

ORDINANCE 1343
CITY OF OGALLALA, NEBRASKA

AN ORDINANCE OF THE CITY OF OGALLALA, KEITH COUNTY, NEBRASKA, AMENDING THE OGALLALA CITY CODE CHAPTER 27 REGARDING THE INVESTIGATION, DECLARATION AND ABATEMENT OF NUISANCES; TO REPEAL ALL OTHER ORDINANCES AND RESOLUTIONS, OR PARTS THEREOF IN CONFLICT; TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE MADE A PART OF THE CODE OF THE CITY OF OGALLALA; AND TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

Be it ordained by the President and City Council of the City of Ogallala, Nebraska that:

SECTION 1.

Chapter 27 of the City Code of Ogallala is repealed and replaced as follows:

ARTICLE 1
GENERAL PROVISIONS

Section 27-101.

Purpose.

City of Ogallala by this Article defines its authority to define, regulate, suppress and prevent nuisances, and to declare what shall be a nuisance for its jurisdiction and to provide services to abate the same for the health and sanitation of the City.

Statutory reference: §18-1720

Section 27-102

Enforcement jurisdiction.

The Council and Chief of Police of the City are directed to enforce this municipal code against all nuisances. The jurisdiction of the Council, Chief of Police, and court shall extend to, and the territorial application of this chapter shall include, all territory adjacent to the limits of the City within two miles thereof and all territory within the corporate limits.

Statutory reference Neb. RS 18-1720

Section 27-103

Definition of Nuisance

(A) *Nuisance.* A nuisance occurs when in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing:

1. Injures or endangers the comfort, repose, health, or safety of others;
2. Offends decency;
3. Is offensive to the senses;
4. Unlawfully interferes with, obstructs, tends to obstruct, or renders dangerous for passage any stream, public park, parkway, square, street, or highway in the municipality;
5. In any way renders other persons insecure in life or the use of property; or
6. Essentially interferes with the comfortable enjoyment of life and property; or
7. Tends to depreciate the value of the property of others.

(B) *Nuisance* includes, but is not limited to, the maintaining, using, placing, depositing, leaving, or permitting of any of the following specific acts, omissions, places, conditions, and things of:

1. Any odorous, putrid, unsound, or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish, or fowl;
2. The emission of smoke, dust, fumes, gases, mists, odors, or polluted air from any source that is, or may be, injurious or dangerous to human health and safety.
3. Privies, vaults, cesspools, dumps, pits, or like places which are not securely protected from flies or rats or other insects and rodents, or which are foul or malodorous or existing in violation of any state law or city ordinance;
4. Filthy, littered, or trash-covered cellars, house yards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises;
5. Dead animals or dead animals buried within the corporate limits
6. Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the municipality;
7. Hauling any garbage, waste, or refuse matter through the streets, alleys, and public ways except when the same is loaded and conveyed in such a way when none of the contents shall be spilled;
8. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish, or any waste vegetable or animal matter in any quantity. Nothing herein contained

shall prevent the temporary retention of waste in receptacles nor the dumping of non-putrefying waste in a place and manner approved by the municipality;

9. Tin cans, bottles, glass, cans, ashes, small pieces of scrap-iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles;
10. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of the articles or materials create a condition in which flies or rats or other insects or rodents may breed or multiply, or which may be a fire danger, or which are so unsightly as to depreciate property values in the vicinity;
11. Any unsafe building, unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which buildings, billboards, or other structures are, or may be, a fire hazard or a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity;
12. All places used or maintained as junk yards, or dumping grounds, or for the wrecking and dissembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof;
13. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when the places in which the animals are confined, or the premises on which the vegetable or animal matter is located are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom

to the annoyance of inhabitants of the municipality or are maintained and kept in such a manner as to be injurious to the public health;

14. Dead or diseased trees within the right-of-way of Streets within the corporate limits of the City, or on private property within the two mile zoning jurisdiction beyond the corporate limits (NRS §16-207);
15. Undrained lots which hold or may hold stagnant water or any other nuisance;
16. Any condition which allows the perpetuating of insects and rodents;
17. Storage, accumulation, keeping, placing, or allowing to remain trash, garbage, scrap and wrecked, worn-out, broken or inoperative, or partially destroyed or disassembled personal or real property of any kind, including but not limited to any junk or abandoned motor vehicles, tractors, trailers, machinery, and equipment;
18. Any vehicle which is not properly registered, or is inoperable, wrecked, junked, or partially dismantled and remaining longer than thirty (30) days on private property. This does not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the lawful operation of such business enterprise (such as a licensed salvage dealer, motor vehicle dealer or farm implement dealer), or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner, and so long as the premises which said vehicle is located is not a nuisance and is maintained in a healthful and safe condition. "Vehicle" means the same as defined by Neb. Rev. Stat. § 60-136. "Properly registered" means as required by Nebraska Statutes or City Ordinance;
19. Weeds. Any growth of twelve inches or more in height of weeds, grasses, or worthless vegetation on any lots and pieces of ground and the adjoining streets and alleys within the City. Weeds includes, but is not limited to, bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*),

perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle, quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus sp.*) (toun), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

20. All other things specifically designated as nuisances elsewhere in the City Code. (NRS §18-1720)

(C) This section shall not be deemed to be a complete listing of all acts, omissions, places, conditions, and things that constitute nuisances but shall only be used as an illustration of specific acts, omissions, places, conditions, and things that constitute nuisances.

ARTICLE 2

ABATEMENT SERVICES & NOTICE PROCEDURE FOR NUISANCES

Section 27-201

Nuisance Officer.

The Police Chief shall be identified as the “Nuisance Officer”.

Section 27-202

Identifying Nuisances.

1. The City may identify suspected nuisances, in which case the City Clerk shall, upon direction of the City Council or City Manager, notify the Nuisance Officer of the suspected location, person or persons in violation of any provision of this chapter and provide the address of such alleged nuisance.
2. The City Council or City Manager may direct that the Nuisance Officer audit the City or any portion thereof for nuisances. The Nuisance Officer shall then review the property or area for any nuisances.
3. The Nuisance Officer shall not go upon private property when identifying nuisances unless granted permission by any occupant or owner of private property.

Section 27-203

Investigation and Presentation of Nuisances by Nuisance Officer.

1. Nuisance Officer shall identify and confirm that in his or her opinion a nuisance exists as defined by Federal or State law or City ordinance.
2. Upon identifying a potential nuisance the Nuisance Officer shall document said potential nuisance with photographs and other evidence pertinent to the situation. Nuisance Officer will also obtain the legal description of the property and identify the current owners and, if possible, the occupants of the property upon which the nuisance exists.
3. Nuisance Officer shall then present the information specified in the Subsection (2) to the City Council at a regular or special meeting of the City Council.
4. The City Council, after hearing the evidence from the Nuisance Officer regarding the existence of a nuisance, shall then take action regarding the potential nuisance identified by the Nuisance Officer. The City Council may, by resolution, declare a nuisance that the real estate or location specified by the Nuisance Officer is or contains a nuisance. If the City Council takes no action then the report of potential nuisance of the Nuisance Officer shall be of no effect and no nuisance shall be declared.
5. At the time of a declaration of nuisance the City Council shall designate the method(s) of enforcement the City Council has chosen as specified in Article Three of this Chapter. The City Council may pursue more than one method of enforcement.

**ARTICLE 3
ENFORCEMENT**

Section 27-301

Enforcement Procedures.

Any declaration of nuisance by the City Council may be enforced by: (1) Administrative nuisance abatement as defined in Section 27-302; (2) Criminal prosecutions, and/or; (3) Civil judicial

enforcement. Any procedures in this Article, or combination of said procedures may be used to enforce any nuisance declared by the City Council.

Section 27-302

Administrative Nuisance Abatement

The City may proceed with abatement of the nuisance, sanitation, and/or health violation with or without judicial interpretation or decision after the following procedure is followed:

1. After a nuisance is declared the City Clerk notifies the Nuisance Officer to serve notice upon the violator(s).
2. Within five (5) days of a declaration of nuisance by the City Council the Nuisance Officer or City Clerk shall prepare and serve notice by personal service or certified mail to all owner(s) of any real estate declared a nuisance by the City Council.
3. The notice served by the Nuisance Officer shall provide information as to how the interested parties may request a hearing before the City Council described in subsection 5 of this Section.
4. If notice by personal service or certified mail is unsuccessful, said notice shall be given by a single publication in a newspaper of general circulation in the City or county of the City, and by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. The date of service is determined by the later date of any certified mail receipt, personal service or publication date.
5. The accused violator including any owner of the real estate declared to be or contain a nuisance and/or any occupant of any real estate alleged to have or contain a nuisance may request in writing a hearing before the City Council within five (5) days after notice of violation is served or published. For tree nuisance violations the period for requesting a hearing is extended to thirty (30) days after service.

6. If no request for a hearing is received in the required time period, the City Council or Nuisance Officer may cause a hearing to be held. This option is at the sole discretion of the City Council or the Nuisance Officer. The City Council may cause a hearing to be held by resolution of the City Council. The Nuisance Officer may exercise the option to conduct a hearing regarding the nuisance by submitting to the City Clerk a written request for hearing regarding a particular nuisance to the City Clerk no less than five (5) days prior to the date the hearing will be held before the City Council. Hearings at the request of either the Nuisance Officer or City Council are to be used only in exceptional case.
7. If a hearing is requested, the City Clerk shall fix a date of hearing to be no later than fourteen (14) days from receipt of the request for the hearing. Notice of hearing with the date and time shall be served upon the owner, and occupant, if any, of the nuisance property by regular first-class mail.
8. The hearing shall be a “show cause” hearing in which the owner or occupant of the nuisance property may provide evidence why the alleged condition should not be found to be a public nuisance and remedied. This hearing shall be heard before a quorum of the City Council. The President of the City Council may conduct the hearing or City Council President may appoint another city official or legal counsel as the hearing officer to conduct the hearing. At the hearing the hearing officer shall mark and receive evidence which was presented when the finding of a nuisance was made, relevant evidence of the nuisance since that time, and evidence that the notices were properly given. The objecting parties shall then present evidence. The rules of evidence shall not apply at said hearing, but all evidence must be relevant to the particular nuisance being heard. Testimony shall be under oath as administered by the hearing officer or any person so designated by the hearing officer, and the person providing the testimony is subject to the laws of perjury. Evidence may be submitted in writing by affidavit.

9. No later than five (5) business days after the hearing and consideration of the evidence, the City Council may by majority vote rescind the resolution of violation. If the resolution of violation is not rescinded, it shall stand. Furthermore, if the party objecting to the declaration of a nuisance by the City Council fails to appear at the hearing or does not provide evidence, the nuisance shall stand. If the resolution is not rescinded, the City Council may, by resolution, extend the date that owner, occupant, lessee, or mortgagee shall abate and remedy the said public nuisance, but in no case shall this time exceed 60 days. The findings of the City Council shall be served upon the objecting party either personal service or certified mail within 5 days of the finding by the City Clerk or by the Nuisance Officer. The finding of this hearing is final, provided that an interested party or parties may appeal such decision to the appropriate court for adjudication.
10. If the Nuisance Officer determines the nuisance is not remedied and abated within the time period designated, the City shall cause the abatement of the nuisance.
11. If an interested party properly appeals to an appropriate court the findings and orders of the City to an appropriate court, then any orders of abatement of a nuisance or other enforcement shall be stayed until such time that the legal proceedings are concluded.

Section 27-303

Criminal Prosecution.

If the declared nuisance, health, and/or sanitation violation is not abated within fifteen (15) days that the notice of designation of nuisance by the City Council is served upon the owner and/or occupant, and the City Clerk has not received a request for hearing, the Nuisance Officer may cause the issuance of a citation for the code violation.

1. The citation shall be prosecuted to the appropriate court by the City Attorney or other designated prosecutor for the City.
2. Upon a declaration of nuisance and a direction from the City Council to the Nuisance Officer to pursue criminal prosecution of the nuisance the Nuisance

Officer shall issue a criminal citation informing the alleged owner and/or occupant of any real estate declared to be a nuisance in accordance with applicable law governing the issuance and service of citations.

2. A person or persons found guilty of these violations shall be guilty of a misdemeanor and fined up to \$500.00 per each offense.
3. Each day that the nuisance as identified in the nuisance resolution and notice, is not abated shall be a separate offense and subject to a separate fine.

Section 27-304

Civil Enforcement.

The City Council, by majority vote may instruct by resolution direct the City Attorney to file a civil action for the abatement of a nuisance by majority vote. Said civil suit may commence immediately upon the declaration of nuisance being duly passed by the City Council. Any civil action to enforce the City Code regarding nuisances may be filed and prosecuted at the same time any other enforcement procedure or after any other enforcement procedure has terminated.

ARTICLE 4 EXPENSES

Section 27-401

Expenses of nuisance abatement or enforcement

- (A) When the City has effected the abatement of the nuisance, health and/or sanitation violation through either City employees or through contract with a third party and has incurred expenses and costs thereof, the actual cost thereof shall be charged to the owner, agent, occupant or person in possession, charge or control of such property. The billing shall be calculated at the actual cost of abating the nuisance plus a twenty-five-dollar (\$25.00) administrative fee.
- (B) This billing shall be submitted to the last known address of the Owner of the nuisance property as found in the County Treasurer's office by regular first-class mail.

- (C) If said costs are not paid within two months after the work is done and one month after the expenses and costs are submitted to the owner and/or occupant, the City may levy and assess the expenses and costs upon the real estate benefitted by the actions in the same manner as other special assessments are levied and assessed, and the City may collect said assessments in the same procedure as other special assessments are collected under State law or City ordinance. In addition to any levy or assessment procedures the City may also recover said expenses and costs of abating the nuisance, health and/or sanitation violation(s) in a civil action in the courts of the appropriate county in Nebraska.

ARTICLE 5
SOUND AMPLIFIERS

Section 27-501.

Sound amplifiers; permits required.

- (1) It shall be unlawful to maintain or operate any loudspeaker or amplifier connected with any radio, phonograph, microphone, or other device by which sounds are magnified and made heard over any public street or other public place without having first secured a permit therefore.
- (2) (a) The deposit for permits to be granted under this section shall be established by the City Council by Resolution.
(b) The deposit shall be refundable upon the completion of the permit period as long as no law enforcement action was taken concerning the activity for which the permit was issued.
(c) The permit shall be effective for no longer than a continuous five day period.
- (3) Any person, firm, or corporation desiring a permit for the use or operation of such device shall file an application thereof with the City Clerk, upon a form provided by him or her, setting forth the name and address of the applicant, the name of the owner of such device, the dates upon which it is intended to be used, and such other information as may be prescribed.

- (4) Such permit shall be issued upon the payment of a deposit, as above provided, to the City Clerk, and shall permit the use of any such device subject to the terms and conditions of this section only upon the dates specified on such permit and no other. Said permit shall be displayed in plain view in a conspicuous place at the event.
- (5) No permittee shall use or operate or employ any such device within the City limits before 9:00 a.m. nor after 1:00 a.m.; and no permittee shall use, operate, or employ any such device within a radius of two blocks from any hospital or within the radius of two blocks from any church while funeral services are being held there.
- (6) The Chief of Police or his or her representative shall have the authority to revoke a permit issued pursuant to this section if the Police Department has received two or more signed complaints of loud or disturbing noise within a 12-hour period. The Police Department shall further be empowered to seize any amplifying equipment that continues to be in use after the revocation of the permit or which is being used without a permit being issued.
- (7) If the person, firm, or corporation has his/her/its permit revoked two times within a four-month period, he/she/it cannot reapply for such permit for a period of 12 months from the date of the last revocation.
- (8) This section shall not apply to the following:
 - (a) Radios, phonographs, microphones, or other devices by which sounds are magnified in homes or in private pleasure vehicles when the same are operated in such manner as not to be audible at a distance of 50 feet from such vehicle.
 - (b) Amplified sound, noise devices, bands, or other musical devices used in any school, county, state or City sponsored activity, or public parade or procession.
 - (c) Businesses that amplify radio or music transmissions between the hours of 8:00 a.m. and 8:00 p.m.
- (9) No permittee shall cause or permit to be emanated or emitted from any such device any lewd, obscene, profane, or indecent language or sounds, or any false representation of any matter, product, or project advertised thereby, the sale of which is prohibited by any law, ordinance, or statute.

- (10) Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be penalized as provided in 27-502.

Section. 27-502.

Penalty

- (1) Penalty amounts. Any person who violates any of the prohibitions or provisions of any section of this chapter shall be deemed guilty of a misdemeanor. Unless otherwise specified in this chapter or by statute, the penalty for such violation shall be in any amount not to exceed \$1,000, in the discretion of the court; and, provided, whenever any section of this chapter shall declare a nuisance, a violation of that section shall be penalized by a fine of not more than \$1,000, in which case a new violation shall be deemed to have been committed every 24 hours of such failure to comply.
- (2) Abatement of nuisance. (a) Whenever a nuisance exists as defined in this chapter, the City may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law. (b) Whenever in any action it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.
- (3) Restitution. The court may, together with the fine or penalty imposed, enter an order of restitution as part of the judgment in the case.

Statutory reference: Neb. RS 16-225, 16-240, 16-246, 18-1720

ARTICLE 6

GRAFFITI

Section. 27-601.

Purpose and Findings.

The purpose of this Section is to prevent the spread of graffiti in the City through measures reasonably calculated to deter graffiti and to encourage and facilitate rapid removal when it occurs. The City Council makes the following finds in enacting this Section:

- (1) Graffiti is a form of vandalism defacing public and private property without the consent of the owner;
- (2) Graffiti creates visual pollution and blight that adversely affects the enjoyment and value of public and private property and causes citizens, businesses and the City to incur the cost of removal and repair;
- (3) Graffiti is a visual symbol of disorder and lawlessness. It contributes to a downward spiral of blight and decay, decreasing property values, lessening business viability and potentially adversely affecting tax revenues; and
- (4) There is substantial evidence that rapid removal of graffiti is an effective prevention strategy that discourages its return. In addition, there is substantial evidence that failure to promptly remove graffiti increases the likelihood that more graffiti will occur on the same site and on other nearby property.

Section 27-602.

Definitions.

- (1) Aerosol Paint container means any container that is adapted or made for the purpose of applying aerosolized paint or any other aerosolized substance capable of defacing property.
- (2) Broad Tipped Marker means any marker or similar implement that contains ink and has a flat or angled writing surface that, at its broadest width, exceeds one eighth inch.
- (3) Etching Cream means any caustic cream, gel, liquid, or solution capable, by means of a chemical action, of defacing, damaging, or destroying hard surfaces in a manner similar to acid.
- (4) Graffiti means any inscription, word, figure, design, painting, writing, drawing or carving that is marked, etched, scratched, drawn, painted or otherwise applied to property without the prior authorization of the owner of the property regardless of the content or nature of the material used.
- (5) Graffiti implement means an aerosol paint container, a broad-tipped marker, gummed label, paint stick or graffiti stick.

- (6) Minor means a person under the age of eighteen.
- (7) Owner means the person listed on the Keith County Assessor's records as the owner of property.
- (8) Paint Stick or Graffiti Stick means any device containing a solid or liquid form of paint, chalk, wax, epoxy, or other similar substance that leaves a visible mark upon application to a surface.
- (9) Property means any real or personal property, including but not limited to any portion of any premises, structure, house, building, fence or vehicle.
- (10) Vendor means any person who offers for sale and/or transfer any items that constitute graffiti implements for value or any form of consideration.

27-603.

Prohibited acts.

The following acts are prohibited:

- (1) Applying graffiti to any private or public property without the permission of the owner;
- (2) Soliciting or commanding another person to apply graffiti to any private or public property without the permission of the owner; or
- (3) Aiding or abetting or agreeing to aid or abet another person in planning to apply or applying graffiti to any private or public property without the permission of the owner.

27-604.

Prohibited possession of graffiti implements.

- (1) No person shall possess any graffiti implement under circumstances presumed to evidence intent to violate the provisions of 27-303. A person is presumed to possess the Graffiti implement with an intent to violate the provisions of Section 27- 303 if he or she possesses any Graffiti implement:
 - (a) In or on any part of a publicly-owned or privately-owned property, facility, park, walkway or trail, school ground, library, playground, swimming pool, recreational facility, right-of-way; or

- (b) Within fifty (50) feet of any underpass, overpass, bridge abutment, storm drain, or similar type of infrastructure.
- (2) It is a defense to enforce action under Subsection (a) of this Section that the Graffiti implement was:
 - (a) possessed on the property with consent of the Owner; or
 - (b) possessed in a place where the implement was going to be used for a nongraffiti activity, including but not limited to an employment, school, home, church, art, or similar activity or possessed while enroute to or from such activity.

27-605.

Required conduct.

Each vendor selling items constituting graffiti implements shall place a sign in clear public view at or near the display and inventory of graffiti implements. Said sign shall measure not less than eight and a half (8 1/2) inches by eleven (11) inches and state "It is illegal for a person to purchase or possess aerosol spray paint containers, a broad-tipped marker, or any other graffiti implement for the express illegal purpose of graffiti as stated in Ogallala Municipal Code Chapter 27."

27-606.

Rapid removal of graffiti.

Whenever the City Manager, or his or her designee, determines that graffiti is located on public or private property such that graffiti may be viewed by a person using any public right-of-way or other public property, the City Clerk will provide written notice to the Owner of said property that City Ordinance requires that Graffiti be removed from public or private property within 48 hours of receipt of such notice unless a correction plan otherwise is approved. The notice will further state that if the property owner does not abate the Graffiti within ten (10) business days after notice, the City will proceed with nuisance enforcement according to Ogallala Municipal Code Chapter 27 regarding declaration and abatement of nuisances.

27-607.

Penalties.

- (1) Any person violating any portion of this Article shall:
 - (a) Pay a fine of not more than five hundred dollars (\$500) per violation;
 - (b) Reimburse the property Owner for all costs reasonably incurred by the property Owner that are directly related to removal of the Graffiti; and
 - (c) Perform twenty-five (25) hours of community service.
- (2) Every parent or legal guardian having custody or control of a Minor who violates this Article shall be jointly and severally liable with the minor for the penalties set forth in 27-607 (1)(a) and (b). For the purposes of this section, each act and each property is a separate violation.
- (3) Any person violating 27-304 shall pay a fine of two hundred fifty dollars (\$250) for the first violation and up to five hundred dollars (\$500) for subsequent violations and/or perform up to twenty-five (25) hours of community service.
- (4) Any person violating 27-605 shall pay a fine of fifty dollars (\$50) for the first violation and up to one hundred dollars (\$100) for subsequent violations.

27-308.

Severability.

If any section, phrase, sentence or portion of this Article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 2:

The City of Ogallala City Code is hereby amended and all conflicting ordinances, resolutions and conflicting sections of ordinances and resolutions to this ordinance are hereby repealed.

Section 3:

This Ordinance shall be in full force and effect from and after its passage, approval and publication according law.

SECTION 4.

This Ordinance shall be published in pamphlet form according to Nebraska law.

Passed, approved and adopted on this 14th day of June 2016.



Harold L. Peterson, Council President

Attest:



Jane Skinner, City Clerk