

**ORDINANCE NO. 2018-18**

**AN ORDINANCE RELATING TO CITY COUNCIL MEMBERS; ELECTION; QUALIFICATIONS; TERMS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALMA, NEBRASKA:

SECTION 1. SECTION 31.03 of the City of Alma's Code of Ordinances is revised to read as follows regarding City Council:

**ELECTION; QUALIFICATIONS; TERMS.**

(A) The City Council shall consist of not less than 4 nor more than 12 residents of the city who are registered voters.  
(Neb. RS 17-103)

(B) All Council members shall be nominated and elected on a nonpartisan ballot unless the city provides for a partisan ballot by ordinance.  
(Neb. RS 32-557)

(C) If members of the Council are not elected at large:

(1) Unless the city elects council members at large as provided in Neb. RS 32-554, the city shall be divided into not less than 2 nor more than 6 wards, as provided by ordinance of the City Council. Each ward shall contain, as nearly as practicable, an equal portion of the population;  
(Neb. RS 17-102)

(2) Unless the city elects council members at large as provided in Neb. RS 32-554, each ward of the city shall have at least 2 Council members elected in the manner provided in the Election Act. No person shall be eligible to the office of Council member who is not at the time of the election an actual resident of the ward for which he or she is elected and a registered voter; and  
(Neb. RS 17-104)

(3) Such wards shall be substantially equal in population as determined by the most recent federal decennial census.  
(Neb. RS 32-553)

(a) The municipality shall stand divided into the following wards as set forth herein:

**EAST WARD**

All that part of the City of Alma, Harlan County, Nebraska, now legally attached to and incorporated within the limits of the City, or which may hereafter be legally attached to and incorporated therein, lying east of John Street of said City, or lying east of an extension of the center line of said street, constitutes and shall constitute the East Ward of said City.

WEST WARD

All that part of the City of Alma, Harlan County, Nebraska, now legally attached to and incorporated within the limits of the City, or which may hereafter be legally attached to and incorporated therein, lying west of John Street of said City, or lying west of an extension of the center line of said street, constitutes and shall constitute the West Ward of said City.

(Ref. 17-102 RS Neb.)

(D) When the results of each U.S. Decennial Census are known, the City Clerk will review the information on the location of the City's population to determine if the boundaries of each district should be adjusted so that each ward has the same population.

(E) The term of office shall begin on the first regular meeting of the Council in December following the statewide general election.

(Neb. RS 17-104)

(F) Members of the Council shall serve for terms of 4 years or until their successors are elected and qualified.

(Neb. RS 32-533)

(G) If the city operates under a city manager plan, members of the City Council shall be residents and registered voters of the city and shall hold no other employment with the city. Any Council member who ceases to possess any of the qualifications required by this section or who has been convicted of a felony or of any public offense involving the violation of the oath of office of such member while in office shall forthwith forfeit such office.

(Neb. RS 19-613)

SECTION 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED and APPROVED this 20<sup>th</sup> day of August, 2018.



CITY OF ALMA, NEBRASKA

  
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Hal D. Haeker, Mayor

  
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Lori Tripe, City Clerk

**ORDINANCE 2018-19**

**AN ORDINANCE RELATING TO ELECTIONS; PETITION, WRITE-IN, AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT; PROCEDURES; CHANGING THRESHOLD FROM 20% TO 10% FOR PLACING A CANDIDATE ON A PARTISAN BALLOT; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALMA, NEBRASKA:

SECTION 1. SECTION 34.09 of the City of Alma's Code of Ordinances is revised to read as follows regarding elections:

**PETITION, WRITE-IN, AND OTHER CANDIDATES FOR GENERAL ELECTION BALLOT; PROCEDURES.**

(A) (1) Any registered voter who was not a candidate in the primary election and who was not registered to vote with a party affiliation on or after March 1 and before the general election in the calendar year of the general election may have his or her name placed on the general election ballot for a partisan office by filing petitions as prescribed in this section and Neb. RS 32-621 or by nomination by political party convention or committee pursuant to Neb. RS 32-627 or 32-710.

(2) Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his or her name placed on the general election ballot if a vacancy exists on the ballot under Neb. RS 32-625(2) and the candidate files for the office by petition as prescribed in divisions (B) and (C) of this section, files as a write-in candidate as prescribed in Neb. RS 32-615, or is nominated by political party convention or committee pursuant to Neb. RS 32-710.  
(Neb. RS 32-616)

(B) Petitions for nomination shall conform to the requirements of Neb. RS 32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. A sample copy of the petition shall be filed with the filing officer prior to circulation. Petitions shall be signed by registered voters residing in the city, if candidates are chosen at large, or in the ward in which the officer is to be elected, if candidates are chosen by ward, and shall be filed with the filing officer in the same manner as provided for candidate filing forms in Neb. RS 32-606. Petition signers and petition circulators shall conform to the requirements of Neb. RS 32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing the payment of the filing fee required pursuant to Neb. RS 32-608. The petitions shall be filed by September 1 in the year of the general election.  
(Neb. RS 32-617)

(C) (1) The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be at least 10% of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the (city/village) or in the ward in which the officer is to be elected, not to exceed 2,000.

(2) The number of signatures of registered voters needed to place the name of a candidate for an office upon the partisan ballot for the general election shall be at least 10% of the registered voters entitled to vote for the office.  
(Neb. RS 32-618)

SECTION 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval, and

PASSED and APPROVED this 20<sup>th</sup> day of August, 2018.



CITY OF ALMA, NEBRASKA

  
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Hal D. Haeker, Mayor

  
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Lori Tripe, City Clerk

ORDINANCE 2018-20

AN ORDINANCE RELATING TO MOTOR VEHICLES; PROHIBITIONS ON OPERATION OF VEHICLES OR WEIGHT RESTRICTIONS; INCREASING 90 DAYS TO 180 DAYS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALMA, NEBRASKA:

SECTION 1. SECTION 70.15 of the City of Alma's Code of Ordinances is revised to read as follows regarding motor vehicles:

**PROHIBITIONS ON OPERATION OF VEHICLES.**

(A) The city may by ordinance or resolution prohibit the operation of vehicles upon any highway or impose restrictions as to the weight of vehicles, for a total period not to exceed 180 days in any one calendar year, when operated upon any highway under the jurisdiction of and for the maintenance of which the (city/village) is responsible whenever any such highway by reason of deterioration, rain, snow, or other climatic condition will be seriously damaged or destroyed unless the use of vehicles thereon is prohibited or the permissible weight thereof reduced. The (city/village) shall erect or cause to be erected and maintained signs designating the provisions of the ordinance or resolution at each end of that portion of any highway affected thereby, and the ordinance or resolution shall not be effective until such signs are erected and maintained.

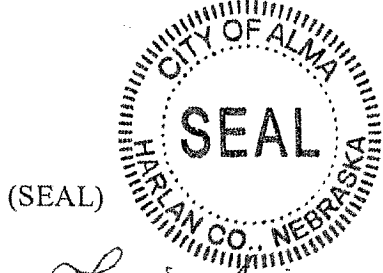
(B) The city may also, by ordinance or resolution, prohibit the operation of trucks or other commercial vehicles or impose limitations as to the weight thereof on designated highways, which prohibitions and limitations shall be designated by appropriate signs placed on such highways.

(Neb. RS 60-681)

SECTION 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED and APPROVED this 20<sup>th</sup> day of August, 2018.



Lori Tripe  
Lori Tripe, City Clerk

CITY OF ALMA, NEBRASKA

Hal D. Haeker  
Hal D. Haeker, Mayor

ORDINANCE 2018-21

AN ORDINANCE RELATING TO OBSTRUCTIONS AND PROJECTIONS IN PUBLIC WAYS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALMA, NEBRASKA:

SECTION 1. SECTION 96.04 of the City of Alma's Code of Ordinances is revised to read as follows regarding obstructions and projections in public ways:

**REGULATION OF OBSTRUCTIONS.**

(A) The city may remove all obstructions from the sidewalks, curbstones, gutters, and crosswalks at the expense of the person placing them there or at the expense of the (city/village) and require and regulate the planting and protection of shade trees in and along the streets and the trimming and removing of such trees.

(B) The city may regulate the building of bulkheads, cellar and basement ways, stairways, railways, windows, doorways, awnings, hitching posts and rails, lampposts, awning posts, all other structures projecting upon or over and adjoining, and all other excavations through and under the sidewalks in the (city/village).  
(Neb. RS 17-555)

SECTION 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.


SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

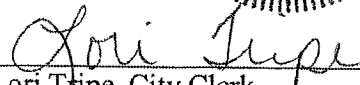
PASSED and APPROVED this 20<sup>th</sup> day of August, 2018.

(SEAL)



CITY OF ALMA, NEBRASKA

  
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Hal D. Haeker, Mayor

  
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Lori Tripe, City Clerk

## ORDINANCE 2018-22

**AN ORDINANCE RELATING TO ANIMALS; REDEFINING THE TERM "LAW ENFORCEMENT OFFICER;" TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALMA, NEBRASKA:

SECTION 1. SECTION 90.06 of the City of Alma's Code of Ordinances is revised to read as follows regarding animals:

### **ABANDONMENT, NEGLECT, AND MISTREATMENT.**

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

*ABANDON.* To leave any animal in one's care, whether as owner or custodian, for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health.

*ANIMAL.* Any vertebrate member of the animal kingdom. *ANIMAL* does not include an uncaptured wild creature or a livestock animal as defined in this section.

*BOVINE.* Cattle, oxen, or bison.

*CRUELLY MISTREAT.* To knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise inflict harm upon any animal.

*CRUELLY NEGLECT.* To fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health.

*HUMANE KILLING.* The destruction of an animal by a method which causes the animal a minimum of pain and suffering.

*LAW ENFORCEMENT OFFICER.* Any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of the (city/village) or any other city or village, or any other public official authorized by the (city/village) or any other city or village to enforce state or local animal control laws, rules, regulations, or ordinances. Law enforcement officer also includes a special investigator appointed as a deputy state sheriff as authorized pursuant to Neb. RS 81-201 while acting within the authority of the Director of Agriculture.

*LIVESTOCK ANIMAL.* Any bovine, equine, swine, sheep, goats, domesticated cervine animals, ratite birds, or poultry.

*OWNER OR CUSTODIAN.* Any person owning, keeping, possessing, harboring, or knowingly permitting an animal to remain on or about any premises owned or occupied by such person.

*POLICE ANIMAL.* A horse or dog owned or controlled by the state or any county, city, or village for the purpose of assisting a law enforcement officer in the performance of his or her official enforcement duties.

(Neb. RS 28-1008)

*(B) Enforcement powers; immunity.*

(1) A law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may seek a warrant authorizing entry upon private property to inspect, care for, or impound the animal.

(2) A law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner or custodian as prescribed in Neb. RS 29-422 to 29-429.

(3) Any law enforcement officer acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence. (Neb. RS 28-1012)

*(C) Violation.*

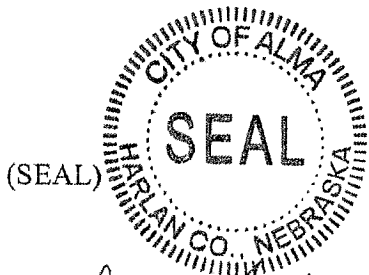
(1) A person who intentionally, knowingly, or recklessly abandons, cruelly neglects, or cruelly mistreats an animal is guilty of an offense.

(2) A person commits harassment of a police animal if he or she knowingly and intentionally teases or harasses a police animal in order to distract, agitate, or harm the police animal for the purpose of preventing such animal from performing its legitimate official duties. (Neb. RS 28-1009)

SECTION 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED and APPROVED this 20<sup>th</sup> day of August, 2018.



Lori Tripe  
Lori Tripe, City Clerk

CITY OF ALMA, NEBRASKA

Hal D. Hacker  
Hal D. Hacker, Mayor



## **ORDINANCE 2018-23**

**AN ORDINANCE RELATING TO TRANSACTIONS INVOLVING ALCOHOLIC BEVERAGES BY PERSONS 16 OR OLDER; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALMA, NEBRASKA:

SECTION 1. SECTION 110.2 of the City of Alma's Code of Ordinances is revised to read as follows regarding alcoholic beverages:

**MANUFACTURE, SALE, DELIVERY, AND POSSESSION; GENERAL PROHIBITIONS; EXCEPTIONS.**

(A) No person shall manufacture, bottle, blend, sell, barter, transport, deliver, furnish, or possess any alcoholic liquor for beverage purposes except as specifically provided in this chapter and the Nebraska Liquor Control Act.

(B) Nothing in this chapter shall prevent:

(1) The possession of alcoholic liquor legally obtained as provided in this chapter or the Act for the personal use of the possessor and his or her family or guests;

(2) The making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains, or the product thereof, by simple fermentation and without distillation, if made solely for the use of the maker and his or her family and guests;

(3) Any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution caring for the sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of that hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in the compounding of prescriptions of licensed physicians;

(4) The possession and dispensation of alcoholic liquor by an authorized representative of any religion on the premises of a place of worship, for the purpose of conducting any bona fide religious rite, ritual, or ceremony;

(5) Persons who are 16 years old or older from carrying alcoholic liquor from licensed establishments when they are accompanied by a person not a minor;

(6) Persons who are 16 years old or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment;

(7) Persons who are 16 years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment;

(8) Persons who are 16 years old or older from completing a transaction for the sale of alcoholic liquor in the course of their employment if they are not handling or serving alcoholic liquor; or

(9) Persons who are 19 years old or older from serving or selling alcoholic liquor in the course of their employment.

(Neb. RS 53-168.06)

SECTION 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.


SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

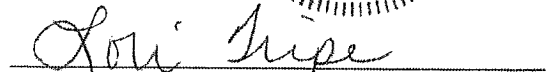
PASSED and APPROVED this 20<sup>th</sup> day of August, 2018.

(SEAL)



CITY OF ALMA, NEBRASKA

  
Hal D. Hacker, Mayor

  
Lori Thipe, City Clerk

**ORDINANCE 2018-24**

**AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES; LICENSEE REQUIREMENTS; REVISING TO PROHIBIT LICENSES ISSUED TO ANYONE WHO IS NOT A RESIDENT AND LEGALLY ABLE TO WORK IN THIS STATE; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALMA, NEBRASKA:

SECTION 1. SECTION 110.22 of the City of Alma's Code of Ordinances is revised to read as follows regarding alcoholic beverages:

**LICENSEE REQUIREMENTS.**

(A) No license shall be issued to:

(1) A person who is not a resident of this state, except in case of railroad, airline, or boat licenses;

(2) A person who is not of good character and reputation in the community in which he or she resides;

(3) A person who is not a resident of this state and legally able to work in this state;

(4) A person who has been convicted of or has pleaded guilty to a felony under the laws of this state, any other state, or the United States;

(5) A person who has been convicted of or has pleaded guilty to any Class I misdemeanor pursuant Neb. RS Chapter 28, art. 3, 4, 7, 8, 10, 11, or 12, or any similar offense under a prior criminal statute or in another state, except that any additional requirements imposed by this division on May 18, 1983, shall not prevent any person holding a license on that date from retaining or renewing that license if the conviction or plea occurred prior to May 18, 1983;

(6) A person whose license issued under the Nebraska Liquor Control Act has been revoked for cause;

(7) A person who at the time of application for renewal of any license issued under the Act would not be eligible for that license upon initial application;

(8) A partnership, unless one of the partners is a resident of this state and unless all the members of that partnership are otherwise qualified to obtain a license;

(9) A limited liability company, unless one of the members is a resident of this state and unless all the members of that company are otherwise qualified to obtain a license;

(10) A corporation, if any officer or director of the corporation or any stockholder owning in the aggregate more than 25 % of the stock of that corporation would be ineligible to receive a license under this section for any reason other than the reasons stated in divisions (A)(1) and (A)(3) of this section, or if a manager of a corporate licensee would be ineligible to receive a license under this section for any reason. This division shall not apply to railroad licenses;

(11) A person whose place of business is conducted by a manager or agent, unless that manager or agent possesses the same qualifications required of the licensee;

(12) A person who does not own the premises for which a license is sought or does not have a lease or combination of leases on the premises for the full period for which the license is to be issued;

(13) Except as provided in this division, an applicant whose spouse is ineligible under this section to receive and hold a liquor license. Such an applicant shall become eligible for a liquor license only if the Nebraska Liquor Control Commission finds from the evidence that the public interest will not be infringed upon if the license is granted. It shall be prima facie evidence that when a spouse is ineligible to receive a liquor license, the applicant is also ineligible to receive a liquor license. This prima facie evidence shall be overcome if it is shown to the satisfaction of the Commission:

- (a) The licensed business will be the sole property of the applicant; and
- (b) The licensed premises will be properly operated.

(14) A person seeking a license for premises which do not meet standards for fire safety as established by the State Fire Marshal;

(15) A law enforcement officer, except that this division shall not prohibit a law enforcement officer from holding membership in any nonprofit organization holding a liquor license or from participating in any manner in the management or administration of a nonprofit organization; or

(16) A person less than 21 years of age.

(B) When a trustee is the licensee, the beneficiary or beneficiaries of the trust shall comply with the requirements of this section, but nothing in this section shall prohibit any such beneficiary from being a minor or person who is mentally incompetent.

(Neb. RS 53-125)

SECTION 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED and APPROVED this 20<sup>th</sup> day of August, 2018.

(SEAL)



Lori Tripe  
Lori Tripe, City Clerk

CITY OF ALMA, NEBRASKA

Hal D. Haeker  
Hal D. Haeker, Mayor

## **ORDINANCE 2018-25**

**AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES; LICENSE REQUIREMENTS; REVISING TO EXEMPT FROM OCCUPATION TAXES HOLDERS OF CLASS J RETAIL LICENSES; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALMA, NEBRASKA:

SECTION 1. SECTION 110.23 of the City of Alma's Code of Ordinances is revised to read as follows regarding alcoholic beverages:

### **LICENSES; CITY POWERS AND DUTIES.**

(A) The City Council is authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, the business of all retail, craft brewery, and microdistillery licensees carried on within the corporate limits of the city.  
(Neb. RS 53-134.03)

(B) During the period of 45 days after the date of receipt by mail or electronic delivery from the Nebraska Liquor Control Commission notice and a copy of an application for a new license to sell alcoholic liquor at retail, a craft brewery license, or a microdistillery license, the City Council may make and submit to the Commission recommendations relative to the granting or refusal to grant the license to the applicant.  
(Neb. RS 53-131)

(C) The City Council, with respect to licenses within the corporate limits of the city, has the following powers, functions, and duties with respect to retail, craft brewery, and microdistillery licenses:

(1) To cancel or revoke for cause retail, craft brewery, or microdistillery licenses to sell or dispense alcoholic liquor issued to persons for premises within its jurisdiction, subject to the right of appeal to the Nebraska Liquor Control Commission;

(2) To enter or to authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act to determine whether any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation adopted by the City Council has been or is being violated, and at that time examine the premises of the licensee in connection with such determination. Any law enforcement officer who determines that any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation adopted by the local governing body has been or is being violated shall report such violation in writing to the Executive Director of the Commission:

- (a) Within 30 days after determining that such violation has occurred;
- (b) Within 30 days after the conclusion of an ongoing police investigation; or
- (c) Within 30 days after the verdict in a prosecution related to such an ongoing police investigation if the prosecuting attorney determines that reporting such violation prior to the verdict would jeopardize such prosecution, whichever is later;

(3) To receive a signed complaint from any citizen within its jurisdiction that any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor has been or is being violated and to act upon these complaints in the manner provided in the Act;

(4) To receive retail, craft brewery, and microdistillery license fees as provided in Neb. RS 53-124 and 53-124.01 and pay the same, after the license has been delivered to the applicant, to the City Treasurer;

(5) To examine or cause to be examined any applicant or any retail, craft brewery, or microdistillery licensee upon whom notice of cancellation or revocation has been served as provided in the Act, to examine or cause to be examined the books and records of any applicant or licensee, and to hear testimony and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the City Council may authorize its agent or attorney to act on its behalf;

(6) To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in § 111.30, it determines that the licensee has violated any of the provisions of the Nebraska Liquor Control Act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted, adopted, and promulgated relating to alcoholic liquor. The order of cancellation or revocation may be appealed to the Commission within 30 days after the date of the order by filing a notice of appeal with the Commission. The Commission shall handle the appeal in the manner provided for hearing on an application in Neb. RS 53-133; and

(7) Upon receipt from the Commission of the notice and copy of application as provided in Neb. RS 53-131, to fix a time and place for a hearing at which the City Council shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of the hearing shall be published in a legal newspaper in or of general circulation in the city, one time not less than seven and not more than 14 days before the time of the hearing. The notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the City Council in support of or in protest against the issuance of the license may do so at the time of the hearing. The hearing shall be held not more than 45 days after the date of receipt of the notice from the Commission, and after the hearing the City Council shall cause to be recorded in the minute record of its proceedings a resolution recommending either issuance or refusal of the license. The City Clerk shall mail to the Commission by first class mail, postage prepaid, a copy of the resolution which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the Commission. If the Commission refuses to issue such a license, the cost of publication of notice shall be paid by the Commission from the security for costs.

(Neb. RS 53-134)

(D) (1) When the Nebraska Liquor Control Commission mails or delivers to the City Clerk a retail, craft brewery, or microdistillery license issued or renewed by the Commission, the Clerk shall deliver the license to the licensee upon receipt from the licensee of proof of payment of:

(a) The license fee if by the terms of Neb. RS 53-124 the fee is payable to the City Treasurer;

(b) Any fee for publication of notice of hearing before the City Council upon the application for the license;

(c) The fee for publication of notice of renewal, if applicable, as provided in Neb. RS 53-135.01; and

(d) Occupation taxes, if any, imposed by the city, except that Class J retail licensees shall not be subject to occupation taxes.

(2) Notwithstanding any ordinance or charter power to the contrary, the city shall not impose an occupation tax on the business of any person, firm, or corporation licensed under the Nebraska Liquor Control Act and doing business within the corporate limits of the (city/village) in any sum which exceeds two times the amount of the license fee required to be paid under the Act to obtain that license.  
(Neb. RS 53-132)

SECTION 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

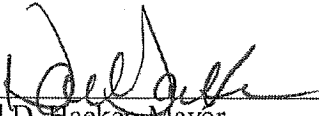
SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.


PASSED and APPROVED this 20<sup>th</sup> day of August, 2018.

(SEAL)



CITY OF ALMA, NEBRASKA

  
\_\_\_\_\_  
Hal D. Hacker, Mayor

  
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Lori Tripe, City Clerk

ORDINANCE 2018-26

AN ORDINANCE RELATING TO ALCOHOLIC BEVERAGES; TO PROHIBIT ALCOHOLIC BEVERAGES FROM BEING MANUFACTURED OR SOLD AT RETAIL OR WHOLESALE WHERE THE PREMISES HAVE ACCESS TO LODGING OR DWELLINGS; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALMA, NEBRASKA:

SECTION 1. SECTION 110.46 of the City of Alma's Code of Ordinances is revised to read as follows regarding alcoholic beverages:

**ACCESS TO DWELLINGS.**

Except in the case of hotels and clubs, no alcoholic liquor shall be manufactured or sold at retail or wholesale upon any premises which have any access which leads from the premises to any other portion of the same building or structure used for dwelling or lodging purposes and permitted to be used or kept accessible for use by the public. This section does not prevent any connection between the premises and such other portion of the building or structure which is used only by the licensee, his or her family, or personal guests.

(Neb. RS 53-178)

SECTION 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED and APPROVED this 20<sup>th</sup> day of August, 2018.



Lori Tripe  
Lori Tripe, City Clerk

CITY OF ALMA, NEBRASKA

Hal D. Hacker  
Hal D. Hacker, Mayor



ORDINANCE 2018-27

AN ORDINANCE RELATING TO CRIMINAL MISCHIEF; RAISING TOP THRESHOLD FOR ORDINANCE VIOLATION FROM \$1,500 TO \$5,000; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALMA, NEBRASKA:

SECTION 1. SECTION 130.23 of the City of Alma's Code of Ordinances is revised to read as follows regarding criminal mischief:

**CRIMINAL MISCHIEF.**

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

- (a) Damages property of another intentionally or recklessly; or
- (b) Intentionally tampers with property of another so as to endanger person or property; or
- (c) Intentionally or maliciously causes another to suffer pecuniary loss by deception or threat.

(B) Criminal mischief is an offense:

- (a) If the actor intentionally or maliciously causes pecuniary loss of \$500 or more but less than \$5,000; or
- (b) If the actor intentionally, maliciously, or recklessly causes pecuniary loss in an amount of less than \$500 or if his or her action results in no pecuniary loss. (Neb. RS 28-519)

SECTION 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED and APPROVED this 20<sup>th</sup> day of August, 2018.

(SEAL)



Lori Tripe  
Lori Tripe, City Clerk

CITY OF ALMA, NEBRASKA

Hal D. Haeker  
Hal D. Haeker, Mayor

**ORDINANCE 2018-28**

**AN ORDINANCE RELATING TO PROSTITUTION; PROVIDING IMMUNITY FOR VICTIMS OF TRAFFICKING; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALMA, NEBRASKA:

SECTION 1. SECTION 130.05 of the City of Alma's Code of Ordinances is revised to read as follows regarding prostitution:

**PROSTITUTION.**

(A) Except as provided in division (C) of this section, any person who performs, offers, or agrees to perform any act of sexual contact or sexual penetration, as those terms are defined in Neb. RS 28-318, with any person not his or her spouse, in exchange for money or other thing of value, commits the offense of prostitution.

(B) It is an affirmative defense to prosecution under this section that such person was a trafficking victim as defined in Neb. RS 28-830.

(C) If the law enforcement officer determines, after a reasonable detention for investigative purposes, that a person suspected of or charged with a violation of division (A) of this section is:

(1) A person engaging in those acts as a direct result of being a trafficking victim as defined in Neb. RS 28-830, such person shall be immune from prosecution for a prostitution offense; or

(2) A person under 18 years of age, such person shall be immune from prosecution for a prostitution offense under this section and shall be subject to temporary custody under Neb. RS 43-248 and further disposition under the Nebraska Juvenile Code. A law enforcement officer who takes a person under 18 years of age into custody under this section shall immediately report an allegation of a violation of Neb. RS 28-831 to the Department of Health and Human Services which shall commence an investigation within 24 hours under the Child Protection and Family Safety Act. (Neb. RS 28-801)

SECTION 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

SECTION 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED and APPROVED this 20<sup>th</sup> day of August, 2018.

(SEAL)



Lori Tripe  
Lori Tripe, City Clerk

CITY OF ALMA, NEBRASKA

Hal D. Haeker  
Hal D. Haeker, Mayor

ORDINANCE NO. 2018-29

AN ORDINANCE RELATING TO DEAD OR DISEASED TREES; REVISING PROVISIONS RELATING TO NUISANCES; SPECIFYING NOTICE AND HEARING REQUIREMENTS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF ALMA, NEBRASKA:

**SECTION 1.** SECTION 95.03 of the City of Alma's Code of Ordinances is revised to read as follows regarding trees:

**DEAD OR DISEASED TREES.**

(A) It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees on his or her real estate or within the right-of-way of streets abutting his or her real estate within the corporate limits of the city or within the extraterritorial zoning jurisdiction. For the purpose of carrying out the provisions of this section, the city police shall have the authority to enter upon private property to inspect the trees thereon.

(B) Notice and abatement procedures for dead or diseased trees are set forth in section 95.04 of the City of Alma Municipal Code.  
(Neb. RS 17-555)

**SECTION 2.** Any other Ordinance or code section passed and approved prior to passage, approval, and publication or posting of this Ordinance and in conflict with its provisions is repealed.

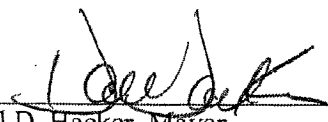
**SECTION 3.** This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.


PASSED and APPROVED this 20<sup>th</sup> day of August, 2018.



(SEAL)

CITY OF ALMA, NEBRASKA

  
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Hal D. Haeker, Mayor

  
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Lori Thipe, City Clerk