

TITLE XIII: GENERAL OFFENSES

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CHAPTER 130: OFFENSES

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Cross-reference:

Mini-bikes, golf carts, and the like, see Chapter 71

GENERALLY**§ 130.01 DEFINITIONS.**

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

PERSON. Any person, firm, partnership, association, corporation, company or organization of any kind.

PROPERTY. Any real property within the city which is not a street or highway.

STREET or ***HIGHWAY.*** The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

VEHICLE. A machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides to transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon. (Prior Code, § 6-1-38) (Ord. 252, passed 4-2-1974)

§ 130.02 ADMISSION FEES; FRAUDULENTLY AVOIDING PAYMENT OF.

It shall be unlawful for any person fraudulently to enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged;

provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

(Prior Code, § 6-1-1) (Ord. 385, passed 3-9-1982) Penalty, see § 10.99

§ 130.03 ARSON.

It shall be unlawful for any person to commit “arson” which is hereby defined as to maliciously and deliberately set fire to or burn or cause to be burned, or aid, counsel or procure the burning of any dwelling or other valuable property either of himself or herself or others.

(Prior Code, § 6-1-2) Penalty, see § 10.99

Statutory reference:

Similar provisions, see Neb. RS 28-501 through 28-504.05

§ 130.04 ASSAULT.

A person commits the offense of assault if he or she intentionally or knowingly causes bodily injury to another person, or threatens another in a menacing manner.

(Prior Code, § 6-1-3) (Ord. 385, passed 3-9-1982) Penalty, see § 10.99

§ 130.05 DISTURBING THE PEACE.

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

(Prior Code, § 6-1-4) (Ord. 385, passed 3-9-1982) Penalty, see § 10.99

§ 130.06 BARBED WIRE AND ELECTRIC FENCES.

It shall be unlawful for any person to erect or maintain any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire as a guard to any parking lot or parcel of land.

(Prior Code, § 6-1-5) Penalty, see § 10.99

§ 130.07 INTOXICATING LIQUOR; SALE TO MINORS.

No person shall sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquors, to or for any minor, any person who is mentally incompetent or any person who is physically or mentally incapacitated by the consumption of the liquors.

(Prior Code, § 6-1-6) (Ord. 385, passed 3-9-1982) Penalty, see § 10.99

§ 130.08 CIGARETTES/TOBACCO; SALE TO MINORS.

It shall be unlawful for any person to sell, give or furnish, in any way, any tobacco in any form whatever, or any cigarettes or cigarette paper, to any minor under 18 years of age.
(Prior Code, § 6-1-7) (Ord. 385, passed 3-9-1982) Penalty, see § 10.99

§ 130.09 CONCEALING KNOWLEDGE.

It shall be unlawful for any person to conceal knowledge of the commission of any offense or to conceal knowledge of any unlawful act as defined in this code.
(Prior Code, § 6-1-9) Penalty, see § 10.99

§ 130.10 DISOBEYING SCHOOL CROSSING GUARD.

It shall be unlawful for any person to disobey the traffic directions given by a duly appointed uniformed school crossing guard at an intersection where school children are present.
(Prior Code, § 6-1-10) (Ord. 598, passed 3-10-1998) Penalty, see § 10.99

§ 130.11 ESCAPES.

It shall be unlawful for any person convicted of any offense or in lawful custody to escape or attempt to escape from custody.
(Prior Code, § 6-1-12) Penalty, see § 10.99

§ 130.12 LARCENY; OBTAINING GOODS BY FALSE PRETENSES.

It shall be unlawful for any person to steal any money, goods or chattels of any kind whatever; or to obtain any food, drink, goods, wares or merchandise under false pretenses.
(Prior Code, § 6-1-14) (Ord. 385, passed 3-9-1982) Penalty, see § 10.99

§ 130.13 IMPERSONATING A PEACE OFFICER.

It shall be unlawful for any person to impersonate a peace officer. A person commits the offense of impersonating a peace officer if he or she falsely pretends to be a peace officer and performs any act in that pretended capacity.
(Prior Code, § 6-1-15) (Ord. 385, passed 3-9-1982) Penalty, see § 10.99

§ 130.14 GAMBLING.

(A) It shall be unlawful for any person to deal, play or conduct, either as owner, employer or lessee, whether or not for hire, any game played with dice or gambling device as defined in Neb. RS 28-1101, as amended, for money, checks, credit or other representation of value, except that the city may establish and conduct a lottery as permitted under the Nebraska County and City Lottery Act pursuant to license issued by the State Department of Revenue, the proceeds of which shall be used for the purposes of community betterment as defined in the law, limited to providing property tax relief for the citizens of the city.

(B) Any individual, partnership or corporation seeking to become a location where lottery tickets are sold or Keno is played within the city, shall meet the same requirements as those prescribed by law for an applicant for a liquor license issued by the State Liquor Commission or shall be the holder of a liquor license issued by the State Liquor Commission.

(C) No owner or officer of a lottery operator may play the lottery of the city for whom they operate a lottery, no owner or officer of an authorized sales outlet location may play its lottery, and no employee or agent of the city or a lottery operator for the city or authorized sales outlet location of the city may play the lottery during the time that the person is actually working at the lottery or is on duty with the city.

(Prior Code, § 6-1-16) (Ord. 455, passed 5-14-1991; Ord. 460, passed 8-13-1991; Ord. 491, passed 9-14-1993) Penalty, see § 10.99

Editor's note:

Any lottery operated by the city or by a lottery operator pursuant to written agreement with the city,

shall be operated pursuant to license issued by the Department of Revenue and shall be conducted

in accordance with county and city lottery regulations issued by the State Department of Revenue,

from time to time

§ 130.15 GENERAL OFFENSE.

It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by state law, insofar as the laws are applicable to municipal government.

(Prior Code, § 6-1-17) Penalty, see § 10.99

§ 130.16 PUBLIC INDECENCY.

It shall be unlawful for any person 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, any act of sexual penetration; to appear in a state of nudity or in any indecent or lewd dress or condition in any public place or to make any indecent exposure of his or her person or private parts thereof or the private parts of another or to engage in lewd fondling or caressing of the body of another person of the same or opposite sex.

(Prior Code, § 6-1-19) (Ord. 385, passed 3-9-1982) Penalty, see § 10.99

§ 130.17 DEPOSITING OF MATERIALS ON ROADS OR DITCHES.

(A) It shall be unlawful for any person to deposit any wood, stone or other kind of material on any part of any lawful public road within the city limits, inside of the ditches of the road or outside of the ditches, but so near thereto as to cause the banks thereof to break into the same or cause the accumulation of rubbish or any kind of obstruction upon the public thoroughfares of the city.

(B) It shall be unlawful for any person to deposit, place or allow to remain in or upon any public thoroughfare any material or substance injurious to persons or property.
(Prior Code, § 6-1-20) (Ord. 385, passed 3-9-1982) Penalty, see § 10.99

SPECIFIC OFFENSES**§ 130.30 LOUDSPEAKERS OR SOUND TRUCKS.**

It shall be unlawful to play, operate or use any device known as a sound truck, loud speaker or sound amplifier, radio or phonograph, with loud speaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless the person in charge of the vehicle shall have first applied to and received permission from the Chief of Police to operate any vehicle so equipped.
(Prior Code, § 6-1-24) Penalty, see § 10.99

§ 130.31 OBSCENE LITERATURE, DISTRIBUTION OF.

It shall be unlawful for any person to exhibit, pass, give or deliver to another, any obscene, lewd or indecent book, pamphlet, picture, card, print, paper, writing, mold, cast or figure or to have same in his or her possession.
(Prior Code, § 6-1-26) Penalty, see § 10.99

§ 130.32 OFFENSE, AID TO AN.

It shall be unlawful for any person, in any way or manner, to aid, abet, counsel or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission of the offense hereby defined.
(Prior Code, § 6-1-27) Penalty, see § 10.99

§ 130.33 POLICE OFFICERS; ASSISTANCE TO.

It shall be unlawful for any person to refuse to aide a police officer if, upon request by a person knowing him or her to be a police officer, he or she unreasonably refuses or fails to aid the police officer in:

(A) Apprehending any person charged with or convicted of any offense against any of the laws of this city or state;

(B) Securing the offender when apprehended; or

(C) Conveying the offender to the jail of the county.

(Prior Code, § 6-1-28) (Ord. 385, passed 3-9-1982) Penalty, see § 10.99

§ 130.34 PROPERTY; MALICIOUS INJURY TO.

It shall be unlawful for any person to damage property of another intentionally or recklessly or to 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.

(Prior Code, § 6-1-29) (Ord. 385, passed 3-9-1982) Penalty, see § 10.99

§ 130.35 PROSTITUTION.

(A) *General.* It shall be unlawful for any person to perform, offer or agree to perform any acts of sexual penetration, as defined in Neb. RS 28-318(5), as amended with any person not his or her spouse in exchange for money or other thing of value.

(Prior Code, § 6-1-30)

(B) *House of.* It shall be unlawful for any person who has or exercises control over the use of any place which offers seclusion or shelter for the practice of prostitution and who knowingly grants or permits the use of the place for the purpose of prostitution.

(Prior Code, § 6-1-31) (Ord. 385, passed 3-9-1982) Penalty, see § 10.99

§ 130.36 RESISTING AN OFFICER.

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 of the actor or another. The actor violates this section if he or she uses or threatens to use physical force or violence against the police officer or another; or uses any other means which creates a substantial risk of causing physical injury to the peace officer or another; or employs means requiring substantial force to overcome resistance to effecting the arrest. 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.

(Prior Code, § 6-1-32) (Ord. 385, passed 3-9-1982) Penalty, see § 10.99

§ 130.37 RIDING BICYCLES ON SIDEWALKS.

Any person riding a bicycle on a sidewalk anywhere in the city shall yield to pedestrians occupying the sidewalk.

(Prior Code, § 6-1-33) (Ord. 743, passed 9-11-2012) Penalty, see § 10.99

§ 130.38 OPERATING SKATEBOARDS, ROLLER BLADES, ROLLER SKATES AND OTHER SIMILAR DEVICES.

All persons operating skateboards, roller blades, roller skates and other similar devices on a sidewalk anywhere in the city shall yield to pedestrians occupying the sidewalk.

(Prior Code, § 6-1-34) (Ord. 562, passed 7-9-1996; Ord. 743, passed 9-11-2012) Penalty, see § 10.99

§ 130.39 SWINDLING.

It shall be unlawful for any person, who by color, or aid of any trick or sleight of hand performance, or by fraud or by fraudulent scheme, cards, dice or device, to win for himself or herself or for another any money or property or a representative of either.

(Prior Code, § 6-1-35) Penalty, see § 10.99

§ 130.40 WEAPONS, FURNISHING TO PRISONERS.

It shall be unlawful for any person to introduce or attempt to introduce to any person in the custody of law enforcement personnel or held within a detention facility any weapon, tool or other thing which may be useful for escape; or any dispense concerning liquors, drugs or other articles without consent of the officer in charge.

(Prior Code, § 6-1-37) (Ord. 385, passed 3-9-1982) Penalty, see § 10.99

§ 130.41 RESERVED.

§ 130.42 RESERVED.**§ 130.43 RESERVED.****§ 130.44 RESERVED.****§ 130.45 IMPOUNDING.**

The Chief of Police, or any member of the Police Department designated by him or her, is hereby authorized to remove or have removed any vehicle left at any place within the city which reasonably appears to be in violation of Ord. 252, codified herein, or lost, stolen or unclaimed. The vehicle shall be impounded until claimed by the owner. Should the vehicle remain unclaimed for three days, it shall be destroyed by the Police Department. Before an owner shall reclaim his or her vehicle, he or she shall first pay the reasonable charges that may have been incurred in the removal, impoundment or storage of his or her vehicle.

(Prior Code, § 6-1-43) (Ord. 252, passed 4-2-1974) Penalty, see § 10.99

§ 130.46 PRIOR NOTICE.

Prior to removal and impoundment of the a vehicle, written or printed notice shall be given by the Police Department of its intention to remove and impound a vehicle and the date of removal and impoundment by it. If the owner of the vehicle is known or can be ascertained from identification on the vehicle, a member of the police force shall notify the owner in writing by regular mail of the Department's intention to remove and impound the vehicle and of the removal date. If the owner of the vehicle is unknown to police officers or cannot be readily ascertained, there shall be attached to the vehicle in a conspicuous place a written or printed notice of intention to remove and impound the vehicle and of the removal date. No vehicle shall be removed or impounded prior to the passage of three days from and after mailing or posting of notice. If the vehicle is not otherwise removed or reclaimed by the date specified in the notice, the Police Department may proceed under § 130.47 below.

(Prior Code, § 6-1-44) (Ord. 252, passed 4-2-1974) Penalty, see § 10.99

§ 130.47 LITTERING OF PUBLIC AND PRIVATE PROPERTY.

Any person who deposits, throws or leaves any litter on any public or private property, or in any waters commits the offense of littering unless:

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

(B) The litter is placed in a receptacle or container installed on the property for that purpose. The word "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. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle in violation of this section, the operator of the motor vehicle is presumed to have caused or permitted the litter to have been so thrown, deposited, dropped or dumped therefrom. Littering is a "class 4 misdemeanor" as defined by state statute.

(Prior Code, § 6-1-45) (Ord. 354, passed 1-8-1980) Penalty, see § 10.99

§ 130.48 DISORDERLY HOUSE.

(A) *Disorderly house; defined:*

(1) Any room, house, building, structure, place or premises wherein or upon any unlawful or illegal acts are committed in violation of local, state or federal law, or which are kept in such a manner as to disturb, annoy or scandalize the public generally, or persons within a particular neighborhood, is hereby declared to be a disorderly house; and/or

(2) Any room, house, building, structure, place or premises which are kept, maintained, used, erected, established or run for any of the following purposes is hereby declared to be a disorderly house, provided however, that this shall not be deemed or construed to be conclusive, limiting or restrictive:

(a) Prostitution, pandering or public indecency as those terms are defined in the state statutes;

(b) Unlawful manufacture, cultivation, growth, production, processing, sale, distribution, storage, use or possession for any unlawful manufacture, or use of any controlled substance as that term is defined in the state statutes;

(c) Gambling as that term is defined in the state statutes, or the keeping of gambling devices as that term is defined in the state statutes;

(d) Acts of disturbing the peace or disorderly conduct as those terms are defined or used in this code or state statutes;

(e) The reception, retention or disposition of stolen movable property of another; or

(f) Clairvoyance, fortune telling or divination.

(B) *Prohibited; nuisance.* It shall be unlawful for the owner, lessee, renter, proprietor or any other person or persons to keep, run or maintain a disorderly house, or to knowingly collect or permit to be collected therein persons who are engaging in any unlawful act or to knowingly make, cause or permit, or suffer to be made therein any loud or improper noise to the annoyance or disturbance of any person or neighborhood. A disorderly house is declared to be a public nuisance.

(C) *Inmate; visiting; prohibited.* It shall be unlawful for any person to become or remain a resident of any disorderly house, or to frequent or visit with knowledge of, and participation in, the illegal activities occurring therein.

(D) *Abatement procedure.*

(1) The Police Chief may give notice to the owner or occupants of the disorderly house to cease the conduct. The notice shall be in writing, shall be served personally or by certified mail, and shall contain the following:

(a) The location of the disorderly house;

(b) A description of the conduct which constitutes the room, house, building, structure, place or premises a disorderly house;

(c) An order to cease the conduct; and

(d) A statement that if the conduct continues the city may take legal action as may be necessary to restrain or suppress the conduct, specifically including the seeking of an injunction in the district court.

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(2) Within five days after receipt of the notice, the owner or occupant may make a written request for a hearing before the City Council. At the hearing the City Council shall determine whether the room, house, building, structure, place or premises is a disorderly house. If the City Council determines that the room, house, building, structure, place or premises is a disorderly house, the City Council may authorize the appropriate city officers to commence the appropriate action in court to suppress the conduct if the conduct does not cease.

(Prior Code, § 6-1-46) (Ord. 650, passed 9-10-2002) Penalty, see § 10.99

§ 130.49 DISORDERLY CONDUCT.

(A) *Definition. DISORDERLY CONDUCT* shall include, but shall not be limited to:

(1) Threatening, abusive or insulting conduct or behavior, if uttered or, as the case may be engaged in with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned;

(2) Language or other conduct or behavior which annoys and is uttered or, as the case may be, engaged in with intent to provoke a breach of the peace;

(3) Loitering or other conduct which obstructs or interferes with the passage of persons upon a public street, avenue, road or alley; and

(4) Urination in public.

(B) *Disorderly conduct; prohibited.* It shall be unlawful for any person or persons within the city to indulge or engage in any riotous, tumultuous or disorderly conduct; to take part in any disorderly assembly; to be an inmate of a disorderly house or tend or visit any such house; to fight by agreement or otherwise; to quarrel; to engage in lewd, indecent or lascivious behavior; to do or engage in any other disorderly act or conduct tending to disturb the peace and quiet of the city.

(Prior Code, § 6-1-49) (Ord. 719, passed 1-12-2010) Penalty, see § 10.99

§ 130.50 UNNECESSARY NOISE.

(A) It shall be unlawful for any person to make any noise of continuous or intermittent nature, including the playing of car radios and stereos, car horns or any other mechanical or electrical devices or instruments which amplify or reproduce the human voice or other sounds, in any public or private place, or from any vehicle, in such a manner, that disturbs the peace and good order of the neighborhood, or that a noise, injures or endangers the comfort, repose, health, peace or safety of others, within the corporate limits of the city.

(B) For purposes of this section, excessive noise shall include, but not be limited to: noise of such a volume that is louder than is necessary for the convenient hearing of persons who are inside a vehicle or any public or private place where the noise producing device is in operation.

(C) The provisions of this section shall not apply to the following:

(1) Special events involved in the use of temporary speakers or other mechanical or electrical devices, or instruments amplifying and reproducing the human voice, or any other sound as part of a celebration or a commemoration of a patriotic or historic event, or national or state holiday, or local celebrations, or gatherings of a public nature, and at other such times as the City Council shall approve;

(2) Noise created in conjunction with the construction or repair of buildings, including the erection, demolition, alteration or repair of any building between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday;

(3) Noise of safety signals, warning devices and emergency pressure release valves; or

(4) Noise caused by any police or fire department vehicle, or any authorized emergency vehicle when responding to an emergency call or acting at the time of emergency.

(D) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this section, but shall not be deemed to be exclusive:

(1) Noise generated by any motor vehicle, motorcycle or other vehicle so out of repair as to create loud and unnecessary grating, grinding, rattling or other noise;

(2) Exhaust, noises generated by any motor vehicle, motorcycle, tractor or other motorized vehicle due to nonexistent or defective mufflers; and

(3) Horns, the sound of any horn or signal device on any motor vehicle, motorcycle or other vehicle on the street or public places of the city creating any unreasonably loud or harsh sound, which is in excess of the sounds emitted by original equipment installed on motor vehicles, motorcycles or other vehicles for warning horns or signals.

(E) All violations of this section shall be enforced and punishable, pursuant to the provisions of this code for any other ordinance violation.

(Prior Code, § 6-1-48) (Ord. 676, passed 1-11-2005) Penalty, see § 10.99

CHAPTER 131: WEAPONS

Section

- 131.01 Discharge of firearms prohibited
- 131.02 Air guns; toy arms
- 131.03 Concealed weapons
- 131.04 Sale to minors forbidden
- 131.05 Exceptions

§ 131.01 DISCHARGE OF FIREARMS PROHIBITED.

No person, except an officer of the law in the discharge of his or her duty, shall fire or discharge any gun, pistol, fowling piece or other firearm within this city.
(Prior Code, § 6-4-1) Penalty, see § 10.99

§ 131.02 AIR GUNS; TOY ARMS.

It shall be unlawful for any person to discharge, or cause to be discharged, any toy pistol, toy gun, air gun or any other arm, or slingshot loaded with rock or lead or other dangerous missile, at any time or under any circumstances within the city.
(Prior Code, § 6-4-2) Penalty, see § 10.99

§ 131.03 CONCEALED WEAPONS.

(A) It shall be unlawful and the city hereby prohibits permit holders who are authorized to carry a concealed handgun pursuant to Neb. RS 69-2427 through 69-2447, as amended, from carrying a concealed handgun into or upon the property of the city, which includes City Hall,. City Shop, Chimney Rock Golf course, Police Station, Senior Citizen Center, City Library, Genoways hall, all city parks, and other property owned by the city.

(B) The city shall post conspicuous notice in each building owned or operated by the city which shall advise that carrying a concealed handgun is prohibited.
(Prior Code, § 6-4-3) (Ord. 721, passed 1-12-2010) Penalty, see § 10.99

§ 131.04 SALE TO MINORS FORBIDDEN.

It shall be unlawful for any person to sell or give away to any minor under the age of 21 years, or for any minor to have in his or her possession, any revolver, pistol, gun or firearm of any description or caliber or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of that minor's parent or guardian.
(Prior Code, § 6-4-4) Penalty, see § 10.99

§ 131.05 EXCEPTIONS.

The provisions of this chapter pertaining to the discharge of firearms within the city shall not apply to organized gun clubs, exhibitions or circuses authorized to perform in the city.
(Prior Code, § 6-4-5)

Statutory reference:

Similar provisions, see Neb. RS 17-556

CHAPTER 132: CURFEW

Section

- 132.01 Curfew for minors; exemptions
- 132.02 Responsibility of parents and guardians

§ 132.01 CURFEW FOR MINORS; EXEMPTIONS.

(A) It is a curfew violation for a child 15 years of age or under to be in a public place after 11:00 p.m. and before 5:00 a.m. on Sunday through Saturday.

(B) This section does not apply to a child who is:

- (1) Accompanied by his or her parent, guardian, or custodian;
- (2) Accompanied by an adult specified by his or her parent, guardian, or custodian;
- (3) Carrying out an errand or other lawful activity as directed by his or her parent, guardian, or custodian;
- (4) Occupying the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor who has not communicated an objection to a police officer or the police department; or
- (5) Participating in, going to, or returning from:
 - (a) Lawful employment;
 - (b) A lawful athletic, educational, entertainment, religious, or social event; or
 - (c) Interstate travel.

(Ord. 763, passed 8-12-2014) Penalty, see § 10.99

§ 132.02 RESPONSIBILITY OF PARENTS AND GUARDIANS.

Any parent or parents, guardian or other person having the custody of any minor, as defined in § 132.01 above, permitting, allowing or abetting the minor or minors to violate § 132.01 above, shall

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be deemed guilty of contributing to the delinquency of the minor. The finding that the minor has violated the that section shall be presumptive proof of the contributing to the delinquency of the minor or minors by the parent or guardian or other person having the control of the minors.
(Prior Code, § 6-5-2)