

ORDINANCE NUMBER 26-7

An ordinance to amend Sections 2-56 regarding the signing of minutes, 3-27 regarding structures maintained or constructed on city streets, avenues, and alleys, 9-67 regarding the creation of the office of fire chief, 13-69 regarding applications for peddler's permits, 13-70 regarding investigations and issuances of peddler's permits, 13-71 regarding appeals for denials of peddler's permits, 13-73 regarding the transferability of peddler's permits, 13-74 regarding the expiration of peddler's permits, 13-78 regarding the revocation of peddler's permits, 13-79 regarding penalties for violations of peddler's permits ordinances, 19-8 regarding camping, 19-13 regarding rules and regulations promulgated by the public properties director, 20-52 regarding disbursements for utilities, 26-229 regarding the removal of failed septic systems, and Chapter 27 regarding stormwater, erosion and sediment control; repealing Sections 2-314 and 13-45; and to repeal conflicting ordinances or parts of ordinances; and to provide for publication in electronic form and for an effective date of this ordinance.

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

SECTION 1. That Section 2-56 of the Beatrice City Code be and is hereby amended to read as follows:

"Sec. 2-56. Signing of minutes.

The mayor, or acting mayor, shall sign the city clerk's minutes of all meetings of the council after they have approved by action or acquiescence of the council."

SECTION 2. That Section 2-314 of the Beatrice City Code be and is hereby deleted and reserved.

SECTION 3. That Section 3-27 of the Beatrice City Code be and is hereby amended to read as follows:

“Sec. 3-27. Barred from streets, avenues, alleys, right-of-ways.

It shall be unlawful for any person to construct or maintain any billboard, signboard, and similar structures of any nature, kind or size in or upon any of the streets, avenues, alleys, or right-of-ways of the city unless authorized by the mayor and city council.”

SECTION 4. That Section 9-67 of the Beatrice City Code be and is hereby amended to read as follows:

“Sec. 9-67. Office created.

There is hereby created in and for the city the office of fire chief.”

SECTION 5. That Section 13-45 of the Beatrice City Code be and is hereby deleted and reserved.

SECTION 6. That Section 13-69 of the Beatrice City Code be and is hereby amended to read as follows:

“Sec. 13-69. Application.

Any person desiring a permit to engage in activity as a peddler within the city shall file a signed application on a form to be furnished by the city clerk, which shall contain the following information:

- (a) The applicant's name, address, phone number, and email address;
- (b) The name and address of the business, as well as a brief description of the goods to be sold or services to be provided; and
- (c) The description of the make, model, and color of the any vehicle to be used, together with the license number.

The following information shall be submitted with said application:

- (a) A valid driver's license;
- (b) The fingerprints of the applicant;
- (c) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor, the nature of the offense, and the punishment or penalty assessed therefor;
- (d) A nonrefundable application fee established by resolution adopted by the City Council; and
- (e) Any other information as the city clerk may request and as requested on the said application form.”

SECTION 7. That Section 13-70 of the Beatrice City Code be and is hereby amended to read as follows:

“Sec. 13-70. Investigation and issuance.

(a) Upon receipt of an application as described in section 13-69, the original shall be referred to the chief of police, who shall cause an investigation of the statements contained within the application to be made to determine if the same be true and correct.

(b) If, as a result of such investigation, the chief of police finds that the statements within the application are materially untrue or incorrect, or if it is found that the applicant has been convicted within the past ten (10) years of a felony or a crime involving moral turpitude, the chief of police shall disapprove such application in writing and provide the reasons for the same, and return said application to the city clerk, who shall notify the applicant that the application is disapproved and that no permit will be issued.

(c) If, as a result of such investigation, the statements contained in the application are found to be true and correct, and the applicant has not been convicted within the past ten (10) years of any felony or any crime involving moral turpitude, the chief of police shall approve the application in writing, and shall return the said application to the city clerk for issuance of the permit.

(d) The permit shall contain the signature and seal of the city clerk and shall show the name and address of the permittee, the kind of goods to be sold thereunder or services to be furnished or performed, and the date of issuance. The city clerk shall keep a record of all permits issued and denied.”

SECTION 8. That Section 13-71 of the Beatrice City Code be and is hereby amended to read as follows:

“Sec. 13-71. Appeal.

Any person aggrieved by the action of the chief of police or the city clerk in denial of an application for a permit or certificate or in a decision with reference to the revocation of a permit as provided in this article, shall have the right to appeal to the city council. Such appeal shall be taken by filing with the city clerk, within fourteen (14) calendar days of the action complained of a written statement setting forth the grounds for the appeal. The council shall set a time and place for hearing on such appeal and notice of such hearing shall be given to the appellant. The decision and order of the council on such appeal shall be final and conclusive.”

SECTION 9. That Section 13-73 of the Beatrice City Code be and is hereby amended to read as follows:

“Sec. 13-73. Transfer.

Permits issued under this division shall be non-transferable and no such permit shall be used at any time by any person other than whom it was issued.”

SECTION 10. That Section 13-74 of the Beatrice City Code be and is hereby amended to read as follows:

“Sec. 13-74. Expiration of permit.

All permits issued under the provisions of this division shall expire one (1) year after the issuance of the same.”

SECTION 11. That Section 13-78 of the Beatrice City Code be and is hereby amended to read as follows:

“Sec. 13-78. Revocation of permit.

(a) Permits issued under the provisions of this division may be revoked by the city clerk of the city after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for the permit;
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on the permittee's business as a peddler;
- (3) Any violation of this article; or
- (4) Conviction of any felony or crime involving moral turpitude.

(b) Notice of the hearing for revocation of the permit shall be given in writing, via electronic email provided, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be emailed to the permittee at his or her last known email address at least five (5) calendar days prior to the date set for hearing. Applicant shall also be contacted via telephone at the number provided.”

SECTION 12. That Section 13-79 of the Beatrice City Code be and is hereby amended to read as follows:

“Sec. 13-79. Penalty.

Any person who shall violate any of the provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for a period not to exceed thirty (30) calendar days or by a fine not to exceed five hundred dollars (\$500.00), recoverable with costs, or both. Each day that a violation of this division continues shall constitute a separate and distinct offense and shall be punishable as such.

The penalty provided in this section shall be cumulative with and in addition to the revocation of a permit under the provisions of this division.”

SECTION 13. That Section 19-8 of the Beatrice City Code be and is hereby amended to read as follows:

“Sec. 19-8. Camping.

Camping is allowed only in the designated areas of Chautauqua and Riverside Park, provided that:

- (1) No person shall camp for more than seven (7) continuous days in Riverside Park, without express permission from the public properties director.
- (2) No person shall camp for more than thirty (30) continuous days in Chautauqua Park, without express permission from the public properties director.
- (3) Any person who fails to pay in full all required camping and electrical use fees, or who continues to camp or park in an authorized camping area beyond the permitted time period without the express authorization of the Public Properties Director, shall be deemed to be parked in a restricted parking area in violation of Section 16-232. Any person found to be in violation of Section 16-232 pursuant to this subsection shall be required to pay all outstanding camping and electrical use fees, together with a fine of forty-five dollars (\$45.00). In addition, the violator’s motor vehicle may be immobilized by means of a boot or similar device until all outstanding fees, fines, and costs have been paid in full. If the vehicle remains immobilized for more than twenty-four (24) hours without payment of all outstanding amounts, it shall be subject to towing and impoundment at the owner’s expense. The vehicle shall not be released until all unpaid fees, fines, towing, and impoundment costs have been paid in full.
- (4) The public properties director or his or her designee may demand that a person or group discontinue camping and leave the park whenever such person or group is believed to be violating ordinances of the city or rules and regulations of

the public properties department. In such cases, any fees paid shall be non-refundable.”

SECTION 14. That Section 19-13 of the Beatrice City Code be and is hereby amended to read as follows:

“Sec. 19-13. Rules and regulations.

The public properties director shall promulgate and publish rules and regulations.”

SECTION 15. That Section 20-52 of the Beatrice City Code be and is hereby amended to read as follows:

“Sec. 20-52. Disbursements generally.

(a) Orders drawn on the utilities fund against the operation and maintenance account of the waterworks system shall be charged separately against the funds to the credit of the waterworks system in the utilities fund. Orders drawn on the utilities fund against the operation and maintenance account of the electric system shall be charged separately against the funds to the credit of the electric system in the utilities fund. Orders drawn on the utilities fund against the operation and maintenance account of the wastewater system shall be charged separately against the funds to the credit of the wastewater system in the utilities fund, and orders drawn against the operation and maintenance account of the street system shall be charged separately against the funds credited to the street system.

(b) Claims against the operation and maintenance account shall be filed with the city treasurer, and all disbursements from such funds, except disbursements from the operations and maintenance account, shall be by warrants drawn upon claims so filed and allowed by the council in the manner provided by law.”

SECTION 16. That Section 26-229 of the Beatrice City Code be and is hereby amended to read as follows:

“Sec. 26-229. Removal of failed septic systems.

If an on-site wastewater treatment system is deemed to have failed as described in section 26-227, such property shall be required to meet all requirements of the state department of water, energy, and environment, title 124, Rules and Regulations for the design, operation, maintenance of on-site wastewater treatment systems, or the state department of health and

human services regulations. If the property is unable to meet these requirements, such property shall connect to the public sanitary sewer system at the cost of the property owner and the former on-site system shall be abated.”

SECTION 17. That Chapter 27 of the Beatrice City Code regarding stormwater, erosion, and sediment control be and is hereby amended to read as shown in Exhibit “A”, attached hereto and incorporated herein by reference.

SECTION 18. That Ordinance Number 25-29, 25-30, 25-37, 25-39, and 25-40 and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 19. That this ordinance shall be in full force and effect from and after its passage, approval, and publication in electronic form as provided by law.

PASSED AND APPROVED this 2nd day of March, 2026.

Attest:

Erin Saathoff, MMC, City Clerk

Robert Morgan, Mayor

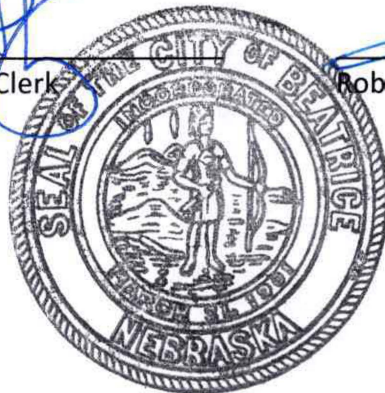


Exhibit "A"

"Chapter 27 STORMWATER, EROSION, AND SEDIMENT CONTROL

ARTICLE I. DEFINITIONS

Sec. 27-1. Definitions.

Wherever used in this Chapter, the following terms shall bear the meanings herein:

Accidental discharge means a discharge prohibited by this Chapter which occurs by chance and without planning or thought prior to occurrence.

Best management practices ("BMPs") means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving water, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Building Phase of Development means a period of construction activity when a portion(s) of a common plan of development or sale requires a building permit.

Common Plan of Development or Sale means a contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include design, permit application, advertisement, or physical demarcation indicating that land-disturbing activities may occur.

Construction activity means a disturbance to land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into waters of the state or urban drainage systems. Construction activity includes large or small construction activities and the disturbance of less than one (1) acre of total land area that is part of a large common plan of development or sale, if the larger common plan will ultimately disturb one (1) acre or more and includes all areas of support activity.

Erosion and Sediment Control Plan means a plan that indicates the specific measures and sequencing to be used for controlling sediment and erosion on a development site during construction activity according to locally approved standards, specification, and guidance.

Final Stabilization means conditions where all soil disturbing activities at the site have been completed and a uniform perennial vegetative cover, with a minimum density of seventy percent (70%) of the native background vegetative cover, has been established on all non-impervious surfaces and areas not covered by permanent structures, unless equivalent permanent stabilization measures, such as riprap, gabions, and geotextiles, have been employed. All permanent drainages, constructed to drain water from the site, shall be stabilized to prevent erosion. All temporary erosion protection and sediment control BMPs have been removed without compromising the permanent erosion protection and sediment control BMPs. All sediment build-up has been removed from conveyance and basins that are to be used as permanent water quality management BMPs. The cleanout of permanent basins used as temporary BMPs during construction shall be sufficient to return the basin to design capacity. Construction activity conducted on or through agricultural or silvicultural land shall be considered finally stabilized upon return to the preexisting agricultural or silvicultural use. Construction activity conducted at new or industrial facilities that will operate the site in an exposed manner shall be considered finally stabilized upon commencement of industrial activity consistent with the industrial use and coverage under the appropriate NPDES permit for industrial storm water. The responsibility for long-term maintenance of permanent BMPs shall be assigned as well.

Hazardous materials means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly

contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal discharge means any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in Section 27-8.

Illicit connections means any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial activity means activities subject to NPDES industrial permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipal Separate Storm Sewer System ("MS4") means a separate storm water sewer system in urbanized cities and counties as having populations of ten thousand (10,000) or greater as determined by the Bureau of Census 2010 Decennial Census.

National pollutant discharge elimination system ("NPDES") Stormwater discharge permit means a permit issued by the United States Environmental Protection Agency (or by a state under authority delegated pursuant to 33 USC 1342(B)) that authorizes the discharge of pollutants to water of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-stormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

Notice of Termination ("NOT") means a note to terminate coverage under this permit after construction is completed, the site has undergone final stabilization, and maintenance agreements for all permanent facilities have been established, in accordance with all applicable conditions of this permit.

Person means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so the same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure including sediment; and noxious or offensive matter of any kind. Pollutants lead to the human-made or human-induced alteration of the chemical, physical, biological or radiological integrity of an aquatic ecosystem.

Post-Construction means the general time period referenced in perpetuity from the approval for final acceptance of the construction phase of any construction activity.

Stormwater Pollution Prevention Plan ("SWPPP") means a plan for stormwater discharge that includes erosion prevention measures and sediment controls that, when implemented, will decrease soil erosion on a parcel of land and decrease offsite, non-point source pollution.

ARTICLE II. STORMWATER

Sec. 27-2. Purpose and intent.

The purpose of this Chapter is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges to the city separate storm sewer system to the maximum extent practicable required by federal and state law. This Chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements on the national pollutant discharge elimination system ("NPDES") permit process. The objectives of this Chapter are:

- (1) Regulate the contribution of pollutants to the MS4 by stormwater discharges by any user.
- (2) To prohibit illicit connection and discharges to the municipal separate storm sewer system.
- (3) Prevent non-stormwater discharges, generated as a result of spills, inappropriate dumping or disposal, to the city's separate storm sewer system.
- (4) To establish legal authority to carry out all inspection, surveillance, monitoring and enforcement procedures necessary to ensure compliance with this Chapter.

Sec. 27-3. Applicability.

This Chapter shall apply to all water generated on any developed and undeveloped lands entering the storm drain system unless explicitly exempted by this municipal code or otherwise by the city.

Sec. 27-4. Compatibility with other regulations.

This Chapter is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this Chapter are in addition to the requirements of any other ordinance, rule regulation, or other provision of law. Where this Chapter is in conflict with any other provision of law, the provision which is more restrictive or imposes higher protective standards for human health or the environment shall control.

Sec. 27-5. Responsibility for administration.

The City Administrator, or his or her designee, shall administer, implement, and enforce the provisions of this Chapter, except where otherwise provided in this Chapter.

Sec. 27-6. Severability.

The provisions of this Chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Chapter.

Sec. 27-7. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore, this Chapter is not to be interpreted as meaning that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Sec. 27-8. Prohibition of illegal discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials other than stormwater, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standard.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as follows:

- (1) The following discharges are exempt from discharge prohibitions established by this Chapter; water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated B typically less than one (1) part per million of chlorine), firefighting activities, and any other water source not containing pollutants.
- (2) Discharges specified in writing by the City Administrator, or his or her designee, as being necessary to protect public health and safety.
- (3) Dye testing is an allowable discharge, but requires a verbal notification to the City Administrator prior to the time of test.
- (4) The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit; waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

Sec. 27-9. Prohibition of illicit connections.

The construction, connection, use, maintenance or continued existence of any illegal connection to the city's separate storm sewer system is prohibited.

- (1) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (2) A person is considered to be in violation of this Chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Sec. 27-10. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the city prior to the allowing of discharges to the MS4.

Sec. 27-11. Requirements to prevent, control, and reduce stormwater pollutants by the use of best management practices.

The city shall adopt requirements identifying best management practices for any activity, operation, or facility, which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the State of Nebraska or the United States of America. The owner or operator of a commercial or industrial establishment shall provide, at the expense of the owner or operator, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or water courses through

the use of these structural and non-structural best management practices to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial the provisions of this Section. These best management practices shall be part of a SWPPP as necessary for compliance with requirements of the NPDES permit.

Sec. 27-12. Watercourse protection.

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use function, or physical integrity of the watercourse.

Sec. 27-13. Suspension of MS4 access.

- (a) *Suspension due to illicit discharges in emergency situations.* The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge, which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the State of Nebraska or the United States of America or to minimize danger to persons or property.
- (b) *Suspension due to the detection of illicit discharge.* Any person discharging to the MS4 in violation of this Chapter may have his or her MS4 access terminated if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. The violator may petition the City Administrator for a reconsideration and hearing.

A person commits an offense if that person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City Administrator, or his or her designee.

Sec. 27-14. Access and inspection of properties and facilities.

The City Administrator or his or her designee, may enter and inspect properties and facilities at reasonable time as often as may be necessary to determine compliance with this Chapter.

- (1) Employees of the city may enter and inspect facilities subject to regulation under this Chapter as often as may be necessary to determine compliance with this Chapter.
- (2) Facility operators shall allow authorized employees of the city ready access to all parts of the premises for the purposes of inspection, sampling examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and performance of any additional duties as defined by state and federal law.
- (3) The city may set up on any permitted facility such devices as are necessary in the opinion of the City Administrator, or his or her designee, to conduct monitoring and/or sampling of the facility's stormwater discharge.
- (4) The city may require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.
- (5) The temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the operator.

- (6) Unreasonable delays in allowing the city access to a permitted facility is a violation of a stormwater discharge permit and of this Chapter. A person who is the operator of a facility with a NPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the authorized enforcement agency reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this Chapter.
- (7) If the representatives of the city have been refused access to any part of the premises from which stormwater is discharged the city may seek issuance of a search warrant from any court of competent jurisdiction.

Sec. 27-15. Notification of accidental discharges and spills.

Notwithstanding other requirements of the law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the city (MS4) separate storm sewer system, waters of the State of Nebraska, or the waters of the United States of America, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.

Said person shall notify the City Administrator or his or her designee of the nature, quantity and time of occurrence of the discharge within twenty-four (24) hours. Notifications, which are not in writing, shall be confirmed by written notice addressed and mailed to the City Administrator or his or her designee within three (3) business days of the phone call or by personal notification. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the action taken to prevent its recurrence. Such records shall be retained for at least three (3) years. Said person shall also take immediate steps to ensure no recurrence of the discharge or spill.

In the event of such a release of hazardous materials, emergency response agencies and/or other appropriate agencies shall be immediately notified.

Failure to provide notification of a release as provided above is a violation of this Chapter.

Sec. 27-16. Notice of violation.

- (a) Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of this Chapter, the City Administrator, or his or her designee, may order compliance by written notice of violation to the responsible person. Such notice shall be sent via regular U.S. mail or via hand delivery to the owner of the property and to any licensee listed under a city business license for the property. The notice shall include:
 - (1) The name and address of the parties listed above;
 - (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
 - (3) A statement specifying the nature of the violation;
 - (4) A description of the remedial action;
 - (5) A statement of the penalty or penalties that shall or may be assessed against the person or persons to whom the notice of violation is directed; and,
 - (6) A statement that the determination of violation may be appealed to the City Administrator by filing a written notice of appeal within thirty (30) calendar days of service of notice of violation.
- (b) In the event of a violation, the city may require:
 - (1) The performance of monitoring, analyses, and reporting;

- (2) The elimination of illicit discharges and illegal connections;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of costs to cover administrative and abatement costs;
- (6) The implementation of pollution prevention practices; and,
- (7) Such other action as may be reasonably necessary to accomplish the purposes of this Chapter.

Sec. 27-17. Appeal of notice of violation.

Any person receiving a notice of violation may appeal the determination of the city. The notice of appeal shall be in writing and shall be delivered to the city clerk within thirty (30) calendar days from the date of the notice of violation. Hearing on the appeal before the City Administrator, or his or her designee, shall take place within fifteen (15) business days from the date of receipt of the notice of appeal. The pendency of an appeal shall not relieve the responsible person from complying with the requirements of the notice of violation, unless the City Administrator, or his or her designee, otherwise consents in writing.

Sec. 27-18. Enforcement measures after appeal.

If the violation has not been corrected pursuant to the requirements set forth in the notice of violation, or, in the event of an appeal, within fifteen (15) business days of the decision of the City Administrator or his or her designee, then representatives of the city may enter upon the subject private property and are authorized to take any measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the city or designated city contractor to enter upon the premises for the purposes set forth above.

Sec. 27-19. Cost of abatement of the violation.

Within thirty (30) calendar days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest to the City Clerk objecting to the assessment or to the amount of the assessment within thirty (30) calendar days of such notice. If the amount due is not paid within thirty (30) calendar days after receipt of the notice, or if an appeal is taken, within (30) calendar days after a decision on said appeal, the charges shall become a special assessment. Any person violating any of the provisions of this Article shall become liable to the city by reason of such violation.

The city may recover all attorney fees, court costs and other expenses associated with enforcement of this Chapter, including sampling and monitoring expenses.

Sec. 27-20. Injunctive relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Chapter. If a person has violated or continues to violate the provisions of the Chapter, the city may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Sec. 27-21. Alternative actions upon violation.

In lieu of enforcement proceedings, penalties and remedies authorized by this Chapter, the city may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance of compliance workshops, waterway cleanup, or other community service work.

Sec. 27-22. Violations deemed a public nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of the Chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken.

Sec. 27-23. Criminal prosecution.

Any person that has violated or continues to violate this Chapter shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of up to five hundred dollars (\$500.00) per violation per day.

Sec. 27-24. Remedies not exclusive.

The remedies listed in this Chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies.

Secs. 27-25—27-39. Reserved.

ARTICLE III. EROSION AND SEDIMENT CONTROL

Sec. 27-40. Purpose and intent.

The purpose and intent of this Article is to control or eliminate soil erosion and sedimentation within the jurisdictional limits of the city. It establishes standards and specifications for conservation practices and planning activities, which minimize soil erosion and sedimentation during the construction process to safeguard persons protect property and prevent damage to the environment. This Article will also promote the public welfare by guiding, regulating and controlling the design, construction, use, and maintenance of any best management practices (BMPs) used when development activities disturb or break the topsoil or results in the movement of earth on land in the city.

During the construction process, soil is highly vulnerable to erosion by wind and water. Eroded soil endangers water resources by reducing water quality and causing the siltation of aquatic habitat for fish and other species. Eroded soil also necessitates repair of sewers and ditches and the dredging of lakes. In addition, clearing and grading during construction cause the loss of native vegetation necessary for terrestrial and aquatic habitat. Following the completion of construction activities, dust, dirt and erosion will continue to affect the stormwater facilities and receiving streams unless post construction practices are put in place during the construction and maintained thereafter, until fully stabilized.

This Article is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction. This Article seeks to meet that purpose through the following objectives:

- (1) Minimize increases in stormwater runoff from any development in order to reduce flooding, siltation and stream bank erosion and maintain the integrity of stream channels.
- (2) Minimize increases in non-point source pollution caused by stormwater runoff from development, which would otherwise degrade local water quality.
- (3) Minimize the total annual volume of surface water runoff, which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.

- (4) Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety.

Sec. 27-41. Applicability.

This Article shall apply to all land disturbance or land filling activities or soil storage where the total area disturbed equals or exceeds one (1) acre. Land disturbance less than one (1) acre apply if the land disturbance is part of a larger development that disturbed one (1) acre or more.

Activities that do not require approved plans or permits must still provide BMPs as necessary to control water quality. Areas with the possibility of sediment runoff will require protective measures at the request of the city, in order to minimize possible pollution to the storm sewer system. Minimum requirements for other activities may be obtained by written request to the city planning and building inspections department, accompanied by an adequate description of proposed work.

Sec. 27-42. Compatibility with other regulations.

This Article is not intended to modify or repeal any other ordinance, rule, regulation or other provision of law. The requirements of this Article are in addition to the requirements of any other article, rule, regulation, or other provision of law, and where any provision of this Article, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

Sec. 27-43. Responsibility for administration.

The Community Development Department shall administer, implement, and enforce the provisions of this Article. Any power granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the director of the authorized enforcement agency to persons or entities acting in the beneficial interest of or in the employ of the agency.

Sec. 27-44. Severability.

The provisions of this Article are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Article.

Sec. 27-45. Ultimate responsibility.

The standards set forth herein and promulgated pursuant to this Article are minimum standards; therefore, this Article does not intend not imply the compliance by any person will ensure construction runoff; erosion and sediment will be completely eliminated.

Sec. 27-46. Permits.

- (a) *Generally.* No person shall be granted a permit for land-disturbing activity that would require disturbing more than one (1) acre of land, or if such activity is to take place in a floodway, without SWPPP approved by the city.
- (b) *Exemptions.* No permit for land-disturbing activity is required for the following activities:
 - (1) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 - (2) Existing nursery and/or agricultural operation conducted as a permitted by the city or county.

- (3) Repairs to any stormwater management practice or facility deemed necessary by the stormwater permitting authority.
 - (4) Cemetery graves.
 - (5) Installation of fence, sign, telephone, and electric pole and other kinds of posts or poles.
 - (6) Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person.
 - (7) Landscaping and horticultural activities in connection with an existing structure, unless greater than one (1) acre is disturbed.
- (c) *Building permit application form.* Building permit application forms can be requested from the City of Beatrice Community Development Department. SWPPPs are to be submitted with the application of a building permit.

Sec. 27-47. Stormwater pollution prevention plan (“SWPPP”).

Land disturbance activities, which are in more than one (1) acre, require a SWPPP approved by the city. These plans shall be drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and measures proposed to minimize soil erosion and off-site sedimentation. The owner/developer shall perform all clearing, grading, drainage, construction, and development in strict accordance with the approved plan. The City's minimum SWPPP requirements are outlined in the Drainage Criteria Manual.

Sec. 27-49. Permit duration.

Permits issued under this Article shall be valid for the period during which the proposed land disturbing of filling or excavation activities and soil storage takes place or is scheduled to take place, whichever is shorter, or until the city receives a NOT, but in no event shall such a permit be valid for more than one (1) year. The permittee shall commence permitted activities within one hundred eighty (180) calendar days of the scheduled commencement date for grading or the permittee shall resubmit all required application forms, maps, plans, and schedules to the issuing authority, except where an item to be resubmitted is waived by the issuing authority.

Sec. 27-50. Permit renewals/extensions.

The permittee shall fully perform and complete all of the work required in the sequence shown on the plans within the time limit specified in the permit. Prior to the expiration of a combined land disturbance permit, the permittee may present a written request for an extension to the city. If, in the opinion of the issuing authority, and extension is warranted, a one-time fee extension, not to exceed ninety (90) calendar days, may be granted. The issuing authority may authorize additional extension not to exceed a total of one (1) year at the rate established by resolution adopted by the city council.

Sec. 27-51. Permit denial.

If the City determines that the stormwater pollution prevention plan does not meet the requirements as set forth in this Article, a permit shall not be issued for land disturbing activity. Factors indicating the deficiencies and the procedure for submitting a revised plan will be given to the applicant at the time of denial. The SWPPP must be resubmitted for approval before the land disturbance activity begins, all land use and building permits must be suspended until the permittee has an approved SWPPP.

Sec. 27-52. Condition of approval.

In granting any permit pursuant to this Article, the issuing authority may impose such conditions as may be reasonably necessary to prevent creation of a nuisance or unreasonable hazard to persons or to a public or private property. Such conditions shall include (even if not specifically written in the permit), but need not be limited to:

- (1) The granting (or securing from others) and the recording in register of deeds of easement for drainage facilities, including the acceptance of their discharge on the property of others, and for maintenance of sloped or erosion control facilities.
- (2) Adequate control of dust by watering, or other control methods acceptable to the issuing authority, and in conformance with applicable air pollution rules and regulations.
- (3) Improvements of any existing grading, ground surface or drainage condition on the site (not to exceed the area as proposed for work or development in the application) to meet the standards required under this Chapter for new grading, drainage and erosion control.
- (4) Sediment traps and basins located within a densely populated area or in the proximity of elementary school, playground or other area where small children may congregate without adult supervision may be requested to install additional safety devices.

Sec. 27-53. Liability.

The permittee is responsible for safely and legally completing the project. Neither the issuance of a permit under the provisions of this Article, nor the compliance with the provisions hereto or with any condition imposed by the issuing authority, shall relieve any person from responsibility for damage to persons or property resulting there from, or as otherwise imposed by law, nor impose and liability upon the city damages to persons or property.

Sec. 27-54. Responsibility of permittee

The permittee shall maintain a copy of the permit, approved plans and reports required under the permit on the work site and available for public inspection during all working hours. The permittee shall, at all times, be in conformity with the approved grading plan, or adequate SWPPP. The permittee shall repair and maintain all BMPs in accordance with SWPPP, along with any additional BMPs needed to maintain adequate sediment control and also conform to the following:

- (1) *General.* Notwithstanding other conditions or conditions or provisions of the permit or the minimum standards set forth in this Article, the permittee is responsible for the prevention of damage to adjacent property. No person shall grade on land in any manner, or so close to the property line as to endanger or damage and adjoining public street, sidewalk, alley or any other public or private property without supporting and protecting such property from settling, cracking, erosion, sedimentation or other damage or personal injury which might result.
- (2) *Public ways.* The permittee shall be responsible for the prompt removal of, and the correction of damages resulting from any soil, miscellaneous debris or other materials washed, spilled, tracked, dumped or otherwise deposited on public streets, highways, sidewalks or other public thoroughfare, incident to the construction activity, or during transit to and from the site. Best management practices shall be utilized and maintained as part of the stormwater pollution prevention plan, at entrances and exits to the proposed disturbance, on all permitted operations.

Sec. 27-55. Permit authorization.

The issuance of a permit for land disturbance shall constitute an authorization to do only that work described in the permit, or shown on the approved site plans and specifications, all in strict compliance with the requirements

of this Article, unless each and every modification or waiver is specifically listed and given specific approval by the issuing authority.

Sec. 27-56. Compliance.

The permittee, his/her agent, contractors and employees shall carry out the proposed work in accordance with the approved plans and specifications, and in compliance with all the requirements of the permit, including those documents referenced in this Article.

Sec. 27-57. Action upon noncompliance.

- (a) In the event work does not conform to the permit or to the plans and specifications. Instructions by the issuing authority, notice to comply shall be given to the permittee in writing. After a notice to comply is given, in the determination of the issuing authority, the permittee or his or her contractor shall be required to make the corrections within the time period determined by the issuing authority. If an imminent hazard exists, the issuing authority may require that corrective work begin immediately.
- (b) If the issuing authority finds any existing conditions not as stated in the application or approved plans, he or she may stop the work on the entire project or any specified part thereof until a revised plan is submitted conforming to the currently existing conditions.

Failure of the permittee to comply with the directives of this Section will constitute a violation pursuant to this Article, and will be considered a nuisance pursuant to the provisions in the city Code. The issuing authority may cancel the permit and proceed with the necessary restoration of the site at the expense of the owner. The owner will be billed for the expenses incurred by the issuing authority. Failure to pay will result in the issuing authority seeking recovery of costs and damages pursuant to the conditions set forth in this Article.

Sec. 27-58. Changes to plans.

All major changes or modifications to the approved SWPPPs must adhere to the following conditions. Changes such as alignment of drainage ways, and redesign of the stormwater system will apply to this Section.

- (1) All proposals to modify the approved SWPPP in a significant way must be submitted to City Engineer for his or her approval. No grading or any type of work in connection with any proposed modification shall be without prior installation of approved erosion and sediment control devices. Any addition BMPs install will not need approval from the permitting authority.
- (2) When inspection of a site indicates that the approved SWPPPs needs changed, the change shall be in compliance with the erosion and sediment control criteria contained in the adopted Drainage Criteria Manual. The erosion and sediment control inspector may approve minor modifications to approved stormwater pollution prevention plans in the field if documented on a field inspection report. The modifications shall be noted on the approved plans, signed by the inspector, and dated. A list of allowable field modifications for use by field inspection personnel will be kept in the Manual of Standards.
- (3) The permittee shall submit requests for major revisions to approved SWPPPs, such as the addition or deletion of a control structure to the permitting authority for review. This includes revisions due to plan and site discrepancies and inadequacies at controlling erosion and sediment as revealed through inspection.
- (4) The City reserves the right to require updates to the approved SWPPP and/or the use of additional BMPs as necessary during construction should the current SWPPP fail to adequately mitigate erosion and sediment control project site issues.

Sec. 27-59. Right-of-entry for inspection.

When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system the landowner shall grant to the city the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in this Article.

Sec. 27-60. Inspection.

A self-monitoring program by the project site owner is required during construction of any project in accordance with the NPDES permit. A qualified individual employed or retained by the project site owner shall prepare and maintain a written evaluation of the project site by the end of the next business day-based on the inspection frequency required by the current Nebraska Department of Environment and Energy ("NDEE") Construction Stormwater General Permit.

The City maintains a SWPPP Inspection Report Template in the Construction Stormwater Management Program. Refer to this for the minimum inspection report requirements.

All evaluation reports for the project site must be made available to the inspecting authority by the end of the business day.

All persons engaging in construction activities on a project site must comply with the stormwater pollution prevention plan, this Chapter and issued NPDES permit.

The city will perform inspection and provide recommendations to evaluate the installation, implementation and maintenance of control measures and management practices at any project site involved in construction activities. Construction project sites will be prioritized based on the nature and extent of construction activity, topography and the characteristics of soils and receiving water quality.

If after a recommendation is provided to the project site owner, corrective action is not taken, the city will pursue enforcement according to this Chapter.

Sec. 27-61. Changed during construction reports.

The permittee shall contact the issuing authority under the following circumstances along with recommendations for corrective measures, if deemed necessary and appropriate, with such reports unless the recommendation requirement is waived by the issuing authority.

- (1) There are delays in obtaining materials, machinery, services or manpower necessary to the implementation of the grading, or stormwater pollution prevention plan as scheduled.
- (2) There are delays in land disturbing or filling activities or soil storage.
- (3) The work is not being done in conformance with the approved grading, or SWPPPs.
- (4) There are any delays or departures in the implementation of the SWPPP.

Sec. 27-62. Maintenance during and after construction.

On any property on which grading or other work has been done pursuant to a permit granted under the provisions of this Article. The permittee or owner, their agent, contractor, or employees shall, at a minimum, shall inspect all BMPs in accordance with one (1) of the two (2) schedules listed below:

- a. At least once every seven (7) calendar days, excluding non-business hours; or
- b. Once every fourteen (14) calendar days and within twenty-four (24) hours of the occurrence of a storm event of 0.25 inches or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge, excluding

non-business hours. After construction is complete, the owner or their agent shall continue to regularly inspect the vegetation until permanent stabilization is established as defined by the current NDEE Construction Stormwater General Permit.

Sec. 27-63. Enforcement.

The issuing authority shall be responsible for the enforcement of this Article.

The issuing authority is authorized and directed to enforce all the provision of this Section. For such purpose, the city may appoint officers, inspectors, assistants and other employees as needed. The city may authorize such employees, as may be necessary, to carry out the duties and functions under direction of the city planning and building inspections department.

- (1) The issuing authority may post a stop-work order for the entire project or any specified part thereof if any of the following conditions exist:
 - a. Any land disturbance activity regulated under this Article being undertaken without a permit.
 - b. The stormwater pollution prevention plan is not being fully implemented.
 - c. Any of the conditions of the permit are not being met.
- (2) For the purposes of this Section, a stop-work order is validly posted by posting a copy of the stop-work order on the site of the land disturbing activity in reasonable proximity to a location where the land disturbing activity is taking place. Additionally, a copy of the order, in the case of work for which there is a permit, shall be mailed by first class mail, postage pre-paid, to the address listed by the permittee on the permit. In the case of work for which there is no permit, a copy of the order shall be mailed to the person listed as owner of the property on the deed of record, or if none, to the taxpayer shown by the records on the county assessor.
- (3) If the permittee does not cease the activity or comply with the stormwater pollution prevention plan or permit conditions within one (1) business day, the issuing authority may revoke the permit.
- (4) If the owner or land user where there is no permit has been issued does not cease the land disturbance activity, the issuing authority may request the city attorney to obtain injunctive relief.
- (5) The issuing authority may retract the revocation.

Sec. 27-64. Penalties.

Any person, firm, corporation or agency acting as principal, agent, and employee or otherwise, who fails to comply with the provisions of this Article shall fall under Chapter 1, General Provisions, Section 1-8, General penalty.

Sec. 27-65. Final reports.

Upon completion of the work, the issuing authority may require a report (including as-built construction plans) from a civil engineer, surveyor, architect, or landscape architect certifying that all erosion and sediment control devices have been completed in accordance with the conditions of the permit and approved plans and specifications, and with specific listing of all approved changes and modifications.

Sec. 27-66. Certification of completion.

Upon receipt and approval of the final reports, if required by this Article and or/upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with this subtitle, the issuing authority will issue a letter certifying completion.

Sec. 27-67. Erosion and sediment control permit fee schedule.

Erosion and sediment permits shall be issued upon payment to the city of a fee established by resolution adopted by the city council.”

Secs. 27-68—27-79. Reserved.

ARTICLE IV. STORMWATER MANAGEMENT

Sec. 27-80. – Storm water management

(a) Design.

- (1) All improved parcels of real estate shall have a storm water pollution prevention plan approved by the city.
- (2) The design of the storm water management plan shall consist of a storm water pollution prevention plan pursuant to Chapter 27 of the Beatrice City Code and the City of Beatrice Drainage Criteria Manual.
- (3) To maximum degree possible, drainage from improved parcels of real estate shall conform to the natural contours of land and not disturb pre-existing drainageways.
- (4) Adjacent properties shall not be unduly burdened with surface water from the subdivision. Specifically:
 - a. There may be no unreasonable impediment of water from higher adjacent properties across subdivision, causing damage to lower properties.
 - b. No action shall unreasonably collect and channel storm water onto lower properties.
- (5) Design of on-site retention shall be developed pursuant to the City of Beatrice Drainage Criteria Manual and all applicable federal, state, and local rules and regulations.
- (6) No surface water may be channeled into a sanitary sewer system.
- (7) Where possible, an improved parcel of real estate drainage plan shall coordinate with that of surrounding properties or streets.
- (8) The preliminary plat submission must include the preliminary drainage plan. All final plats shall include a certification from a registered professional engineer that the storm water management plan of the subdivision is designed and constructed in accordance with the requirements of this section.

(b) Definition.

On-site retention: The retention of storm water volume that falls on the site for a given design frequency storm, the site being exclusive of public streets, alleys or other land dedicated for public use.”

AMENDMENTS TO CITY CODE

Sec. 2-56. Signing of minutes.

The mayor, or acting mayor, shall sign the city clerk's minutes of all meetings of the council after they have been ~~spread upon the journal and have been~~ approved by action or acquiescence of the council.
(Code 1971, § 2-21; Code 1987, § 2-41; Ord. No. 86-41, § 2, 10-6-1986)

State law reference—Journal of proceedings of council, R.R.S. § 16-317.

Sec. 3-27. Barred from streets, avenues, alleys, right-of-ways.

It shall be unlawful for any person to construct or maintain any billboard, signboard, and similar structures of any nature, kind or size in or upon any of the streets, avenues ~~or~~ alleys, or right-of-ways of the city unless authorized by the mayor and city council.
(Code 1971, § 3-15; Code 1987, § 3-16)

***State law references**—Municipal regulation of structures over crosswalks, sidewalks, etc., R.R.S. § 16-207; power of city to prohibit obstructions in streets, R.R.S. § 16-227.

Sec. 9-67. Office created.

There is hereby created in and for the city the office of ~~chief of the fire department~~ fire chief.
(Code 1971, § 14-31; Code 1987, § 9-31)

Sec. 13-69. Application.

Any person desiring a permit to engage in activity as a peddler within the city shall file a signed application on a form to be furnished by ~~make a written application to~~ the city clerk, which ~~application shall show and~~ contain the following information:

- (a) The applicant's name, address, phone number, and email address;
- (b) The name and address of the business, as well as a brief description of the goods to be sold or services to be provided; and
- (c) The description of the make, model, and color of the any vehicle to be used, together with the license number.

The following information shall be submitted with said application:

- (a) A valid driver's license;
 - (b) The fingerprints of the applicant;
 - (c) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor, the nature of the offense, and the punishment or penalty assessed therefor;
 - (d) A nonrefundable application fee established by resolution adopted by the City Council; and
 - (e) Any other information as the city clerk may request and as requested on the said application form."
- ~~(1) Name, age, and description of the applicant;~~
- ~~(2) Address;~~

- ~~(3) Brief description of the nature of the business and the goods to be sold or services to be provided;~~
- ~~(4) If employed, the name and address of the employer, together with documents verifying such employment;~~
- ~~(5) The length of time (not to exceed one (1) year) for which the right to do business as a peddler is desired;~~
- ~~(6) If a vehicle is to be used, description of the same, together with the license number;~~
- ~~(7) A copy of a valid driver's license;~~
- ~~(8) The fingerprints of the applicant;~~
- ~~(9) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor, the nature of the offense, and the punishment or penalty assessed therefor;~~
- ~~(10) A nonrefundable application fee, established by resolution adopted by the city council, shall accompany all applications.~~

(Code 1971, § 25-15; Code 1987, § 13-52; Ord. No. 98-42, § 3, 8-3-1998; Ord. No. 13-054, § 10, 10-21-2013; Ord. No. 25-29, § 1, 9-15-2025)

Sec. 13-70. Investigation and issuance.

(a) Upon receipt of an application as described in section 13-69, the original shall be referred to the chief of police, who shall cause an investigation of the statements contained within the application to be made to determine if the same are true and correct.

(b) If, as a result of such investigation, the chief of police finds that the statements within the application are materially untrue or incorrect, or if it is found that the applicant has been convicted within the past ten (10) years of a felony or a crime involving moral turpitude, the chief of police shall disapprove such application in writing and provide the reasons for the same, and return said application to the city clerk, who shall notify the applicant that the application is disapproved and that no permit will be issued.

(c) If, as a result of such investigation, the statements contained in the application are found to be true and correct and the applicant has not been convicted within the past ten (10) years of any felony or any crime involving moral turpitude, the chief of police shall approve the application, in writing, and shall return the said application to the city clerk for issuance of the permit.

(d) The permit shall contain the signature and seal of the ~~issuing officer~~city clerk and shall show the name and address of the permittee, ~~and~~ the kind of goods to be sold thereunder, or services to be furnished or performed, ~~and~~ the date of issuance, ~~and the length of time the same shall be operative~~. The city clerk shall keep a ~~permanent~~ record of all permits issued ~~and denied~~.

(Code 1971, § 25-16; Code 1987, § 13-53; Ord. No. 98-42, § 4, 8-3-1998; Ord. No. 25-29, § 2, 9-15-2025)

Sec. 13-71. Appeal.

Any person aggrieved by the action of the chief of police or the city clerk in denial of an application for a permit or certificate or in a decision with reference to the revocation of a permit as provided in this article, shall have the right ~~of to~~ appeal to the city council. Such appeal shall be taken by filing with the city clerk, within fourteen (14) ~~business calendar~~ days of the action complained of, a written statement setting forth the grounds for the appeal. The council shall set a time and place for hearing on such appeal and

notice of such hearing shall be given to the appellant. The decision and order of the council on such appeal shall be final and conclusive.
(Code 1971, § 25-17; Code 1987, § 13-54; Ord. No. 98-42, § 5, 8-3-1998; ; Ord. No. 25-29, § 3, 9-15-2025)

Sec. 13-73. Transfer.

Permits issued under this division shall be non-transferable and no such permit shall be used at any time by any person other than ~~the one to~~ whom it was issued.
(Code 1971, § 25-19; Code 1987, § 13-56; Ord. No. 98-42, § 7, 8-3-1998; ; Ord. No. 25-29, § 5, 9-15-2025)

Sec. 13-74. Expiration of permit.

All permits issued under the provisions of this division shall expire one (1) year ~~from the date of issuance~~ after the issuance of the same.
(Code 1971, § 25-20; Code 1987, § 13-57; Ord. No. 98-42, § 8, 8-3-1998; Ord. No. 25-29, § 6, 9-15-2025)

Sec. 13-78. Revocation of permit.

(a) Permits issued under the provisions of this division may be revoked by the city clerk of the city after notice and hearing for any of the following causes:

- (1) Fraud, misrepresentation, or false statement contained in the application for the permit;
- (2) Fraud, misrepresentation, or false statement made in the course of carrying on the permit-tee's business as a peddler;
- (3) Any violation of this article; or
- (4) Conviction of any felony or crime involving moral turpitude.

(b) Notice of the hearing for revocation of the permit shall be given in writing, via electronic email provided, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be emailed to the permittee at his or her last known email address at least five (5) calendar days prior to the date set for hearing. Applicant shall also be contacted via telephone at the number provided."mailed, postage prepaid, to the permittee at his or her last known address at least five (5) days prior to the date set for hearing.
(Code 1987, § 13-61; Ord. No. 98-42, § 12, 8-3-1998; Ord. No. 25-29, § 7, 9-15-2025)

Sec. 13-79. Penalty.

Any person who shall violate any of the provisions of this division shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for a period not to exceed thirty (30) calendar days or by a fine not to exceed five hundred dollars (\$500.00), recoverable with costs, or both. Each day that a violation of this division continues shall constitute a separate and distinct offense and shall be punishable as such.

The penalty provided in this section shall be cumulative with and in addition to the revocation of a permit under the provisions of this division.

(Code 1987, § 13-62; Ord. No. 98-42, § 13, 8-3-1998; Ord. No. 25-29, § 8, 9-15-2025)

Sec. 19-8. Camping.

Camping is allowed only in the designated areas of Chautauqua and Riverside Parks, provided that:

- (1) No person shall camp for more than ~~thirty-seven (37)~~ continuous days in Riverside Park, without express permission from the public properties director.
- (2) No person shall camp for more than thirty (30) continuous days in Chautauqua Park, without express permission from the public properties director.
- (3) Any person who fails to pay in full all required camping and electrical use fees, or who continues to camp or park in an authorized camping area beyond the permitted time period without the express authorization of the Public Properties Director, shall be deemed to be parked in a restricted parking area in violation of Section 16-277. Any person found to be in violation of Section 16-277 pursuant to this subsection shall be required to pay all outstanding camping and electrical use fees, together with a fine of forty-five dollars (\$45.00). In addition, the violator's motor vehicle may be immobilized by means of a boot or similar device until all outstanding fees, fines, and costs have been paid in full. If the vehicle remains immobilized for more than twenty-four (24) hours without payment of all outstanding amounts, it shall be subject to towing and impoundment at the owner's expense. The vehicle shall not be released until all unpaid fees, fines, towing, and impoundment costs have been paid in full.
- ~~(3) Fees for camping and electrical use in the amounts posted in each park shall be paid to the city.~~
- (4) The public properties director or his or her designee may demand that a person or group discontinue camping and leave the park whenever such person or group is believed to be violating ordinances of the city or rules and regulations of the public properties department. In such cases, any fees paid shall be non-refundable. Any fees paid shall be refunded in proportion to amount of time not allowed to continue camping.

(Code 1971, § 24-11; Code 1987, § 19-9; Ord. No. 25-30, §1, 9-15-2025; Ord. No. 25-37, §1, 12-1-2025)

Sec. 19-13. Rules and regulations.

The public properties director shall promulgate and publish rules and regulations, ~~which shall be approved by the council, for the management, care, supervision and use of all city parks and park facilities pursuant to his or her duties as set out in section 2-409. A copy of such rules and regulations and amendments thereto shall be kept on file at the office of the city clerk for public inspection. Any violation of any such rule thereafter by any person shall be deemed a violation of this Code.~~ (Code 1971, § 24-16; Code 1987, § 19-14)

Sec. 20-52. Disbursements generally.

(a) Orders drawn on the utilities fund against the operation and maintenance account of the waterworks system shall be charged separately against the funds to the credit of the waterworks system in the utilities fund. Orders drawn on the utilities fund against the operation and maintenance account of the electric system shall be charged separately against the funds to the credit of the electric system in the utilities fund. Orders drawn on the utilities fund against the operation and maintenance account

of the wastewater system shall be charged separately against the funds to the credit of the wastewater system in the utilities fund, and orders drawn against the operation and maintenance account of the street system shall be charged separately against the funds credited to the street system.

(b) Claims against the operation and maintenance account shall be filed with the city treasurer, and all disbursements from such funds, except disbursements from the operations and maintenance account, shall be by warrants drawn upon claims so filed and allowed by the council in the manner provided by law.

(Code 1971, § 28-38; Code 1987, § 20-44; Ord. No. 86-41, § 50, 10-6-1986)

State law references—City treasurer, warrants, issuance, delivery, R.R.S. § 16-718; claims against city generally, R.R.S. § 16-726 et seq.

Sec. 26-229. Removal of failed septic systems.

If an on-site wastewater treatment system is deemed to have failed as described in section 26-227, such property shall be required to meet all requirements of the state department of ~~water, energy, and environment~~ ~~and energy~~, title 124, Rules and Regulations for the design, operation, maintenance of on-site wastewater treatment systems, or the state department of health and human services regulations. If the property is unable to meet these requirements, such property shall connect to the public sanitary sewer system at the cost of the property owner and the former on-site system shall be abated.

(Code 1987, § 26-115.4; Ord. No. 15-011, § 9, 5-4-2015)

REPEALED CODE SECTIONS

~~Sec. 2-314. Annual public report.~~

~~The city treasurer shall publish, or cause to be published, in the official city newspaper, in August of each year, a report of the doings of his or her office, which report shall show in detail receipts, disbursements, warrants outstanding and balance of debit or credit as the case may be, the expense of such publication being paid out of the general fund.~~

~~(Code 1971, § 2-104; Code 1987, § 2-212; Ord. No. 86-41, § 27, 10-6-1986)~~

~~**State law reference**—City treasurer's reports to mayor and council, R.R.S. § 16-720.~~

Sec. 13-45. ~~Reserved~~ Refusal to leave premises upon request.

~~Any solicitor, peddler or hawker of goods or merchandise who enters upon premises owned or leased by another and willfully refuses to leave the premises after having been notified by the owner or possessor of the premises, or his or her agent, to leave the same, shall be deemed guilty of a misdemeanor.~~

~~(Code 1971, § 25-2; Code 1987, § 13-37)~~

~~**State law reference**—Criminal trespass, R.R.S. § 28-520 et seq.~~

Commented [ES1]: We do not - it's covered under state statute that we must provide at least annually & we give the council a claims listing each meeting. I think we can remove5