per violation.

*Section 302.4* Weeds. Insert: twelve (12) inches.

*Section 304.14* Insect Screens. Insert: April 1 to November 1.

*Section 404.3* Minimum ceiling heights. Amend section to read as follows:

Habitable spaces, hallways, corridors, bathrooms, toilet rooms, and laundry room areas, shall have a clear ceiling height of not less than 7 feet (2134mm)

Exceptions:

1. In one and two family dwellings, beams or girders spaced a minimum of 4 feet (1219mm) on center and projecting a maximum of 6 inches (152mm) below the required ceiling height.
2. Basement rooms in one and two family dwellings occupied exclusively for laundry, study, or recreation purposes, having a minimum ceiling height of 6 feet 8 inches (2033mm) with a minimum clear height of 6 feet 4 inches (1932mm) under beams, girders, ducts and similar obstructions.
3. Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear ceiling height of 7 feet (2134 mm) over a minimum of one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of 5 feet (1524 mm) shall be included.

*Section 404.3.1* Basements. Amend section to read as follows:

Residential one and two family basements built prior to January 1, 2000, which contain habitable or non-habitable spaces, hallways, corridors, bathrooms, toilet rooms, and laundry rooms shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Residential basements built on or after January 1, 2000, with areas shown above in this section, shall have a ceiling height of not less than 7 feet (2134 mm).

Exception: Beams, girders, ducts or other obstructions may project to within 6 feet 4 inches (1931mm) of the finished floor.

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

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

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter

outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

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

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

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Adopted by Ordinance 775 – October 30, 2007; Repealed Ordinance 775 and adopted by Ordinance 894 – September 4, 2018

#### **170.150.16    Building Regulations; International Energy Code**

A certain document, one (1) copy of which is on file in the office of the city clerk of the City of Stanton, Nebraska, being marked and designated as the “2009 International Energy Code”, and all Appendices, as published by the International Code Council, is hereby adopted as the energy conservation code of the City of Stanton, Nebraska, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in section 170.150.16.1 and 170.150.16.2 of this article.

Adopted by Ordinance 776 – October 30, 2007; Amended by Ordinance 895 – September 4, 2018

##### **170.150.16.1   Building Regulations; International Energy Code; Additions, insertions and changes**

The following sections of the energy code adopted in 170.150.16 are hereby revised as follows:

*Chapter 4*            Residential Energy Efficiency. Delete this chapter in its entirety.

*Section 505*        Electrical Power and Lighting Systems (Mandatory). Delete this Section in its entirety.

Adopted by Ordinance 776 – October 30, 2007

##### **170.150.16.2   Building Regulations; Energy conservation standards.**

Minimum requirements are as follows:

(a) Ceiling: R-49 insulation

(b) Frame walls: R-20 (combined R value of wall elements)

(c) Slab edge (on grade): R-10 insulation, from top of slab to 24" below finished grade

(d) Floors (over heated spaces): R-38 insulation

(e) Finished basement walls: R-18 (Combined R value of wall elements)

(f) Crawl spaces: R-10 insulation. Shall be a conditioned space. Floor shall be covered with not less than three (3) inches of concrete.

(g) Windows: Minimum of double glazed and maximum U factor of .30.

(h) Doors:

(1) Sliding glass: Double glazed, maximum U value of .30.

(2) Swinging: Maximum U value of .35 based on testing prior to installation of glazing

(i) Weatherstripping / caulking: Whatever is necessary to minimize infiltration

(j) HVAC equipment:

(1) Heat pumps – Heating mode:

a. COP=2.5/1.5 (air source)

b. COP=2.5 (water source)

(2) Boilers and furnaces: Combustion efficiency equals eighty-two (82) percent

(3) Air conditioners / heat pumps – Cooling: SEER minimum rating 14.0

(4) Controls: Each system controlled by thermostat; heating system capable of setback to fifty-five (55) Fahrenheit; cooling system capable of setup to eighty-five (85) Fahrenheit

(5) All duct work shall be located within the conditioned envelope of the dwelling. Duct work within an attic shall be considered to be in a conditioned space when:

a) Immediately adjacent to conditioned living spaces, and

b) Remaining surfaces are covered by not less than R-49 insulation. Joints in duct work shall be sealed as required by HVAC equipment manufacturer.

(k) Insulate exterior of foundation of slab on grade heated structures or provide a thermal break between floor and exterior foundation

(l) When proposed rehabilitation of a structure exceeds 50% of current market value, the structure shall meet or exceed all energy code requirements adopted by the city.

(m) Radon venting shall not be located within walls that are required to be insulated unless minimum R values can be achieved.

(n) A minimum R value of R-44 shall be maintained above all exterior wall plates of conditioned spaces.

Deviations from above requirements require approval of the code official.

Deviations from above requirements require approval of the code official.

This ordinance shall apply to new residential and new commercial construction.

Adopted by Ordinance 776 – October 30, 2007; Repealed Ordinance 776 and adopted by Ordinance 895 – September 4, 2018

**170.150.17 Building Regulations; Temporary or Mobile Storage Structures Prohibited**

Definition. As used in this section, “temporary or mobile storage structure” is defined as: any container, storage unit, shed-like container or other portable structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

Temporary or mobile storage structures are specifically prohibited within the City of Stanton’s zoning jurisdiction, except under the following circumstances:

I. A temporary or mobile storage structure may be located as a temporary structure on property within the City’s zoning jurisdiction for a period not to exceed 30 days in duration per calendar year from the time of delivery to the time of removal and only for the following purposes:

(A) the storage of fireworks, provided said storage is reasonably necessary for the sale of the same, and

(B) for the storage of an individual or family’s tangible personal property items in the event the individual or family’s residence has been damaged by fire, flood or other natural disaster.

II. All such temporary or mobile structures permitted herein shall be located no closer than 10 feet to the property line unless placed on an existing impervious driveway. Such structures may not exceed 10 feet in height, 9 feet in width or 40 feet in length. It shall be the obligation of the owner of the real estate said temporary structure is located upon

and user of such temporary structure to secure the same in a manner that does not endanger the safety of persons or property in the vicinity of the temporary structure. In the event of high winds or other weather conditions in which such structure may become a physical danger to persons or property, City law enforcement officers may require the immediate removal of any such temporary structure.

III. Permit. Prior to the placement and maintenance of any temporary or mobile storage structure on any real estate located within the City of Stanton's zoning jurisdiction, the owner of the real estate for which such structure is to be placed and the user thereof shall be required to obtain a temporary or mobile storage structure permit from the building inspector/zoning administrator. The application for a temporary or mobile storage structure permit shall be accompanied by a drawing of the real estate, submitted in duplicate and drawn to scale, showing the name and address of the applicant(s), the location of the lot, the actual dimensions of the lot on which such temporary structure is to be placed, the size, shape and location of the temporary structure, the intended use of said structure and the proposed duration of use of the temporary structure which shall not exceed 30 days. Other required information may include a legal survey when distances, set backs, etc. are in question and such other pertinent information as required by the building inspector/zoning administrator. The permit fee shall be \$ 20.

IV. Penalties and Remedies. Any person, firm or corporation violating any provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than \$500.00 for each violation. Each and every day during which such illegal locating, maintenance, or use of any temporary/mobile storage structure continues may be deemed a separate offense.

In case any temporary/mobile storage structure is placed, maintained, or used in violation of this Ordinance, the zoning administrator, or any other appropriate municipal authority, or any person who would be damaged by such violation, in addition to all other remedies, may institute an action for injunction, or mandamus, or other appropriate action or proceedings to prevent such violation.

Adopted by Ordinance 783 – February 5, 2008

**170.150.36 Building Regulations; Structures damaged by fire, flood, wind, disaster or other calamity.**

Any structure becoming uninhabitable, unusable or unoccupiable as a result of fire, flood, wind, disaster or other calamity shall be completely repaired within one (1) year of the fire, flood, wind, disaster or other calamity. If repairs are not completed within one (1) year, the structure shall be inspected by the code official. If following the inspection, the structure is determined to be uninhabitable, unusable or unoccupiable by the code official, the structure shall be demolished by the owner of the property. In the event that structure and premises upon which the structure is located are in separate ownership, then both the owner of the structure and the owner of the premises shall be responsible for said removal. Any appeal of the code official's decision shall be governed by the appeal provisions contained in the property maintenance code adopted by the city.

Adopted by Ordinance 775 – October 30, 2007

## Title XVII Chapter 151 Municipal Planning

### **170.151.50    Municipal Limits; Defined**

All additions, lots, lands, subdivisions, and parcels of ground included within the official Municipal Map, and plat on file at the office of the County Register of Deeds, having been by act or ordinance of the Governing Body or by law duly annexed to or made a part of this Municipality, or having been by the act, authority, acquiescence, consent, platting, and dedication of their respective owners, created wither as the original town site or as additions to the Municipality are hereby declared to be within the corporate limits of the Municipality. Lawfully constituted additions or changes in said Municipal Limits shall be indicated upon said maps and plat by the Governing Body after such addition or change has been completed in accordance with the ordinances of this Municipality and the laws of the State of Nebraska.

### **170.151.51    Original Plats**

Each and all plats, lots, blocks, additions, subdivisions, outlots, and parcels of ground included within the corporate limits of the Municipality, and not vacated of record prior to the enactment of this chapter, including the Original Plat of the Municipality, are hereby accepted, approved, and confirmed as valid, and each and all of said lots, blocks, additions, subdivisions and outlots as heretofore platted and recorded in the office of the County Register of Deeds, and not heretofore vacated, and all other parcels of ground, included within said corporate limits, are hereby declared to be within said Municipality and an integral part thereof.

### **170.151.52    Designation of Extraterritorial Jurisdiction**

The territory located within one mile of the corporate limits of the City is hereby designated as the City's extraterritorial jurisdiction for the purpose of exercising the powers and duties granted by Neb. RS 17-1002 and 17-1003 with respect to subdivisions and platting and Neb. RS 19-2402 with respect to extension of water and sanitary sewer service. The boundaries of the territory so designated shall be as shown on the official zoning map, a copy of which is on file and available for public inspection in the office of the City Clerk.

### **170.151.53    Additions; Incorporation Into Municipality**

All additions to the City laid out and previously located within the corporate boundaries of the City shall remain a part of the City. All additions laid out adjoining or contiguous to the corporate limits may be included within the corporate limits and become a part of the City for all purposes whatsoever at such time as the addition is approved as provided in Neb. RS 19-916. If the City Council includes the addition within the corporate limits, the inhabitants of such addition shall be entitled to all the rights and privileges and shall be subject to all the laws, ordinances, rules and regulations of the City.

#### **170.151.54 Comprehensive Plan; Adopted by Reference**

The Comprehensive Development Plan for the City of Stanton, Nebraska, as prepared by JEO, Johnson - Erickson - O'Brien & Associates, Inc., and adopted pursuant to state statutory procedure is hereby adopted by reference in addition to all amendments thereto. Three (3) copies of the adopted Plan shall be kept on file with the Municipal Clerk and available for inspection by any member of the public during office hours.

#### **170.151.55 Zoning Regulations; Adopted By Reference**

For the purpose of setting minimum standards to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the community, and to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, the Zoning Regulations for the City of Stanton, Nebraska, as prepared by JEO, Johnson - Erickson - O'Brien & Associates, Inc.; published in pamphlet form and adopted by Ordinance No. 563, July 7, 1998, are hereby adopted by reference in addition to all amendments thereto. Three (3) copies of the adopted Zoning Regulations shall be kept on file with the Municipal Clerk and available for inspection by any member of the public during office hours.

Flood Insurance Rate Map Number 31167CIND0A with an effective date of September 30, 2004 is hereby adopted by reference and included in Section 3:14 Flood Plain Overlay District of the Zoning Regulations listed above. Section 3-14E4 is amended to read as follows:

4. New construction, subdivision proposals, substantial improvements, prefabricated buildings, placement of manufactured homes and other developments shall require:
  - a. Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic or hydrostatic loads, including the effects of buoyancy.
  - b. New or replacement water supply systems and / or sanitary sewerage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination.
  - c. Construction with materials resistant to flood damage, utilizing methods and practices that minimize flood damages, and with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and / or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
  - d. All utility and sanitary facilities be elevated or floodproofed up to the regulatory flood protection elevation.



**170.151.56 Subdivision Regulations; Adopted by Reference**

To provide for harmonious development of the Municipality and its environs; for the integration of new subdivision streets with other existing or planned streets or with other features of the Comprehensive Plan; for adequate open spaces for traffic, recreation, light and air; for the distribution of population and traffic in a manner which will tend to create conditions favorable to health, safety, convenience, or prosperity; to insure conformance of subdivision plans with the capital improvement program of the Municipality; and, to secure equitable handling of all subdivision plats by providing uniform procedures and standards for observance by sub-dividers and the Planning Commission and Governing Body, the Subdivision Regulations for the City of Stanton, Nebraska, as prepared by JEO, Johnson - Erickson - O'Brien & Associates, Inc.; published in pamphlet form and adopted by Ordinance No. 564, July 7, 1998, are hereby adopted by reference in addition to all amendments thereto. Three (3) copies of the adopted Subdivision Regulations shall be kept on file with the Municipal Clerk and available for inspection by any member of the public during office hours.

**170.151.57 Wellhead Protection Plan; Adopted by Reference**

The Wellhead Protection Program Plan for the City of Stanton, Nebraska, as approved by Nebraska Department of Environmental Quality and adopted pursuant to state statutory procedure is hereby adopted by reference in addition to all amendments thereto. One (1) copy of the adopted Plan shall be kept on file with the Municipal Clerk and available for inspection by any member of the public during office hours.  
Added by Ordinance 823 – December 6, 2011