

### Article 3. Miscellaneous Misdemeanors

**Sec. 6-301 MISDEMEANORS; ASSAULT IN THE THIRD DEGREE.** It shall be unlawful for any person to intentionally, knowingly, or recklessly cause bodily injury to another person; or threaten another in a menacing manner. Assault in the third degree shall be a Class I misdemeanor unless committed in a fight or scuffle entered into by mutual consent in which case it shall be a Class II misdemeanor. (Neb. Rev. Stat. §28-310)

**Sec. 6-302 MISDEMEANORS; THEFT.** The terms and definitions applied in this Section shall be in conformance with Section 28-509 RS Neb. It shall be unlawful for any person to:

- A. Take or exercise control over movable property of another with the intent to deprive him or her thereof; or
- B. Transfer immovable property of another or any interest therein with the intent to benefit himself or another not entitled thereto; or
- C. Fail to return leased or rented movable property to the lessor after the expiration of a written lease or written rental agreement, if done with intent to deprive, and if such lessee has been mailed notice by certified mail that such lease or rental agreement has expired and he or she has failed within ten (10) days after such notice to return such property; or
- D. Obtain the property of another by deception, as defined by Section 28-512 RS Neb; or
- E. Obtain the property of another by threatening to:
  - 1. Inflict bodily injury on anyone or commit any other criminal offense; or
  - 2. Accuse anyone of a criminal offense; or
  - 3. Expose any secret tending to subject any person to hatred, contempt, or ridicule, or to impair his or her credit or business repute; or
  - 4. Take or withhold action as an official, or cause an official to take or withhold action; or
  - 5. Bring about or continue a strike, boycott, or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act; or
  - 6. Testify or provide information or withhold testimony or information with respect to another's claim or defense. It is an affirmative defense to prosecution based on subdivision 2, 3, or 4 of the above subsection, that the property obtained by threat of accusation, exposure, lawsuit or other invocation of official action was honestly claimed as restitution or indemnification for harm done in the circumstances to which such accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful services; or
- F. Come into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient if, with intent to deprive the owner thereof, he or she fails to take reasonable measures to restore the property to a person entitled to have it; or
- G. Obtain services which he or she knows are available only for compensation, by deception or threat, or by false token or other means to avoid payment for the service;

or

- H. Have control over the disposition of services of others, to which he or she is not entitled, and diverts such services to his or her own benefit or to the benefit of another not entitled thereto; or
- I. Make, possess, sell, give, transfer, offer for sale or advertise any device, instrument, apparatus or equipment designed or which can be used to obtain telecommunications service fraudulently or to conceal from any supplier or telecommunications service or from any lawful authority the existence or place of origin or of destination of any telecommunication; or
- J. Receive, retain or dispose of movable property to another knowing that it has been stolen, or believing that it has been stolen, unless the property is received, retained or disposed with intention to restore it to the owner.

Provided that the value of the thing involved is under three hundred (\$300.00) dollars. (Neb. Rev. Stat. §28-509 thru 28-515, 28-517) (Class I or II misdemeanor)

**Sec. 6-303 MISDEMEANORS; CRIMINAL MISCHIEF.** It shall be unlawful for any person to damage property of another intentionally or recklessly; or intentionally or recklessly tamper with property of another so as to endanger person or property; or intentionally or maliciously cause another to suffer pecuniary loss by deception or threat; Provided, that the value of the property involved is under three hundred (\$300.00) dollars. (Neb. Rev. Stat. §28-519) (Class II or III misdemeanor)

**Sec. 6-304 MISDEMEANORS; CRIMINAL TRESPASS.** It shall be unlawful for any person, knowing that he or she is not licensed or privileged to do so, to:

- A. Enter or secretly remain in any building or occupied structure, or any separately secured or occupied portion thereof; or
- B. Enter or remain in any place as to which notice against trespass is given by:
  - 1. Actual communication to the actor; or
  - 2. Posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or
  - 3. Fencing or other enclosure manifestly designed to exclude intruders.

A person found guilty under subsection A hereof shall be guilty of a Class I misdemeanor. A person found guilty under subsection B hereof shall be guilty of a Class III misdemeanor except he or she shall be guilty of a Class II misdemeanor if the offender defied an order to leave personally communicated to him or her by the owner of the premises or other authorized person. (Neb. Rev. Stat. §28-520, 28-521) (Penalties refer to Sections 6-401 and 6-402). (Amended by Ordinance 2148 10/14/2008) (Amended by Ordinance 2401 07/28/2020)

**Sec. 6-305 MISDEMEANORS; IMPERSONATING A PEACE OFFICER.** It shall be unlawful for any person to falsely pretend to be a peace officer and perform any act in that pretended capacity. Impersonating an officer is a Class I misdemeanor. (Neb. Rev. Stat. §28-610)

**Sec. 6-306 MISDEMEANORS; PUBLIC INDECENCY.** It shall be unlawful for any person, eighteen (18) years of age or over, to perform or procure or assist any other person to perform in a public place and where the conduct may reasonably be expected to be viewed by members of the public:

- A. An act of sexual penetration as defined by Subdivision (5) of Section 28-318 RS Neb.; or
- B. An exposure of the genitals of the body done with intent to affront or alarm any person; or
- C. A lewd fondling or caressing of the body of another person of the same or opposite sex. Public indecency is a Class II misdemeanor. (Neb. Rev. Stat. §28-806)

**Sec. 6-307 MISDEMEANORS; RESISTING ARREST, WITHOUT THE USE OF A DEADLY OR DANGEROUS WEAPON.** It shall be unlawful for any person to intentionally prevent or attempt to prevent a peace officer, acting under color of his or her official authority, from effecting an arrest on said person or on another, by:

- A. Using or threatening to use physical force or violence against the peace of another; or
- B. Using any other means which creates a substantial risk of causing physical injury to the peace officer or another; or
- C. Employing means which require substantial force to overcome resistance to effecting the arrest;

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

It is an affirmative defense to prosecution under this Section if the peace officer involved was out of uniform and did not identify himself or herself as a peace officer by showing his or her credentials to the person whose arrest is attempted. Class I misdemeanor. (Neb. Rev. Stat. §28-904)

**Sec. 6-308 MISDEMEANORS; OBSTRUCTING A PEACE OFFICER.** It shall be unlawful for any person, to use or threaten to use violence, force, physical interference, or hinder the enforcement of the penal law or the preservation of the peace by a peace officer or judge acting under color of his or her official authority. Class I misdemeanor. (Neb. Rev. Stat. §28-906)

**Sec. 6-309 MISDEMEANORS; DISTURBING THE PEACE.** It shall be unlawful for any person to intentionally disturb the peace and quiet of any person, family or neighborhood. Class III misdemeanor. (Neb. Rev. Stat. §28-1322)

**Sec. 6-310 MISDEMEANORS; APPLIANCES IN YARD.** It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and accessible to children whether on private or public property unless he or she shall first remove all doors and make the same reasonably safe. Each day a refrigerator, ice box, freezer, or any other dangerous appliance is open, accessible to children, and unsafe shall be deemed a separate violation hereunder. (Penalties refer to Sections 6-401 and 6-402). (Amended by Ordinance 2140 06/10/2008) (Amended by Ordinance 2401 07/28/2020)

**Sec. 6-311 MISDEMEANORS; WEED REMOVAL.** Repealed by Ord. No. 1574, 09/10/91, provisions transferred to Section 4-506.

**Sec. 6-312 MISDEMEANORS; TREES DEAD, DISEASED OR DAMAGED DYING TREES.** All trees and shrubs within the City of Blair shall be pruned or removed when such trees

or shrubs constitute a hazard to life and property, or harbor insects or diseases or are damaged to the extent they constitute a threat to other trees or shrubs, persons or property within the City. For the purpose of carrying out the provisions of this Section, the City of Blair Police or Administrative Staff along with staff from the State Forestry Office or a licensed arborist shall have the authority to enter on private property to inspect the tree(s) or shrub(s) thereon. In the event the tree(s) or shrub(s) are dead, diseased or damaged beyond recovery notice shall be given to the owner of the property by mail or personal service and such notice shall allow the said owner sixty (60) days to remove said tree(s) or shrub(s). In the event the owner is a non-resident, notice shall be made by publication in a newspaper of general circulation, or by mail if the name and address is known. In the event of failure of owners to comply with said notice, the City of Blair shall have the authority to hire a registered contractor to prune or remove said tree(s) or shrub(s) and the City of Blair assess the cost of said pruning to the property owner. If the owner fails to reimburse the City of Blair after being properly billed, the cost with interest may be assessed against the real estate and the City Clerk shall have the assessment filed as a lien against the real estate and certified to the City of Blair to be collected in the manner prescribed by law. In the event the property owner is a non-resident of Washington County the City of Blair shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested to the last known address of the non-resident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. Failure to remove any said tree shall be deemed to be a Class III misdemeanor. (Neb. Rev. Stat. §16-230, 18-1720, 28-1321) (Amended by Ordinance 2167 7/14/2009)

**Sec. 6-313 MISDEMEANORS; RADIO INTERFERENCE.** Any person operating, or causing to be operated, any motor, sign, or other electrical apparatus that is connected with the light and power system shall equip the apparatus with proper filtering attachments to eliminate interference; Provided, that the provisions herein shall not apply to the use of necessary medical equipment or apparatus where electrical interference cannot be reasonably and safely eliminated. Any person who so operates, or causes to be operated, any such electrical apparatus that interferes habitually with radio and television reception shall be deemed to be guilty of a misdemeanor. Class III misdemeanor. (Neb. Rev. Stat. §18-1720, 28-1321)

**Sec. 6-314 MISDEMEANORS; DISCHARGE OF FIREARMS.** It shall be unlawful for any person, except an officer of the law in the discharge of his or her official duty, to fire or discharge any gun, pistol, or other firearm specifically including but not limited to air guns, air rifles, pellet guns, and "B-B" guns, or any other device which by the triggering of an explosion discharges a projectile from the device excepting any generally recognized tool or legal fireworks within the Municipality; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Governing Body. Class V. (Neb. Rev. Stat. §16-227) (Penalties refer to Sections 6-401 and 6-402). (Amended by Ordinance 2140 06/10/2008) (Amended by Ordinance 2401 07/28/2020)

**Sec. 6-315 MISDEMEANORS; FIREARMS, POSSESSION, TRANSPORTATION, WHEN ALLOWED.** It is hereby unlawful for any person, except an authorized law enforcement officer, or a private security guard who is registered with the Chief of Police, purposely or knowingly, to

openly carry or openly transport in any conveyance or in any other manner whatsoever, or to possess any rifle, shot gun, air gun, air rifle, pellet gun, or “B-B” gun at any building owned by the City of Blair. This section is not violated if, prior to exiting the vehicle, the firearm is locked inside a trunk, a locked compartment of vehicle, or a storage box which is locked and attached to a vehicle. This exception does not apply to any parking area used by such location in which the carrying of a firearm is prohibited by federal law. Furthermore, this section is not violated if the person meets the exceptions contained in Section 6-317 of the Blair City Code. This section shall not apply to carrying a concealed weapon, so long as Nebraska statutes allows for the carrying of a concealed weapon at the location as defined by Neb. Rev. Stat. §28-1202.01 and that the person complies with the provisions of Neb. Rev. Stat. §28-1202.01. It shall be an affirmative defense to this section that at the time he or she was carrying the firearm, there existed circumstances at that time in which such person was placed at the time were such as to justify a prudent person in carrying the firearm for the defense of his or her person, property, or family. (Amended by Ordinance 2377 03/12/2019; Ordinance 2527 03/26/2024)

**Sec. 6-316 MISDEMEANORS; HAND GUNS, POSSESSION, TRANSPORTATION, WHEN ALLOWED.** It is hereby unlawful for any person, except an authorized law enforcement officer, or a private security guard who is registered with the Chief of Police, purposely or knowingly, to openly carry or openly transport in any conveyance or in any other manner whatsoever, or to possess any handgun at any building owned by the City of Blair. This section is not violated if, prior to exiting the vehicle, the handgun is locked inside a glove box, locked inside the trunk, a locked compartment of vehicle, a storage box which is locked and attached to a vehicle, or if the vehicle is a motorcycle, other than an autocycle, the handgun is locked inside of the hardened compartment securely attached to the motorcycle. This exception does not apply to any parking area used by such location in which the carrying of a handgun is prohibited by federal law. Furthermore, this section is not violated if the person meets the exceptions contained in Section 6-317 of the Blair City Code. This section shall not apply to a person authorized to carry a concealed weapon, so long as Nebraska statutes allows for the carrying of a concealed weapon at the location as defined by Neb. Rev. Stat. §28-1202.01 and that the person complies with the provisions of Neb. Rev. Stat. §28-1202.01. It shall be an affirmative defense to this section that at the time he or she was carrying the handgun, there existed circumstances at that time in which such person was placed at the time were such as to justify a prudent person in carrying the handgun for the defense of his or her person, property, or family. (Amended by Ordinance 2377 03/12/2019; Ordinance 2527 03/26/2024)

**Sec. 6-316.01 MISDEMEANORS; FIREARMS, POSSESSION BY PERSONS UNDER TWENTY-ONE (21) PROHIBITED.** It shall be unlawful for any person who has not reached the age of twenty-one (21) to possess a concealable firearm, handgun, pistol, or revolver. The provisions of this section shall not apply to members of the Armed Forces of the United States, active or reserve, National Guard of the state or Reserve Officer Training Corp when on duty or training or to the temporary loan of pistols, revolvers, or any other form of concealable firearms for instruction under the immediate supervision of a parent or guardian or adult instructor. Any person found guilty under this section shall be deemed to be guilty of Class IV misdemeanor.

**Sec. 6-317 MISDEMEANORS; FIREARMS, POSSESSION, EXCEPTIONS.** The provisions of Section 6-315 and Section 6-316 shall not be construed to prevent carrying unloaded rifles in

parades or using rifles in ceremonials, or to prevent possession of rifles or shotguns at shows or exhibits, or for other lawful use, purpose or activity, including but not limited to skeet and trap shooting, target shooting at rifle range, hunter safety instruction conducted by qualified instructors, when such do not endanger public safety or are detrimental to public welfare, provided the prior approval of the Chief of Police of the City of Blair shall have been obtained for such use, purpose or activity. (Ord. No. 1107, 1/22/74)

**Sec. 6-318 MISDEMEANORS; SLINGSHOTS.** It shall be unlawful for any person to discharge a slingshot or the like loaded with rock or to shoot or discharge a bow and arrow, compound bow, cross bow or the like or other dangerous missiles at any time or under any circumstances within the Municipality. Class V. (Neb. Rev. Stat. §16-227) (Penalties refer to Sections 6-401 and 6-402). (Amended by Ordinance 2140 06/10/2008) (Amended by Ordinance 2401 07/28/2020)

**Sec. 6-319 MISDEMEANORS; DEFINITION OF TERMS AS APPLIED TO PROVISIONS CONCERNING TREES.** For the purposes of Sections 6-319.01 through 6-319.09 inclusive the following definitions apply:

1. Street trees are herein defined as trees, shrubs, bushes, and all other woody vegetation on Municipal right-of-ways, on all streets, avenues, boulevards, alleys, or other transportation ways within the Municipality.
2. Park trees are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks and all other public lands owned by the Municipality.
3. Small trees are defined as Any tree with a typical maximum height of twenty (20) feet.
4. Medium trees are defined as Any tree with a typical maximum height of forty (40) Feet.
5. Large trees are defined as Large trees are defined as any tree with a typical maximum growth height that exceeds forty (40) Feet. (Amended by Ordinance 1338 12/14/82) (Amended by Ordinance 2139 04/08/2008) (Amended by Ordinance XXXX 4/28/26).
6. All street trees must be approved for planting based off the recommendations from the Nebraska Statewide Arboretum. The list is kept current at XXXX website.

**Sec. 6-319.01 MISDEMEANOR; PLANTING OF TREES.** It shall be unlawful for any person, firm, City Department, or other entity to plant any species of street tree that is not in accordance with Section 6-319 without prior written permission of the City Arborist, or their designee. No street tree shall be planted in violation of the permit requirements outlined in Section 8-108.1. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule). (Amended by Ordinance 1338 12/14/1982) (Amended by Ordinance 2139 04/08/2008) (Amended by Ordinance 2140 06/10/2008) (Amended by Ordinance XXXX 04/28/26)

**Sec. 6-319.02 MISDEMEANORS; SPACING OF STREET TREES.** It shall be unlawful for any person, firm, corporation, City Department, or any other entity to plant street trees with a minimum distance between small trees less than thirty (30') feet, a minimum distance between medium trees less than forty (40') feet, and a minimum distance between large trees of fifty (50') feet unless otherwise approved prior to the planting by written permission of the City Arborist, or special plantings designed by a certified landscape architect or certified arborist. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

(Amended by Ordinance 1338 12/14/82) (Amended by Ordinance 2140 06/10/2008)(Amended by Ordinance XXXX 04/28/26)

**Sec. 6-319.03 MISDEMEANORS; PLANTING DISTANCE FROM CURB AND SIDEWALK OF PARK AND STREET TREES.** The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three tree species size classes of section 6-319, and no trees may be planted closet to any curb or sidewalk than the following: Small trees – 2 feet, medium trees – 3 feet, and large trees – 4 feet (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule). (Amended by Ordinance 1338 12/14/82) (Amended by Ordinance 2139 04/08/2008) (Amended by Ordinance 2140 06/10/2008)(Amended by Ordinance XXXX 04/28/26)

**Sec. 6-319.04 MISDEMEANORS; PLANTING DISTANCE FROM STREET CORNERS AND FIRE PLUGS OF STREET AND PARK TREES.** It shall be unlawful for any person, firm, corporation, City Department, or other entity to plant any street or park tree less than thirty-five (35') feet from any street corner, measured from the point of the nearest intersecting curbs or curb lines. It shall further be unlawful for any person, firm, corporation, City Department, or other entity to plant any street or park tree less than ten (10) feet from any fire hydrant. No street trees other than those species defined in Section 6-319 of this ordinance as small trees may be planted under or within ten (10) lateral feet of any overhead utility wire. No street tree may be planted within five (5) lateral feet of any underground water line, sewer line, transmission line, or other utility. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule). (Ord. No. 1338, 12/14/82) (Amended by Ordinance 2140 06/10/2008)

**Sec. 6-319.05 MISDEMEANORS; TREE TOPPING.** It shall be unlawful for any person, firm, corporation, City Department, or other entity to top any street tree, park tree, or any other tree on public property. Topping is hereby defined as the severe cutting back of limbs to stubs larger than three (3") inches in diameter within the tree's crown. 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 Section at the determination of the City Forester subject to the rules and regulations of the Department of Utilities governing the pruning and trimming of trees interfering with utility lines (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule) (Ord. No. 1338, 12/14/82) (Amended by Ordinance 2140 06/10/2008)

**Sec. 6-319.06 MISDEMEANORS; PRUNING AND CORNER CLEARANCE OF TREES.** It shall be the obligation and responsibility, and 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 any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8') feet 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 from a street light along the street or interferes with the visibility of any traffic control device or sign. (Ord. No. 1338, 12/14/82)

**Sec. 6-319.07 MISDEMEANORS; REMOVAL OF STUMPS.** Any person, firm, corporation,

or other entity removing any street or park trees shall remove the stumps from said trees below the surface of the ground so that the top of said stump shall not project above the surface of the ground. (Ord. No. 1338, 12/14/82)

**Sec. 6-319.08 MISDEMEANORS; INTERFERENCE WITH PARK AND RECREATION ADVISORY BOARD OF CITY FORESTER.** It shall be unlawful for any person, firm, corporation, or other entity to prevent, delay or interfere with the City Forester, Park Advisory Board, and Recreation Advisory Board, or any of their agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removal of any street trees, park trees, or trees on private grounds as authorized by the Municipal Code. (Ord. No. 1338, 12/14/82)

**Sec. 6-319.09 MISDEMEANORS; INJURY TO TREES.** It shall be unlawful for any person to purposely or carelessly, and without lawful authority, cut down, carry away, injure, break down, or destroy any fruit, ornamental, shade or other tree or trees standing or growing on any land belonging to another person or persons or on any public land in the corporate limits. Any public service company desiring to trim or cut down any tree, except on property owned and controlled by them, shall make an application to the City Forester to do so, and the written permit of the City Forester 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. (Penalties refer to Sections 6-401 and 6-402). (Ord. No. 1338, 12/14/82) (Amended by Ordinance 2140 06/10/2008) (Amended by Ordinance 2401 07/28/2020)

#### **SECTION 6-319.10 Reserved for Future Use**

**Sec. 6-320 MISDEMEANORS; LITTERING.** Any person who deposits, throws, discards, or otherwise disposes of any litter on any public or private property, or in any waters, commits the offense of littering unless:

- A. Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or
- B. The litter is placed in a receptacle or container installed on such property for such purpose.

The term litter as used in this Section means all rubbish, refuse, waste material, garbage, trash, debris or other foreign substances, solid or liquid, of every form, size, kind and description, but does not include the waste or primary process of farming or manufacturing.

Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle or water craft in violation of this Section, the operator of such motor vehicle or water craft commits the offense of littering. Littering is a Class V misdemeanor. (Neb. Rev. Stat. §16-230, 28-523) (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule). (Amended by Ordinance 2140 06/10/2008)

**Sec. 6-320.01 MISDEMEANORS: LITTERING; SOLICITATION ON PRIVATE PREMISES.** It shall be unlawful for any person, association, firm or corporation to throw, deposit, or distribute any commercial solicitation in or upon private premises, except by handing or transmitting any such handbill or solicitation material directly to the owner or other person present upon such premises or with the request of the owner or occupant of the premises. (Penalties refer to Sections 6-402 through 6-403 or Addendum to the Code Violations Bureau Fee

Schedule). (Amended Ordinance 2209 10/25/2011)

**Sec. 6-321 MISDEMEANORS; POSTING.** It shall be unlawful for any person, firm or corporation to use the streets, sidewalks or public grounds of the Municipality for signs, signposts, the posting of handbills or advertisements, without written permission of the Governing Body. Class V misdemeanor. (Neb. Rev. Stat. §16-210) (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule). (Amended by Ordinance 2140 06/10/2008)

**Sec. 6-322 MISDEMEANORS; NOTICES OFFICIAL, UNLAWFUL ACTS.** It shall be unlawful for any person to interfere with, obstruct, mutilate, conceal or tear down any office notice or proclamation of the City or any of its officers during the time such notice or proclamation is in effect upon direction of the Mayor or the officer giving such notice or proclamation. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule). (Amended by Ordinance 2140 06/10/2008)

**Sec. 6-323 MISDEMEANORS; DISORDERLY CONDUCT.** It shall be unlawful for any person to engage in conduct or behavior which disturb the peace and good order of the Municipality by clamor or noise, intoxication, drunkenness, fighting, using of obscene or profane language in the streets or other public places, or is otherwise indecent or disorderly conduct or lewd or lascivious behavior. Class III misdemeanor. (Neb. Rev. Stat. §16-227, 16-228)

**Sec. 6-324 MISDEMEANORS; UNLAWFUL ASSEMBLY, DEFINED; VIOLATIONS; PENALTY.** A person is guilty of unlawful assembly if he or she assembles with two (2) or more persons for the purpose of engaging in conduct constituting the crime of riot or if, being present at an assembly that either has or develops such a purpose, he or she remains there with an intent to advance that purpose. Any person convicted of unlawful assembly shall be punished as provided in Article 4 of this Chapter.

**Sec. 6-325 MISDEMEANORS; 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. (Penalties refer to Sections 6-401 and 6-402). (Amended by Ordinance 2140 06/10/2008) (Amended by Ordinance 2401 07/28/2020)

**Sec. 6-326 MISDEMEANORS; OBSTRUCTION OF PUBLIC WAYS.** It shall be unlawful for any person to erect, maintain or suffer to remain on any street or public sidewalk a stand, wagon, display or other obstruction inconvenient to, or inconsistent with, the public use of the same. Class V misdemeanor. (Neb. Rev. Stat. §16-207, 16-227, 39-301, 39-303) (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule). (Amended by Ordinance 2140 06/10/2008)

**Sec 6-326.01 SNOW EMERGENCY DESIGNATION.** When predictions or occurrences indicate the need, the Mayor or his/her designated representative may determine that it is necessary for the City to cause snow and/or ice to be cleared from the public streets, avenues, alleys, or other public places due to the accumulation thereon causing hindrance to traffic and constituting an emergency requiring the same to be cleared, the Mayor or his/her designated representative may,

in the interest of public safety, declare a snow emergency and the enforcement of emergency snow parking regulations, set forth in Sec. 6-326.01 through 326.03. When the Mayor or his/her designated representative issues a snow emergency appropriate public media shall be notified. In addition, such declaration shall be posted on the City website and cable T.V. channel as soon as practical. (Amended by Ordinance 2009 09/28/2004; Ordinance 2140 06/10/2008; Ordinance 2181 03/09/2010)

**Sec. 6-326.02 PARKING DURING SNOW EMERGENCY.** No person shall park, abandon or leave unattended any vehicle on any public street, alley, or City owned street or street parking area during any snow emergency proclaimed in Sec. 6-326.01 unless the snow has been cleared from said street, alley or parking area and the snow has ceased to fall for a minimum period of eight (8) hours. A snow emergency parking ban shall continue from its declaration throughout the duration of the snow or ice storm and the forty-eight (48) hour period after cessation of such storm except as provided above for streets which have been fully cleared. Any vehicle left parked in violation of this section may be removed by the Chief of Police or his designee and towed to the City impound lot. If such unlawfully parked vehicle is not removed and by reason of its presence any part of the streets of the city are unable to be cleared, the owner of the vehicle will be in violation of this section and subject to a fine and may be liable to the City for any added clearing expenses necessarily incurred as a result of such unlawful parking. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule.)

**Sec. 6-326.03 SNOW EMERGENCY PARKING (WHERE APPLICABLE).** All City streets, avenues, thoroughfares (State and Federal Highways), alleys or other public places shall be covered by a snow emergency issued pursuant to Sections 6-326.01 and 6-326.02 except the following area and conditions set forth as follows: That between October 15 and March 31 of each year there shall be no parking from the hours of 2:00 o'clock A.M. to 5:00 o'clock A.M. on both sides of the streets as follows: Washington Street from its intersection with Thirteenth (13<sup>th</sup>) Street to its intersection with Nineteenth (19<sup>th</sup>) Street; Lincoln Street from its intersection with Fifteenth (15<sup>th</sup>) Street to its intersection with Seventeenth (17<sup>th</sup>) Street; Front Street from its intersection with Fifteenth (15<sup>th</sup>) to its intersection with Eighteenth (18<sup>th</sup>) Street; Fifteenth (15<sup>th</sup>) Street from its intersection with Lincoln Street to its intersection with the alley between Washington Street and Front Street; Sixteenth (16<sup>th</sup>) Street from its intersection with Grant Street to intersection with the Union Pacific Railroad (Formerly known as the Chicago and North Western Railroad) right of way; Seventeenth (17<sup>th</sup>) Street from its intersection with Lincoln Street to its intersection with Front Street; and Eighteenth (18<sup>th</sup>) Street from its intersection with Lincoln Street to its intersection with Front Street.

(NOTE: See Resolution 1992-7 adopted January 28, 1992 for additional reference)

**Sec. 6-326.04 SNOW REMOVAL FROM PRIVATE PROPERTY.** It shall be unlawful for any person or business within the limits of the City of Blair, Nebraska to remove or cause to be removed snow from any business lot, parking lot, or other private premises, including but not limited to sidewalks and driveways, which is pushed or otherwise deposited onto the streets, street parking areas, or alleys of said City, except for the sidewalks abutting Washington Street from Nineteenth (19<sup>th</sup>) Street to Fifteenth (15<sup>th</sup>) Street; Sixteenth (16<sup>th</sup>) Street from Lincoln Street to the Union Pacific Railroad right of way; and Seventeenth (17<sup>th</sup>) Street from Lincoln Street to Front

Street. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule.)

**Sec. 6-326.05 CLEANING OF SIDEWALKS.** It shall be unlawful for the adult occupant or occupants of any improved lot or tract of ground or the owner or owners of any unimproved tract of ground in the City to permit snow, sleet, mud or ice to accumulate and remain on the sidewalk along and adjacent to such lot or tract of ground for a period of more than five (5) hours after cessation of the storm causing the same, except in the case of cessation after the hour of nine (9:00) o'clock P.M. in which case such person shall be permitted until ten (10:00) o'clock A.M., of the following day in which to remove such substances. In case snow, sleet, mud or ice is not removed within twelve (12) hours following the deposit of same on the sidewalk along and adjacent to any lot or tract of ground within the City, the City Administrator may cause same to be removed and the cost of removal of same shall immediately become due and payable, jointly and severally, from the owners and adult occupants of such tract of ground. (Neb. Rev. Stat. §16-663) (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule). (Amended by Ordinance 2307 05/24/2016)

**Sec. 6-327 MISDEMEANORS; CURFEW.** It shall be unlawful for any minor under the age of sixteen (16) years to be or remain in or upon any of the streets, alleys or other places in the City at night after the hour of twelve (12:00) o'clock A.M., unless accompanied by a parent, guardian or other person having the legal custody of such minor person, or is going to or from some meeting or assemblage of lawful character, or is in the performance of an errand or duty directed by a parent, guardian or other person having the legal custody of such minor person, or whose employment makes it necessary to be upon the streets, alleys, or public places during the night-time after such specified hours. It shall be unlawful for the parents, guardians or other adult persons having the care and custody of a minor child under the age of sixteen (16) years to allow or permit said minor to be or remain in or upon any of the streets, alleys or public places in the City at night after the hour of twelve (12:00) o'clock A.M. unless such person is accompanied by a parent, guardian or other person having the legal custody of such minor person or is going to or from some meeting or assemblage of lawful character or is in the performance of an errand or duty directed by a parent, guardian or other person having the legal custody of such minor person or whose employment makes it necessary to be upon the streets, alleys or public places during the night time after such specified hours. A conviction for violation of this section shall result in a fine for the first offense in any one calendar year of the sum of twenty-five dollars (\$25.00), for the second offense in any one calendar year the sum of fifty dollars (\$50.00), and for the third and subsequent offenses in any one calendar year the sum of one hundred dollars (\$100.00). (Ord. No. 1113, 4/23/75)

**Sec. 6-328 MISDEMEANORS; LOITERING AND VAGRANTS.** 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, including all vagrants and persons found without means of support or some legitimate business, shall be deemed to be guilty of loitering. (Neb. Rev. Stat. §16-229) (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule). (Amended by Ordinance 2140 06/10/2008)

**Sec. 6-329 MISDEMEANORS; MISREPRESENTATION BY MINOR.** It shall be unlawful for any minor, as defined by Section 53-103 RS Neb., to obtain or attempt to obtain, alcoholic liquor by misrepresentation of age, or by any other method, in any tavern or other place where alcoholic liquor is sold. Class III misdemeanor. (Neb. Rev. Stat. §53-168.06, 53-180.01, 53-180.05)

**Sec. 6-330 MISDEMEANORS; MINOR; ALCOHOLIC LIQUOR; SELLING OR DISPENSING; POSSESSION; UNLAWFUL; VIOLATION.** No minor as defined by Section 53-103 R.S. Neb. may sell or dispense or have in his or her possession or physical control any alcoholic liquor in any tavern or in any other place including public streets, alleys, roads, highways, upon property owned by the State of Nebraska or any owned by the Municipality thereof, or inside any vehicle or while in any other place including, but not limited to, the public streets, alleys, roads, highways, or upon any property owned by the Municipality, except that a minor may possess or have physical control of any alcoholic liquor as allowed by Section 53-168.06 R.S. Neb. in his or her permanent place of residence. Class III misdemeanor. (Neb. Rev. Stat. §53-168.06, 53-103, 53-180.02, 53-180.05) (Amended by Ord. No. 1318, 1/12/82)

**Sec. 6-331 MISDEMEANORS; DRINKING IN PUBLIC.** It shall be unlawful for any person to consume alcoholic beverages in the public streets, alleys, roads, highways, or upon any property owned by the Municipality or other governmental subdivision thereof, or inside vehicles while upon the public streets, alleys, roads, or highways, in theatres, dance halls, or any other place open to the public; Provided, the provisions of this Section shall not apply to liquor establishments licensed by the State of Nebraska.

Notwithstanding any other provisions hereof the governing body of the Municipality may allow by resolution the sale and consumption of alcoholic beverages on (check ordinance) only in such cases as the sale of such alcoholic beverages is by the Blair Volunteer Fire Department. Such authorization shall be limited to no more than six (6) one day events in any one calendar year. Class II or IV misdemeanor. (Neb. Rev. Stat. §53-186, 53-1,100)

**Sec. 6-332 MISDEMEANORS; AERIAL TRAFFIC.** It shall be unlawful for any person to operate any airplane, balloon or other aircraft used for air travel in a dangerous manner to persons or property within the Municipality or to operate any airplane at an altitude of less than five hundred (500') feet, exclusive of takeoff or landing, or to drop handbills or other objects therefrom, or to operate the same while under the influence of alcohol or drugs, while flying over any part of the Municipality.

**Sec. 6-333 MISDEMEANORS; JUNK VEHICLES.** It shall be unlawful for any property owner or lessee to allow an accumulation of dismantled, abandoned, inoperable, wrecked, unlicensed or unregistered motor vehicles or recreational equipment of any kind including, but not limited to, motorcycles, all-terrain vehicles, automobiles, trucks, boats and trailers which are in violation of Chapter 60, Article 3 R.R.S. Nebraska (as amended from time to time).

The City Administrator, the Chief of Police, or their designated agent, shall have the power to investigate all complaints of violations of this Section and if they find that such property owner or lessee has allowed such accumulation, they shall cause the property owner or lessee to be served with written notice directing them to remove the accumulation within five (5) days of the receipt of said notice.

Any person failing to remove said accumulation within five (5) days after receiving notice to do so, shall be deemed guilty of a misdemeanor and a conviction for violation of this section shall result in a fine as indicated in Sections 6-401 through 6-404, and the Court, as part of the judgment, shall order the owner to remove the accumulation. Each day an accumulation is permitted to exist shall be deemed a separate violation hereunder. In addition, an authorized agent of the Municipality may cause said accumulation to be removed at the expense of the owner or lessee, from the land whereon said accumulation exist and the cost of such removal shall be levied, equalized, and assessed as are other special assessments. (Ord. No. 1280, 5/14/80) (Penalties refer to Sections 6-401 and 6-402). (Amended by Ordinance 2140 06/10/2008) (Amended by Ordinance 2307 05/24/2016) (Amended by Ordinance 2401 07/28/2020)

**Sec. 6-334 MISDEMEANORS; METER TAMPERING.** It shall be unlawful for any person to tamper with, alter, destroy or modify or to do any other act or cause any other act to be done which alters or prohibits the accurate metering and registering of water as supplied by the City of Blair to its customers. Said tampering shall also specifically include but not be limited to breaking of any seals on the metering device and adjusting or removing cams. Notwithstanding the provisions of Section 6-401, any person guilty of any unlawful acts as provided for by this Section shall be punished by a fine as indicated in Sections 6-401 through 6-404, and the court as part of the judgment may order said person to make reasonable restitution to the City of Blair for any water used but not registered by said metering device as a result of the unlawful acts of said person. (Ord. No. 1287, 8/26/80) (Penalties refer to Sections 6-401 and 6-402). (Amended by Ordinance 2140 06/10/2008) (Amended by Ordinance 2401 07/28/2020)

**Sec. 6-335 MISDEMEANORS; CABLE TELEVISION, THEFT OF SERVICE.** It shall be unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any part of a franchise Cable Television system within this City for the purpose of enabling said person or others to receive any television signal, radio signal, picture, program or sound, without payment to the owner of said system.

It shall be unlawful for any person, without consent of the owner, to willfully temper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound. Class II misdemeanor. (Neb. Rev. Stat. §28-515)

**Sec. 6-336 MISDEMEANORS; BINGO GAMES, LOTTERIES, OPERATION AND PARTICIPATION.** It shall be unlawful for any person, persons, entity, corporation, partnership, or any other entity to play, conduct, sponsor, promote, create, establish, or in any other way participate in any Bingo games or lotteries by the sale of pickle cards which are not specifically allowed by the Nebraska Bingo Pickle Card Regulatory Act, Section 9-124 et. seq. R.R.S. Neb. or any other lotteries including but not limited to ticket lotteries or video lotteries.

It shall be unlawful for any person, persons, entity, corporation, partnership or any other entity to possess, transport, use, lease, or in any other way access any paraphernalia, equipment, machinery, device, game, or any other apparatus specifically including but not limited to video lottery machines, which either its intended function or a potential function is the operation or the conduct of a lottery as prohibited herein.

Notwithstanding any other provisions hereof any nonprofit organization which holds a certificate of exemption under the Internal Revenue Code, Sec. 501, or whose major activities, exclusive of conducting lotteries, raffles, or gift enterprises, are conducted for charitable and

community betterment purposes, may conduct lotteries, raffles, and gift enterprises, subject to Section 9-510 R.R.S. Neb. (1983 Supp.) except that no such lotteries, raffles or gift enterprises, shall be conducted by any machine, device, or paraphernalia, known as a video lottery and such lotteries, raffles, or gift enterprises, shall be conducted solely and strictly by the use of tickets and which are not issued, supplied, or provided by and or through a video lottery machine.

Nothing in this section shall be construed as to prohibit bingo games or lotteries by the sale of pickle tickets as specifically defined in and as regulated and governed by the Nebraska Bingo and Pickle Card Regulatory Act as set forth in Section 9-202 at Sec. RRS Neb.

Any person, persons, corporation, partnership or other entity conducting bingo or a lottery by the sale of pickle cards within the municipality shall prior to the establishment of such bingo or lottery within the municipal limits file with and present evidence to the City Clerk of their licensing with the Nebraska Bingo and Pickle Card Regulatory Commission and its compliance with the Nebraska Bingo and Pickle Card Regulatory Act.

**Sec. 6-337 DRUGS, CONTROLLED SUBSTANCES, PARAPHERNALIA.** It shall be unlawful for any person to be under the influence of any controlled substance for a purpose other than the treatment of a sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and injured human beings. It shall not be necessary to prove that the accused was under the influence of any specific controlled substance, but it shall be sufficient for conviction under this section to prove that the accused was under the influence of some controlled substance by proving that the accused did manifest physiological symptoms or reactions caused by the use of any controlled substance. Violation of this section shall be a Class II misdemeanor.

It shall be unlawful for any person to breathe, inhale, or drink, or to induce or entice any other person to breathe, inhale, or drink any compound, liquid, or chemical containing acetate, acetane, benzene, butyl alcohol, cyclohexanone, ethyl acetate, ethyl alcohol, ethylene dichloride, ethylene trichloride, hexane, isopropanol, isopropyl alcohol, methyl alcohol, methyl cellosolve acetate, methyl ethyl ketone, methyl isobutyl ketone, pentachlorophehnol, petroleum ether, toluene, toluol, trichlorathane, trichloroethene, or any other substance for the purpose of inducing a condition of intoxication, stupification, depression, giddiness, paralysis, inebriation, excitement, or irrational behavior or in any manner changing, distorting or disturbing the auditory, visual, mental, or nervous process. Violation of this section shall be a Class III misdemeanor.

It shall be unlawful for any person to give, sell, or dispense to any other person any item to which has been added any deleterious substance which, if ingested, would cause injury, physical distress, or mental aberration. Upon conviction a person shall be guilty of a Class II misdemeanor.

It shall be unlawful for any person to knowingly or intentionally manufacture, distribute, deliver, or possess with the intent to distribute or deliver an imitation controlled substance. In determining whether a substance is an imitation controlled substance, the Court or other authority concerned shall consider all relevant factors including but not limited to the following:

- (a) whether the substance is represented as having an affect similar to or the same as an illicit controlled substance,
- (b) whether the substance is represented by way of terminology which is deceptively similar to or the same as that describing a particular controlled substance,
- (c) whether the dosage unit price substantially exceeds the reasonable price of a similar dosage unit of a like chemical composition sold over the counter with packaging and labeling provided by the Federal Food and Drug Administration,
- (d) whether the substance is packaged in a manner and quantity similar to or the same as

- that commonly used for illicit controlled substances,
- (e) whether the dosage unit appearance of the substance is deceptively similar to that of a particular controlled substance, and
  - (f) whether the substance is distributed to persons who represent it as a controlled substance under circumstances which indicate the distributors knows, intends, or should know that his or her distributee is making or will make such representations. Upon a first conviction a person shall be guilty of a Class III misdemeanor. Upon a second conviction and all subsequent convictions a person shall be guilty of a Class II misdemeanor.
1. It shall be unlawful for any person to knowingly or intentionally possess marijuana weighing more than one ounce but not more than one pound. Upon conviction a person shall be guilty of a Class III (a) misdemeanor.
  2. It shall be unlawful for any person knowingly or intentionally to possess marijuana weighing one ounce or less. Upon the first conviction a person shall be guilty of an infraction, receive a citation, be fined \$100.00, and may be assigned to attend a course relating to the affects of the misuse of drugs. Upon a second conviction under this section, the person shall be guilty of a Class IV misdemeanor, receive a citation, be fined \$200.00, and may be imprisoned not to exceed five (5) days. Upon the third conviction under this section and for all subsequent convictions, a person shall be guilty of a Class III(a) misdemeanor, receive a citation, be fined \$300.00, and be imprisoned not to exceed seven (7) days.
- (A) As used in this ordinance, drug paraphernalia shall mean all equipment, products, and materials of any kind which are used, intended for use, or designed for use in manufacturing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of any city ordinance or state or federal law. It shall include but not be limited to the following:
- (1) diluants and adulterants such as quinine hydrochloride, manitol, manite, dextrose, and lactose used, intended for use, or designed for use in cutting controlled substances;
  - (2) separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining marijuana,
  - (3) hypodermic syringes, needles, or other objects used, intended for use, or designed for use in permentarily injecting controlled substances into the human body; and
  - (4) objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body which shall include but not be limited to the following:
    - (a) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes, with or without screens, permanent screens, hashish heads, or punctured metal bowls,
    - (b) water pipes,
    - (c) carburation tubes and devices,
    - (d) smoking and carburation mats,
    - (e) roach clips, meaning objects used to hold burning material such as a marijuana cigarette which has become too small or too short to be

- held in a hand,
- (f) miniature cocaine spoons and cocaine vials,
- (g) chamber pipes,
- (h) carburetor pipes,
- (i) electric pipes,
- (j) air driven pipes,
- (k) chillums,
- (l) bongs, and
- (m) ice pipes or chillers.

- (B) In determining whether an object is drug paraphernalia a Court or other authority shall consider, in addition to all other logical relevant factors the following:
- (1) Statements by an owner or anyone in control of the object concerning its use,
  - (2) prior convictions, if any, of an owner or anyone in control of the object under any city ordinance or state or federal law relating to a controlled substance,
  - (3) the proximity of the object, in time and space, to a direct violation of a city ordinance or state or federal law,
  - (4) the proximity of the object to any controlled substance,
  - (5) the existence of any residue of a controlled substance on the object,
  - (6) direct or circumstantial evidence of the intent of an owner or of anyone in control of the object to deliver it to any person to whom he or she knows or should reasonably know intends to use the object to facilitate a violation of a city, state, or federal law,
  - (7) instructions, oral or written, provided with the object concerning its use,
  - (8) descriptive materials accompanying the object which explain or depict its use,
  - (9) national and local advertising concerning its use,
  - (10) the manner in which the object was displayed for sale,
  - (11) whether the owner, or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products,
  - (12) direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise,
  - (13) the existence and scope of any legitimate use of the object in the community, and
  - (14) expert testimony concerning its use.
- (C) It shall be unlawful for any person to use, or to possess with the intent to use, drug paraphernalia to manufacture, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance. Any person who violates this section shall be guilty of an infraction.

**Sec. 6-338 NOISE, MOTOR VEHICLE LIMITS, SOUND REPRODUCTION DEVICES.**

- (A) It is found and declared that the making, creation or maintenance of such loud, unnecessary, unnatural or unusual noises which are prolonged, unusual and unnatural in their time, place and use, effect and are a detriment to the public health, comfort,

convenience, safety, welfare and the peace and quiet of the City.

- (B) It shall be unlawful for any person to disturb the peace and quiet of any other person by loud noise, music, or language, by fighting or threatening to fight, or by any other offensive action. It shall be unlawful for any person in legal possession or charge of a residence or other private property to permit, or by inaction allow other persons on the premises to disturb the peace jointly or severally by loud noise, music or language.
- (C) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this provision, but such enumeration shall not be deemed to be exclusive, namely:
- (1) Horns; Signaling Devices. The sounding of any horn or signaling device on any automobile, motorcycle, street car or other vehicle on any street or public place of the City, except as a danger warning, the creation by means of any such signaling device of any unreasonably loud or harsh tone and the sounding of any such device for an unnecessary and unreasonable period of time; the use of any signaling device, except one operated by hand or electricity, the use of any horn, whistle or other device operated by engine exhaust and the use of any signaling device when traffic is for any reason held up;
  - (2) Radios; stereos; phonographs, etc. The using, operating or permitting to be played, used or operated any radio, receiving set, musical instrument, phonograph, tape player, compact disc player, stereophonic sound system or similar device which reproduces or amplifies radio broadcasts or musical recordings or other machines or devices for the producing or reproducing of sound in any such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons whom are in the room, vehicle or chamber in which such machine or device is operated and who are voluntarily listeners thereto. The operation of any such machine or device in such manner as to be plainly audible at a distance of fifty feet (50') from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this code;
  - (3) Loud-Speaker; Amplifiers for Advertising. The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loud speaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure;
  - (4) Yelling; Shouting. Yelling, shouting, hooting, whistling or singing on the public streets or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office or in any dwelling, hotel or other type of residence or of any persons in the vicinity;
  - (5) Exhaust. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat or motor vehicle, except through a muffler or a other device which will

effectively prevent loud or explosive noises therefrom;

Provided, however, persons operating such machines or devices while participating in licensed or permitted activities such as parades or carnivals shall not be deemed to be in violation of this Section.

- (D) Violation of this code section shall be deemed to be a Class V misdemeanor. Each day any such violation or failure to perform such act shall continue shall constitute a separate offense. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule). (Amended by Ordinance 2140 06/10/2008)

**Sec. 6-339 TOBACCO; USE BY MINORS; PENALTY.** Any person under the age of 18 years who shall smoke cigarettes or cigars, or use tobacco in any form whatsoever, in the City of Blair, Nebraska, shall be guilty of a Class V Misdemeanor. Any minor so charged with the violation of this Section may be free from prosecution when such minor shall have furnished evidence for the conviction of the person or persons selling or giving such minor the cigarettes, cigars or tobacco. (Neb. Rev. Stat. §28-1418)

**Sec. 6-340 MINOR MISREPRESENTING AGE TO OBTAIN TOBACCO; PENALTY.** Any person under the age of 18 years who shall obtain cigarettes, cigars, tobacco, or tobacco material from any person, partnership, limited liability company or corporation licensed by the State of Nebraska as provided in Neb. Rev. Stat. §28-1421 and 28-1422, by representing that he/she is of the age of 18 years or older, shall be guilty of a Class V Misdemeanor. (Neb. Rev. Stat. §28-1427)

**Sec. 6-341 MINOR; UNLAWFUL POSSESSION OF TOBACCO; PENALTY.** Any person under the age of 18 years who shall have in his or her possession or physical control any cigarettes, cigars, tobacco material in any form whatsoever in the City of Blair, Nebraska, shall be guilty of a Class V Misdemeanor. Any person so charged with the violation of this Section may be free from prosecution when such minor shall have furnished evidence for the conviction of the person or persons selling or giving such minor the cigarettes, cigars, tobacco, or tobacco material.

**Sec. 6-342 PUBLIC URINATION; PENALTY.** A person nineteen (19) years of age or over shall not urinate in a public place, including but not limited to a street, alley, or sidewalk, and where the conduct may reasonably be expected to be viewed by members of the public. Violation of this Section shall be a Class V Misdemeanor.

**(END OF SECTION)**

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