

**TITLE XIII: GENERAL OFFENSES**

Chapter

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## CHAPTER 130: PROPERTY OFFENSES

### Section

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### § 130.01 CRIMINAL MISCHIEF.

(A) A person commits criminal mischief if he or she:

- (1) Damages the property of another intentionally or recklessly;
- (2) Intentionally tampers with the property of another so as to endanger persons or property;

or

- (3) Intentionally or maliciously causes another to suffer a pecuniary loss by deception or threat.

(B) Criminal mischief is an offense:

(1) If the actor intentionally or maliciously causes a pecuniary loss of \$500 or more, but less than \$5,000; or

(2) If the actor intentionally, maliciously, or recklessly causes a pecuniary loss in an amount of less than \$500, or if his or her action results in no pecuniary loss.

(Neb. RS 28-519) Penalty, see § 130.99

**§ 130.02 CRIMINAL TRESPASS.**

(A) (1) A person commits first degree criminal trespass if:

(a) He or she enters or secretly remains in any building or occupied structure, or any separately secured or occupied portion thereof, knowing that he or she is not licensed or privileged to do so; or

(b) He or she enters or remains in or on a public power infrastructure facility knowing that he or she does not have the consent of a person who has the right to give consent to be in or on the facility.

(2) For the purpose of this section, **PUBLIC POWER INFRASTRUCTURE FACILITY** means a power plant, an electrical station or substation, or any other facility which is used by a public power supplier as defined in Neb. RS 70-2103 to support the generation, transmission, or distribution of electricity and which is surrounded by a fence or is otherwise enclosed.

(Neb. RS 28-520)

(B) (1) A person commits second degree criminal trespass if, knowing that he or she is not licensed or privileged to do so, he or she enters or remains in any place as to which notice against trespass is given by:

(a) Actual communication to the actor;

(b) Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or

(c) Fencing or other enclosure manifestly designed to exclude intruders, except as otherwise provided in division (A) above.

(2) A person commits second degree criminal trespass if, knowing that he or she is not licensed or privileged to do so, he or she intentionally causes an electronic device, such as an unmanned aircraft, to enter into, upon, or above the property of another, including such property owned by such person and leased or rented to another, with the intent to observe another person without his or her consent in a place of solitude or seclusion.

(3) For the purpose of this section, **UNMANNED AIRCRAFT** means an aircraft, including an aircraft commonly known as a drone, which is operated without the possibility of direct human intervention from within or on the aircraft.

(Neb. RS 28-521)

Penalty, see § 130.99

**§ 130.03 ELECTRICAL INTERFERENCE.**

Any person operating, or causing to be operated, any motor, sign, or other electrical apparatus that is connected with the light and power system shall equip the apparatus with proper filtering attachments to eliminate interference, provided that the provisions herein shall not apply to the use of necessary medical equipment or apparatus where electrical interference cannot be reasonably and safely eliminated. Any person who so operates or causes to be operated any such electrical apparatus that interferes habitually with radio and television reception shall be deemed to be guilty of an offense.

Penalty, see § 130.99

***Statutory reference:***

*Provisions on nuisances, see Neb. RS 18-1720 and 28-1321*

**§ 130.04 INJURY TO TREES.**

(A) It shall be unlawful for any person purposely or carelessly and without lawful authority to cut down, carry away, injure, break down, or destroy any fruit, ornamental, shade, or other tree or trees standing or growing on any land belonging to another person or persons or on any public land in the corporate limits.

(B) Any public service company desiring to trim or cut down any tree, except on property owned and controlled by it, shall make an application to the City Council to do so, and the written permit of the City Council in accordance with their decision to allow such an action shall constitute the only lawful authority on the part of the company to do so.

Penalty, see § 130.99

**§ 130.05 POSTING.**

It shall be unlawful for any person to use the streets, sidewalks, or public grounds of the city for signs, signposts, or the posting of handbills or advertisements without the written permission of the City Council.

Penalty, see § 130.99

**§ 130.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

**Cities of the Second Class - General Offenses**

(B) (1) First degree criminal trespass as set out in § 130.02(A) is a Class I misdemeanor.  
(Neb. RS 28-520)

(2) (a) Second degree criminal trespass as set out in § 130.02(B) is a Class III misdemeanor, except as provided for in division (B)(2)(b) below.

(b) Second degree criminal trespass is a Class II misdemeanor if the offender defies an order to leave personally communicated to him or her by the owner of the premises or other authorized person.

(Neb. RS 28-521)