

INDEX.

	<u>Page</u>
Ordinance No. 8. POLICEMEN, Appointment of	1
Ordinance No. 9. PAYMENT OF COSTS in Cases of Misdemeanors	1
Ordinance No. 15. ELECTIONS, Contest of	2
Ordinance No. 17. LABOR STREET TAX	3
Ordinance No. 19. OFFICERS, Duties of	3
Ordinance No. 38. CONCRETE SIDEWALKS, Laying of	4
Ordinance No. 47. POOL HALLS, Licensing and Control of	7
Ordinance No. 49. FIRE LIMITS, Establishes.	10
Ordinance No. 65. WATER WORKS, Rules and Regulations of	11
Ordinance No. 83. WATER WORKS, Rules and Regulations of	17
Ordinance No. 91. OFFICERS, Salaries of	19
Ordinance No. 94. FIRE INSURANCE COMPANIES, Occupation Tax of	19
Ordinance No. 101. TRAFFIC, Regulation of	20
Ordinance No. 104. ALCOHOLIC LIQUORS, Licensing and Control of	21
Ordinance No. 115. REPEALS Certain Ordinances	23
Ordinance No. 116. DOGS, Taxing and Control of	24
Ordinance No. 117. HEALTH, BOARD OF, Establishes	28
Ordinance No. 118. MISDEMEANORS AND NUISANCES	30
Ordinance No. 119. WEEDS, Removal of	42

ORDINANCE NO. 8

AN ORDINANCE providing for the appointment and duties of policemen.

BE IT ORDAINED by the Mayor and Council of the City of Fort Calhoun, Nebraska:

Section 1. APPOINT POLICEMEN. -- That the Mayor, by and with the consent of the Council, shall appoint a Policeman, who shall serve all processes issued by the Police Judge, have power to arrest all offenders against the laws of the State or of the City, by day or by night, in the same manner as the sheriff or the constable, and commit them to the city jail or other place to prevent their escape until the proper trial can be had before the proper officer. The Mayor shall also have power to increase the police force at any time, when, in his opinion, the interests of the City require it, with the consent of the Council, and the Policemen shall perform all duties prescribed by ordinances, shall be diligent in discharging duties and in enforcing the ordinances of this city.

Section 2. This ordinance shall take effect from and after publication, as required by law.

Approved August 1st, 1888.
Attest: Chas. Samson, Clerk.

A. R. TOOZER, Mayor

ORDINANCE NO. 9

AN ORDINANCE to provide for the payment of the costs in cases of Misdemeanor.

BE IT ORDAINED by the Mayor and Council of the City of Fort Calhoun, Nebraska:

Section 1. SECURITY FOR COSTS, JUDGMENT AGAINST SURETY. -- That in all criminal prosecutions under the ordinances of said city, it shall be lawful for the Police Judge, before issuing his warrant for the arrest of the party charged with the commission of an offense, to require the complaining witness, or other person to enter into an undertaking to the city, conditioned for the payment of all costs of said prosecution, in case the party charged shall be acquitted; and the Court or jury, before whom said case was tried, shall state in their finding that said prosecution was malicious or without probable cause, and in all cases in which it shall appear that such prosecution was malicious, or was instituted without probable cause, and the Court or jury shall so find, it shall be the duty of the Court to enter judgment against the complaining witness until such costs shall be paid, unless such complaining witness shall have given the security hereinbefore mentioned, or shall upon the condition of such judgment against him, give a bond to the city, with good and sufficient security, conditioned for the payment of the judgment hereinbefore provided for, within thirty days from the rendition thereof.

Section 2. This ordinance shall take effect and be in force from and after publication, as required by law.

Approved August 1st, 1888.
Attest: Chas. Samson, Clerk

A. R. TOOZER, Mayor.

ORDINANCE NO. 15

AN ORDINANCE to provide for the contest of elections in the City of Fort Calhoun, Nebraska.

BE IT ORDAINED by the Mayor and Council of the City of Fort Calhoun, Nebraska:

Section 1. CONTEST NOTICE -- That within ten days after the votes shall have been canvassed and a certificate of election delivered to any person for an office within the City of Fort Calhoun, Nebraska, any person being an elector in said city, or in case of a member of the Council any person being an elector of the ward in said city to which said member of the Council belonged, may contest the election of said person by first serving a notice of all the points of contest in writing upon the person receiving said certificate, and naming an officer authorized to administer oaths, before whom the testimony may be taken in said contest, which notice shall also state the time and place of taking said testimony, which shall not be less than three or more than five days from the date of receiving said notice and within the corporate limits of the City of Fort Calhoun, Nebraska. The contestee may select some person authorized to administer oaths, and each party, together with the officers aforesaid and Council, shall attend to the taking of said testimony at the time and place mentioned in said notice, with full authority to compel the attendance of witnesses and punish for contempt, the same as is now prescribed for Notaries Public under the laws of the state; that after all of the testimony is taken on the points named in said notice and within two days thereafter, the said officers shall each transmit, securely sealed, to the City Clerk, a full and correct copy of all the questions and answers taken in said attestation, and it shall be the duty of the City Clerk immediately upon receipt of said testimony to file the same, and at the regular meeting of the City Council immediately succeeding the receipt of the testimony, the said City Council shall, after argument by counsel for respective parties, determine who is of right entitled to the office, and shall have full power to induct such person into said office.

Section 2. FEES. -- The said officers and witnesses shall be allowed the same fees as are now allowed by the law for like services, to be paid by the unsuccessful party.

Section 3. This ordinance shall take effect and be in force from and after publication, as required by law.

Approved August 1st, 1888.
Attest: Chas. Samson, Clerk

A. R. TOOZER, Mayor

ORDINANCE NO. 17

AN ORDINANCE providing for labor street tax, the commutation of said tax and fixing penalties and forfeitures for a violation thereof.

BE IT ORDAINED by the Mayor and Council of the City of Fort Calhoun, Nebraska.

Section 1. PERFORM LABOR. -- That each and every able-bodied male resident of the City of Fort Calhoun, Nebraska, between the ages of twenty-one and fifty years, shall, between the first day of April and the first day of November in each year, either by himself or satisfactory substitute, perform two days labor upon the streets, alleys, or highways within the City of Fort Calhoun, at such time and place as the Overseer of Streets may direct, and upon three days' notice in writing.

Section 2. COMMUTATION. -- That all persons so notified may commute the labor so required by the payment of the sum of two dollars and fifty cents to the City Treasurer, and the fund arising under this section shall be expended by the city as other moneys are expended in the maintenance of the streets, alleys and public grounds in said city.

Section 3. PENALTY. -- That for each day's failure to attend and perform labor as required in section one of this ordinance, the delinquent shall forfeit and pay to the said City of Fort Calhoun the sum of one dollar, which sum, together with the said sum of two dollars and fifty cents upon failure to labor or commute, as aforesaid, shall be treated and collected as taxes upon property.

Section 4. This ordinance shall take effect and be in force from and after its publication, as required by law.

Approved August 1st, 1888.
Attest: Chas. Samson, Clerk

A. R. TOOZER, Mayor.

ORDINANCE NO. 19

AN ORDINANCE prescribing the duties of officers and fixing the amount and condition of the Clerk's bond and the Treasurer's bond.

BE IT ORDAINED by the Mayor and Council of the City of Fort Calhoun, Nebraska:

Section 1. DUTIES PRESCRIBED BY LAW. -- The duties of the Mayor and Councilmen, the Treasurer, City Attorney, Policemen, Engineer and Street Commissioner, shall be such as are prescribed by law.

Section 2. DUTIES AND BOND OF CLERK. -- The City Clerk shall, in addition to the duties imposed by law, attend all regular and special meetings of the Council, and shall keep a correct history of all proceedings of the Council and record the same in a book furnished for that purpose. He shall also record in a separate book all rules, resolutions and ordinances passed by the City Council, and shall, under the direction of the Mayor and Council, procure the publication of the same in such manner as the said Council may designate in the manner provided by law. He shall have possession of all books, maps, charts, and papers and documents belonging to the city, being responsible for the safe-keeping of the same. He shall receive all moneys paid to the city; shall pay the same over to the City Treasurer immediately, taking his receipt therefor. He shall keep a perfect record of the amounts received and from what sources, amounts paid out, for what purposes and to whom paid, and shall, before entering upon the discharge of his duties, give a bond in the sum of \$5,000.00, conditioned for the faithful discharge of his duties.

Section 3. BOND OF TREASURER. -- The City Treasurer shall, before he enters upon the duties of his office, give a bond in the sum of \$5,000.00, conditioned for the faithful and impartial discharge of the duties of his office.

Section 4. This ordinance shall take effect and be in force from and after publication, as required by law.

Approved August 1st, 1888.
Attest: Chas. Samson, Clerk

A. R. TOOZER, Mayor.

ORDINANCE NO. 38

AN ORDINANCE to provide for the laying of temporary concrete sidewalks upon the natural surface of the ground, on streets not permanently improved; for the construction, widening and repair of permanent sidewalks; and to provide for the assessment of the cost thereof on the property in front of which any of the same shall be laid or constructed; and to repeal Ordinance Number Eleven of the City of Fort Calhoun, Nebraska, and all other ordinances and parts of ordinances in conflict therewith.

BE IT ORDAINED by the Mayor and Council of the City of Fort Calhoun, Nebraska:

Section 1. The construction of all sidewalks hereinafter laid, widened or repaired shall be done under the direction of the street commissioner and committee on streets and alleys, and under such rules and regulations not inconsistent with the provisions of this ordinance, as said Council may from time to time adopt. All sidewalks shall be laid to such permanent or temporary grade as said City Council shall direct, the material of which sidewalks shall be constructed shall be a concrete, as follows, to-wit: One-fifth part Portland cement, and four-fifths sand. All sidewalks constructed or ordered constructed by the city on any street, shall be uniform as to line and grade, in front of

Section 7. Such work and said contract shall be let by said Council to the lowest bidder, after advertising for bids for the same, for three consecutive weeks in some newspaper of general circulation in Washington County, Nebraska. -- PROVIDED, the Council may reject any and all bids, and re-advertise, and proceed same as above when bids are not satisfactory. Said advertisement and contract shall be for immediate construction thereof.

Section 8. The committee on streets and alleys shall keep a record of sidewalks built, widened or repaired by the city, which shall contain the same, when ordered, the time in which the walk is to be built, widened or repaired, width of walk, material, upon what street, in front of or adjacent to what lots or parcel of land, the distance from the lot line that walk is required laid, the owner or owners of each lot or parcel of land, name of contractor, date of contract, date and service of notice, number of feet, rate per foot, charges for advertising, and the total cost and expenses made against any lot or piece of ground and such other details as may seem necessary to said Council.

Section 9. In case of corner lots, such lots shall be charged with the cost of so much additional walk, as was required to be laid for the intersection of the walk abutting on the front of such lot. The cost of construction, widening or repairing of any sidewalk shall be levied upon the lot or lots, or parcel of ground fronting and adjoining with such sidewalk so laid, widened or repaired, by resolution, which resolution shall specify the street upon which such walk has been so constructed, widened or repaired, the width and length of each walk fronting on or adjoining any lot or piece of ground, the reasonable particulars respecting the widening or repair for which charges are to be levied. Such assessment shall be made by the Council at a special meeting, by resolution, fixing the valuation of the lots or lands so assessed, taking into account the benefits derived or injury sustained in consequence of such improvements, and the amount charged against the same, which, with a vote thereon by yeas and nays, shall be spread at length upon the minutes. Notice of the time and place of holding such meeting, and the purpose for which it is to be held, shall be published in some newspaper published in and of general circulation in said county of Washington, Nebraska, at least four consecutive weeks before same is held, or in lieu thereof personal service of the same may be had upon persons owning or occupying the property to be assessed. All such assessments shall be levied and collected as a special assessment in addition to the taxes, for general revenue purposes, to be placed on the tax roll for collection in like manner as other city taxes. Whenever any such special taxes are levied, the City Clerk shall forthwith deliver a certified copy of said proceedings to the proper officer, of the County of Washington, Nebraska, who shall proceed to place same on tax records, and the proper officer thereof shall collect same by law, as in such cases made and provided.

Section 10. That ordinance number 11, "An Ordinance to provide for the construction of sidewalks," and all ordinances and parts of ordinances in conflict herewith be, and the same are hereby repealed.

Section 11. This ordinance shall take effect and be in force from and after its passage, approval and publication, as required by law.

Approved April 7th, 1908
Attest: Wm. Sievers, Clerk

J. M. CURTIS, Mayor.

ORDINANCE NO. 47

AN ORDINANCE licensing and regulating public pool and billiard halls and providing a penalty for its violations, and repealing ordinances in conflict herewith.

BE IT ORDAINED by the Mayor and Council of the City of Fort Calhoun, Nebraska.

Section 1. LICENSES. -- It shall be unlawful for any person to maintain or operate any public pool hall or billiard hall for pay in the City of Fort Calhoun without first having procured from said City a license there-fore as hereinafter provided.

Section 2. APPLICATION BOND. -- Any person desiring to open, maintain and operate any public pool or billiard hall for pay in the City of Fort Calhoun shall file with the City Clerk a written application for a license to maintain and operate such hall, which application shall state the name of the person desiring to operate such hall, and shall designate the location by street and number where such hall is to be maintained and operated and shall designate the number of tables to be operated therein. A Bond shall accompany each application for a license, which Bond shall be in the penal sum of One Hundred Dollars (\$100.00), payable to the City of Fort Calhoun, with one surety where such surety is an incorporated Surety Company, authorized by the laws of the State of Nebraska to transact such business, or with at least two good and sufficient sureties resident freeholders of the City of Fort Calhoun, when such sureties are natural persons, conditioned that the person so licensed will not conduct his business at any other place than the one named in said license, nor permit any gambling of any nature or character whatsoever, nor permit any minor under eighteen (18) years of age, to remain in or frequent such pool or billiard hall, nor to keep open such place of business between eleven (11) o'clock P.M. and seven (7) o'clock A.M. It shall be a further condition of Bond that the same shall be forfeited by the Mayor and Council upon a transcript or satisfactory proof being filed with the City Clerk showing that the principal of said Bond has been twice found guilty of the violation of any of the provisions of this Ordinance within the year for which said principal has secured a license as herein provided. Such Bond shall be forfeited whether said principal shall appeal therefrom or not.

Section 3. APPROVAL AND LICENSE. -- The application and Bond so filed with the City Clerk shall be presented to the Mayor and City Council, of the City of Fort Calhoun to be approved by said Mayor and Council, and if said Bond and application are approved, the said Mayor and Council shall direct the City Clerk to issue a license to such persons so applying upon the payment of such person to the City Treasurer of a license fee of Five (5) Dollars for the first table and Two (2) dollars for each additional table to be used and operated in such hall, and it shall be a condition of said license that it shall be revoked by the Mayor and Council upon a transcript or other satisfactory proof being filed with the City Clerk, showing that the holder of such license has been twice found guilty of the violation of any of the provisions of this ordinance within the year for which said license is issued. Such license shall be revoked by the Mayor and City Council upon the second conviction within the year for which the license is granted, whether such persons shall appeal therefrom or not.

Section 4. EXAMINATION OF SURETIES. -- The Mayor and Council before approving such Bond as required by Section 2 may examine any person offered as security upon any such Bond, under oath, and require him to subscribe and swear to his statement in regard to his pecuniary ability to become such surety.

Section 5. NOTIFICATION OF SURETY. -- It shall be the duty of the City Attorney of the City of Fort Calhoun, upon the revocation of the license and the forfeiture of the Bond as provided in this ordinance, to notify such Surety or Sureties upon such Bond that the same has been forfeited, and if the Surety or Sureties, refuse or neglect to pay into the treasury of the City of Fort Calhoun the amount of said Bond within ten (10) days after such notice, then the said City Attorney shall immediately bring suit against said principal and Surety or Sureties to collect the penalty provided for in such Bond.

Section 6. CHARACTER OF APPLICATION, ADDITIONAL TABLES. -- The City of Fort Calhoun, through its Mayor and Council, reserves the right under the terms and provisions of this Ordinance in passing upon application for any such license to consider the character and responsibility of the applicant and any objections that may exist against the granting of the license at the proposed location. The license so granted shall extend for the year ending the first of May following the date thereof, unless revoked prior thereto as hereinbefore provided. In case the licensee desires to operate additional tables he shall present to the Mayor and Council of the City of Fort Calhoun an application therefore setting out the date of his license, the place of his location and the number of additional tables which he desires to operate in said place, and the Mayor and Council shall have the power to direct and authorize issuance of a further license for the unexpired portion of the year for the operation of such additional tables upon payment of the required license fee as hereinabove provided.

Section 7. NO LICENSE TO CORPORATION OR AGENT; LICENSE NOT TRANSFERABLE. -- No license shall be issued to any firm or Corporation or to any person acting as agent or manager for any other person, firm or corporation, and no license shall be transferable by sale, assignment, or in any other manner.

-8-

Section 8. PENALTY. -- Any person maintaining or operating any public pool hall or billiard hall for pay in the City of Fort Calhoun without having applied to the Mayor or Council for a license therefore, and without having procured such license as provided in this ordinance, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in the sum not to exceed One Hundred Dollars (\$100.00) for each and every offense. The operation of any such pool hall or billiard hall upon any one day shall be deemed a separate offense.

Section 9. PROHIBITING MINORS, PENALTY. -- It shall be unlawful for any person maintaining and operating any public pool hall or billiard hall for pay in the City of Fort Calhoun to permit any minors, under eighteen (18) years of age, to frequent, remain in or patronize any such hall, and any such person violating the provision of this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum not to exceed fifty dollars (\$50.00), for each and every offense.

Section 10. It shall be unlawful for any person under the age of twenty-one years (21) to play cards in any public pool hall or billiard hall in the City of Fort Calhoun.

Section 11. MINORS VIOLATING, AND PENALTY. -- It shall be unlawful for any minor, under eighteen (18) years of age to frequent or remain in any public pool hall or billiard hall maintained or operated for pay in the City of Fort Calhoun or to play in any such hall, and any minor violating the provisions of this section shall be deemed a delinquent and punished as in such cases provided.

Section 12. WRITTEN STATEMENT OF AGE. -- Any person maintaining or operating any public pool hall or billiard hall may require any person suspected by him to be under eighteen (18) years of age, before permitting such person to frequent and remain in or patronize said hall, to sign a statement in writing of his true age and name and street address.

Section 13. MISREPRESENTATION OF AGE, PENALTY. -- Any minor, who shall for the purpose of securing permission to frequent, remain in or play in any public pool hall or billiard hall falsely represent to the owner or any employee thereof that his age is eighteen (18) years or more, shall be deemed a delinquent and punished as in such cases provided.

Section 14. GAMBLING PROHIBITED. --PENALTY. It shall be unlawful for any person maintaining and operating any public pool hall or billiard hall for pay in the City of Fort Calhoun to permit any gambling of any nature or character, and any person violating the provision of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed fifty dollars (\$50.00) for each and every offense.

Section 15. HALL WHEN CLOSED, PENALTY. -- It shall be unlawful for any person maintaining and operating any public pool hall or billiard hall in the City of Fort Calhoun to permit any playing at such tables or to permit said pool hall or billiard hall to remain between eleven (11) o'clock P.M. and seven (7) o'clock A.M. provided however, that where a regular restaurant in which meals are served, is conducted, in the same room as the public pool hall or

-9-

billiard hall, and both are conducted by the same person, such place may be kept open at other times than the hours mentioned herein for the purpose only of conducting such restaurant by furnishing meals to customers. And it shall be unlawful for the owner or party in charge of such pool or billiard hall between eleven (11) o'clock P.M. and seven (7) o'clock A.M. to permit any person within such hall for any other purpose than to serve such meals. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum not to exceed fifty dollars (\$50.00) for each and every offense.

Section 16. RESPONSIBILITY FOR EMPLOYEES. -- The holder of such license shall be held responsible for the violation for any of these provisions of this ordinance committed by any of his servants or employees.

Section 17. The passage of any one section of this ordinance shall in no way be considered an inducement to the passage of any other section. But each section is hereby declared a separate inducement to its own passage.

Section 18. That so much of all ordinances of the City of Fort Calhoun, insofar as they conflict herewith be and the same are hereby repealed.

Section 19. That this ordinance shall take effect and be enforced from and after its passage and approval.

Passed and approved this, the 6th day of October, 1913.

Attest: Otto Kruse, City Clerk.

WILLIAM SIEVERS, Mayor.

ORDINANCE NO. 49

AN ORDINANCE establishing Fire Limits in the City of Fort Calhoun, Nebraska, regulating and governing the same, prescribing materials of structures erected, enlarged or removed therein, and prohibiting the erection, rebuilding, enlarging, or removing of structures of prohibited material in said Fire Limits, fixing penalties for the violation of this ordinance and providing for the abating and removing of same.

BE IT ORDAINED by the Mayor and City Council of the City of Fort Calhoun, Nebraska:

Section 1. That all that part of the City of Fort Calhoun, Nebraska embraced in the following limits shall hereafter constitute the Fire Limits of the City of Fort Calhoun, Nebraska, to-wit; All of lots 3, 4, 5, 6, 7 and 8 in Block 39, all of lots 1, 2, 7 and 8 in Block 40, all of lots 1, 2, 7 and 8 in Block 50, all of lots 1, 2, 3, 4, 5, and 6 in Block 51, all in the City of Fort Calhoun, Nebraska.

Section 2. No building shall hereafter be erected, constructed, enlarged, rebuilt or moved into or within the Fire Limits as established unless the outside walls shall be built of stone, brick, cement or other non-combustible material, and the roofing, cornice and gutters shall be of non-combustible materials.

Section 3. Whenever any building or structure within the Fire Limits hereinbefore established shall become damaged by fire or decay, or both, the extent of which, in the judgment of the Chief of the Fire Department, and the committee on Fire and Fire Apparatus of the Council of said city, shall exceed fifty percent of the original value of such building, it shall be unlawful to repair the same with any material excepting stone, brick, cement or other non-combustible material.

Section 4. Any building or structure which shall hereafter be erected, enlarged, rebuilt, repaired or removed into or within the territory herein described as the Fire Limits of the City of Fort Calhoun, Nebraska, in violation of any of the provisions of this ordinance, shall be deemed a nuisance and it immediately becomes the duty of the Mayor and Council to cause a notice to abate and remove the same to be served upon said persons, corporation or association of persons owning, constructing, rebuilding, repairing or removing same or that are otherwise guilty of the violation of the provisions herein, to at once abate said nuisance and in case of the failure of the proper parties to do so after five days from the service of said notice, it shall be the duty of the Mayor and Council to take the necessary measures to have said buildings or structures razed to the ground or removed from the Fire Limits and to proceed to collect the expense of the same from the violator of this ordinance by suit in the court of competent jurisdiction.

Section 5. Any person or persons violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than Twenty-Five Dollars (\$25.00) and not exceeding One Hundred Dollars (\$100.00), in the discretion of the court.

Section 6. This ordinance shall take effect and be in force from and after its passage, approval and publication as required by law.

Passed and approved this 5th day of October, 1914.

ATTEST: Otto Kruse, Clerk.

WILLIAM SIEVERS, Mayor.

ORDINANCE NO. 65

ORDINANCE relative to the water works system of the City of Fort Calhoun, Nebraska, providing rules and regulations for the governing of the same, providing for the appointment of a Water Commissioner and defining his duties, power and authority, providing for a bond for said Commissioner, providing rules and regulations for the government of water customers, providing for

applications for water service and establishing rates and charges for water service, and providing penalties, also providing for the protection of said waterworks, including pipes, meters, and other apparatus from injury, providing for the methods and rules and regulations in regard to the tapping of mains and installation of water service and fixing penalties for the violation thereof.

BE IT ORDAINED by the Mayor and City Council of the City of Fort Calhoun, Nebraska:

Section 1. WATER COMMISSIONER. -- A waterworks system having been established in the City of Fort Calhoun, Nebraska, there is hereby created, as provided by law, the office of Water Commissioner in and for said city. The Mayor, by and with the advice and consent of the City Council, is hereby directed and empowered to appoint a resident free-holder to such office, whose term of office shall be for one fiscal year, or until his successor shall be appointed and qualified, provided, said Water Commissioner may at any time, for sufficient cause be removed by a two-thirds vote of the City Council. The said Water Commissioner shall, before he enters upon the discharge of his duties, execute a bond to said city in a sum to be fixed by the Mayor and City Council, but not less than Five Thousand Dollars (\$5,000.00), conditioned for the faithful discharge of his duties, to be signed by two or more good and sufficient sureties and to be approved by the Mayor and Council.

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Section 2. SAME, SALARY--DUTIES. -- The salary of the Water Commissioner shall be the sum of \$25.00 per month, provided that said salary may be changed at any time on motion of the City Council to any sum not exceeding \$1,400.00 per annum. It shall be the duty of the Water Commissioner, subject to the supervision of the Mayor and the City Council, to have general management and control of the waterworks system; to collect or cause to be collected all money received by the City on account of said waterworks system and to faithfully account for and pay over all of said monies to the Treasurer of said City, taking his receipt thereof in duplicate, filing one of the same with the City Clerk; to make a detailed report to the City Council at least once every six months of the condition of said waterworks system, and all parts thereof, recommending such improvements, repairs and extensions thereof as he may think proper, showing the amount of receipts and expenses on account thereof, for the preceeding six months. He shall keep the said waterworks system at all times in good order and repair and perform such other duties in connection therewith as the Mayor and Council may direct.

Section 3. RULES APPLICABLE TO PATRONS. -- The rules, regulations, water rates and other conditions herein set forth shall be considered a part of the contract with every person, company or corporation who is supplied with water through the waterworks system of said City, and every such person, company or corporation by taking water shall be considered held to consent to be bound hereby and when any of them are violated, or such others as said City or the Water Commissioner may hereafter adopt, the water shall be cut off from the building or place of such violation and shall not be turned on again except by order of the City Council and on payment of the expense of shutting off and turning on the same, and on such other terms as the said City Council may determine, and the satisfactory understanding with the parties that no further cause for complaint shall arise.

Section 4. APPLICATION FOR WATER. -- Every person, company or corporation desiring a supply of water must make application therefor to the Water Commissioner upon blanks to be furnished for each purpose.

Section 5. SERVICE-METER RATES. -- All water furnished through the waterworks system of said City of Fort Calhoun, Nebraska, will be furnished at meter rates except as hereinafter provided.

Section 6. TIME FOR PAYMENT. -- All monies due said City for water furnished will become due and payable on the first day of each calendar month. The amount due from any person, company or corporation for water furnished by said city shall be computed in dollars and cents in accordance with the rates hereinafter provided. Ten percent of the amount due shall be added thereto if the same be not paid within ten days after the time the same becomes due and all officers of the waterworks department are positively prohibited from allowing credit to anyone.

Section 7. TAPS BY CONSUMER PROHIBITED. -- No person or corporation shall be permitted to make or have made, any tap, or connection with the service pipe between the meter and the mains.

Section 8. HYDRANTS CLOSE DURING FIRE, -- All persons, companies or corporations using water from the City system, are prohibited from opening any hydrant, tap or other connection of any description during the progress of any fire within said City; and it is hereby made the duty of all consumers, upon the sounding of the fire alarm to close immediately, and keep closed, all water taps during the continuance of said fire.

Section 9. COUNCIL TO ORDER WATER TURNED ON. -- When the water has been turned off from any consumer by the Water Commissioner, he shall not turn it on, or permit it to be turned on, except on order by City Council.

Section 10. COMMISSIONER MAY ENTER PREMISES. -- The owner, or tenant, shall provide ready and convenient access to the meter, where meter is placed in building, so that it may be easily examined and read by the Water Commissioner or his duly authorized agent at all times between the hours of 7:00 A.M. and 6:00 P.M., when in his discretion it is deemed necessary to enter said premises or building for the purpose of testing meter, or to examine the pipes, meters or other fixtures.

Section 11. BOILERS, WASTE COCKS, STOP COCKS. -- All house boilers shall be constructed with one or more air holes near the top of the inlet pipe and sufficiently strong to bear the pressure of the atmosphere under the vacuum, and the stop cock and all other apparatus must be sufficiently strong to bear the pressure of the water in the mains. All persons taking water shall keep the surface pipes, stop cock and other apparatus in good order and repair and protect the same from frost at their own risk and expense, and it is hereby expressly stipulated by said City and by the Water Commissioner, that no claim shall be made against them, or either of them, by reason of any service cock, or, if from any cause, the supply of water shall fail, or, for damages arising from shutting off water to repair mains, making connections or extensions, or any other purpose as may be deemed necessary, and the right is hereby reserved to cut off the supply of water at any time, any permit granted to the contrary notwithstanding.

Section 12. PIPES, HOW LAID, KIND USED, JOINTS. -- All pipes shall be laid four and one-eighth (4 & 1/8) feet below the established grade, or as low as the mains in the street, and shall be laid in such manner as to prevent rupture by settlement; all joints of lead pipe to be what is known as wiped joints, and, in no case are cup joints or bolted points to be allowed. All pipe to be used for such purpose shall be such as shall be approved by the Water Commissioner.

Section 13. STOP COCKS, WHERE PLACED, WASTE COCKS REQUIRED. -- Unless otherwise permitted, stop cocks shall be placed in the service pipe on the edge of the sidewalk, near the curb line and protected by a box iron pipe reaching from the stop cock to the surface of the ground, of a suitable size to admit a stop key for turning on and off the stop; and with cast iron cover even with the pavement or planking. In case of the refusal of the consumer to keep his stop box in good condition the Water Commissioner shall put the same in good condition at the expense of the owner of the premises. There shall be a stop and waste cock attached to every supply pipe in the building, so as to permit of water being shut off in frosty weather and pipe being emptied.

Section 14. EXCAVATIONS, BARRICADES, LIGHTS. -- No person shall have any excavation made in the street, alley or highway open at any time, without barricades and during the night red lights must be maintained at such excavation. No person shall make any excavation in any street, alley or highway where the ground is frozen, nor shall said person dig up or uncover, so as to expose to frost, any water pipes or sewer of the City, except under the direction of the City Council or Water Commissioner.

Section 15. EARTH, RELAID, HOW. -- After service pipes are laid, in refilling the opening, the earth must be thoroughly settled with water, the streets, sidewalks and pavements must be restored to as good condition as before making the excavation, and all dirt, stones or rubbish removed. The Water Commissioner shall have the right to finish or correct the work and the expense incurred shall be charged to the plumber and shall be paid by him before water is turned on.

Section 16. WATER APPLICATION. -- All applications for permits must be made in writing upon blank forms furnished by the Water Commissioner and signed by the property owner or his agent. Such application shall state the full names of the owner, the number of the Lot or Lots, and the location thereof and the street upon which the main is to be tapped.

Section 17. JOINT SERVICE PIPES. -- When one service pipe supplies two or more distinct premises or tenements, there shall be provided, subject to the supervision of the Water Commissioner a separate stop cock and meter for each of said premises or tenements, so that water supplies may be shut off from the one without interfering with the supply of others.

Section 18. PLUMBERS BOND AND LICENSE. -- Any plumber wishing to do business in connection with the waterworks shall, before receiving a license, file in the office of the Water Commissioner a petition in writing giving his

name and that of each member of his firm if any, and place of business, asking to become a licensed plumber of the City of Fort Calhoun, stating his willingness to be governed by the rules and regulations now or hereafter to be adopted by the City Council concerning his business; said petition to be signed by ten business men of the City, vouching for his business capacity, qualifications and good reputation of the applicant and his worthiness to receive a license. Before receiving a license he shall file in the office of the City Clerk a bond with two or more sureties, to be approved by the City Council, in the sum of \$2,000.00 conditioned that he will indemnify and keep harmless the City of Fort Calhoun, Nebraska, from all liability from accidents and damages arising from any negligence or unskillfulness in doing or protecting his work or from any unfaithful or inadequate work done in pursuance of his license, that he will restore the street over all pipes that he may lay, and fill all excavations he may make, replace all sidewalks and pavements removed by him, so as to leave the same in as good condition as he found them, and keep and maintain the same in good condition to the satisfaction of the Water Commissioner for the period of six months next thereafter, and that he will pay all fines that may be imposed upon him for the violation of any rules and regulations adopted by said City Council and the license shall be issued by the Clerk, under the seal of the City when ordered by the Council. The obligee in the bond shall be the City of Fort Calhoun, Nebraska, and an action may be maintained thereon by anyone injured by breach of any of its conditions.

Section 19. SAME, FORFEITURE. -- Any plumber or pipe fitter who shall be guilty of a violation of any of the provisions, rules or regulations adopted by the City Council or Water Commissioner shall forfeit his license, such forfeiture to operate a suspension of said license.

Section 20. PLUMBER'S REPORT. -- Within forty-eight hours after the completion of any attachment or connection the plumber shall make full report and return to the Water Commissioner, with a description of the apparatus and arrangements for using the water, together with a plat showing the exact location by measurement from lot line, of the stop cock, meter and service pipes and any further particulars that may be called for by the Water Commissioner. The water will not be turned into any service pipe until complete returns are made by the plumber.

Section 21. APPROVAL OF PLUMBING. -- All plumbing shall be skillfully done and in a manner required by the Water Commissioner and shall be subject to his inspection and approval; the quality and pattern of all appurtenances shall in like manner subject to his approval and no work shall be covered until examined by him.

Section 22. UNLICENSED PLUMBING PROHIBITED. -- It shall be unlawful for any plumber or pipefitter to do any work on any of the pipes, appurtenances of the waterworks system of said city, or make any contracts with or extension of the supply pipes of any consumer until such plumber or pipefitter shall have first procured a license or permit as herein provided.

Section 23. PLUMBING CHARGES. -- No licensed plumber or pipefitter shall make exorbitant charges for material furnished or work done by him and any person feeling aggrieved at any charges made by him shall make complaint thereof to the Water Commissioner who shall thereupon investigate the same and he shall report the same to the City Council and if such plumber or pipefitter fail to return the excess that may be adjudged by the City Council within ten days thereafter, his license shall be revoked.

Section 24. TAPPING MAINS, BY WHOM PERMITTED; RULES. -- No person except the Water Commissioner or the Engineer employed by the City or a plumber under the supervision of the Water Commissioner, will be permitted under any circumstances, to tap the mains or distributing pipes or insert stop cocks or ferules therein. All pipes in all cases must be tapped on the top and not in any case nearer than eighteen (18) inches of either end of the pipe, or nearer than three (3) feet from any other tap and in all cases service pipes between the distributing pipe in the street and stop cock must be of standard galvanized pipe. All pipes between mains and corporation cocks shall be of galvanized iron with eighteen (18) inches of extra heavy lead pipes at its attachment with the main.

Section 25. PARTS FURNISHED BY CITY. -- The City will furnish the corporation cocks and insert the same in the main, also furnish stop cocks, box, plumbing, meters and all connections and everything necessary pertaining thereto, at the lowest possible cost to consumers.

Section 26. FIRE HYDRANTS. -- All hydrants erected in the said City for the purpose of extinguishing fire are hereby declared to be public hydrants and no persons other than members of the Fire Department, and then only for the use and purposes of said department, or persons specially authorized by the Water Commissioner, and then only in the exercise of authority delegated by said Commissioner, shall open any of the said hydrants or attempt to draw water from the same or in any manner interfere with the same.

Section 27. SUSPENDING SUPPLY FOR CERTAIN PURPOSES. -- The City of Fort Calhoun reserves the right to suspend the use of water for fountains or for sprinkling yards, lawns and gardens when, in the opinion of the City Council, the public exigencies may require it.

Section 30. METER RATES. -- Each and every water consumer supplied with city water will be charged therefor and shall pay for the same at the following rates per month:

- For the first 3,000 gallons, or any part thereof, the sum of \$1.00 shall be a minimum charge.
- For the next 3,000 gallons, or any part thereof, at 25¢ per one thousand gallons.
- For the next 3,000 gallons, or any part thereof, at 20¢ per one thousand gallons.
- For all over 9,000 gallons, or any part thereof, at 15¢ per one thousand gallons.

Section 32. WATER COMMISSIONER, REPORT. -- It shall be the duty of the Water Commissioner to make a written monthly report to the City Council of the affairs of the waterworks department for the preceeding month, together with all suggestions and recommendations as he may deem proper. He shall also make such statement at the end of each fiscal year for the whole preceeding year.

Section 33. SAME, CITY COUNCIL TO CONTROL. -- The authority and the powers vested in the Water Commissioner by this ordinance shall, in all cases, be subject to the approval of the Mayor and the City Council.

Section 34. RATES FOR SPECIAL PURPOSES. -- Persons not paying water rates and habitually using water from city fountains and water troughs or other hydrants for domestic purposes and watering livestock, shall be assessed the water rate applicable to the premises inhabited by said consumer.

Section 35. INJURY TO WATERWORKS PROPERTY, VIOLATION. -- No person shall willfully or carelessly break, injure or deface, interfere with or disturb machinery, apparatus, fixtures or appurtenances of the waterworks of said City, or any public hydrant, hose, water trough, or stop cock, meter, water supply or service pipes, or any part thereof, nor shall any person deposit anything in any stop cock box or commit any act tending to obstruct the use, or impair the intended use of any of the above mentioned properties.

65
Section 36. PENALTIES FOR VIOLATION. -- Any person or persons, violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding One Hundred Dollars (\$100.00) and not less than Five Dollars (\$5.00), and shall stand committed until said fine and the costs of said proceeding shall be paid.

Section 37. This ordinance shall take effect and be in force from and after its passage, approval and publication, as required by law.

Passed and approved, this 21st day of November, 1923.

Attest: W. W. McMillan, Clerk

J. W. TRISLOR, Mayor.

ORDINANCE NO. 83

AN ORDINANCE to amend sections twenty-eight (28), twenty-nine (29) and thirty-one (31) of Ordinance Number 65 of the City of Fort Calhoun, Nebraska, being "An ordinance relative to the waterworks system of the City of For Calhoun, Nebraska, providing rules and regulations for the governing of the same, providing for the appointment of a Water Commissioner and defining his duties, power and authority, providing for a bond for said Water Commissioner, providing rules and regulations for government of water customers, providing for charges for water service, and providing penalties, also providing for the protection of said waterworks, including pipes, meters,

and other apparatus from injury, providing for the methods and rules and regulations in regard to the tapping of the mains and installation of water service and fixing penalties for the violation thereof", and to repeal said sections twenty-eight (28), twenty-nine (29) and thirty-one (31) of ordinance number sixty-five (65).

BE IT ORDAINED by the Mayor and City Council of the City of Fort Calhoun, Nebraska:

Section 1. That section twenty-eight (28) of ordinance number sixty-five (65) of the ordinances of the City of Fort Calhoun, Nebraska, being "An ordinance relative to the water works system of the City of Fort Calhoun, Nebraska, providing rules and regulations for the governing of the same, etc.", be and the same is hereby amended to read as follows: -- Consumer Must Give Notice of Removal from Premises, -- If any consumer shall remove from the premises, for which his license was issued, before the expiration of the same, or, such premises shall be destroyed by fire, he shall notify the Water Commissioner thereof, who shall cause the water to be shut off the premises and the meter removed.

Section 2. That section twenty-nine (29) of Ordinance number sixty-five (65) of the Ordinances of the City of Fort Calhoun, Nebraska, being "An ordinance relative to the waterworks system of the City of Fort Calhoun, Nebraska, providing rules and regulations for the governing of the same, etc.", be and the same is hereby amended to read as follows, -- Meters, Cost of Installation, Repair, Removal, -- All water Meters used in connection with the water works system of said City shall be standard manufacture, to be approved by the City Council. A deposit of Five Dollars (\$5.00) must be made with the Water Commissioner, also a charge of One Dollar (\$1.00) shall be made for turning on said water for which a receipt must be given before an installation is made. Upon removal and surrender of receipt said Five Dollar (\$5.00) deposit shall be returned.

Section 3. That section thirty-one (31) of Ordinance number sixty-five (65) of the Ordinances of the City of Fort Calhoun, Nebraska, being "An Ordinance relative to the waterworks system of the City of Fort Calhoun, Nebraska, providing rules and regulations for the governing of the same, etc.", be and the same is hereby amended to read as follows, -- Flat Rates, Other Charges -- When water is used without meter, for any allowed purpose, the following rates shall be charged:

- Water for filling private cisterns, each time, \$1.00.
- Water for sprinkling streets with wagon, \$2.50 per block,
per month.
- For use in steam engine, 25¢ per 10 barrel tank.

The Water Commissioner of said City shall shut off the water of any consumer who has not paid the rental by the 10th of the month following the second monthly statement. The Water Commissioner must collect the balance due for rental, plus penalty as provided in section six (6) of Ordinance Sixty-Five (65), together with a charge of One Dollar (\$1.00) for turning on water as provided in section two (2).

Section 4. This ordinance shall take effect and be in force from and after its passage, approval and publication, as required by law.

Passed and approved this 12th day of November, 1928.

Attest: Ernest Kruse, Clerk.

OTTO ASMUSSEN, Mayor.

ORDINANCE NO. 91

AN ORDINANCE to provide salaries for officers, and repeal Ordinance No. 46 and any ordinances or parts of ordinances in conflict with this ordinance.

BE IT ORDAINED by the Mayor and Council of the City of Fort Calhoun, Nebraska:

Section 1. That officers of the City of Fort Calhoun, Nebraska, shall receive compensation for their services as follows; to-wit: The Clerk shall receive \$75.00 per year. The Treasurer shall receive \$5.00 per year. The Mayor, \$35.00, the Councilmen each \$25.00 per year. The Marshall and all other officers, such sums as the Mayor and Council may provide by resolution.

Section 2. That all other ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect and be in force from and after passage and publication as required by law.

Passed and approved, this 4th day of April, 1932.

Attest: Ernest Kruse, Clerk.

J. A. LANDIS, Mayor.

ORDINANCE NO. 94

AN ORDINANCE to impose a special occupation tax on Fire Insurance Companies doing business in the City of Fort Calhoun, Nebraska; for the support of the Volunteer Fire Department of said City.

BE IT ORDAINED by the Mayor and Council of the City of Fort Calhoun, Nebraska:

Section 1. That for the use, support and maintenance of the Volunteer Fire Department of the City of Fort Calhoun, Nebraska, regularly organized under the laws of the State of Nebraska, an occupation tax of Five Dollars (\$5.00) per annum be and the same is hereby levied upon each and every Fire Insurance Company, corporation or Association doing business in the City of Fort Calhoun, Nebraska.

Section 2. Such occupation tax shall be due and payable on the 2nd day of January of each and every year and upon the payment thereof by any person to the City Treasurer, the Treasurer shall give a receipt therefor, properly dated and specifying the person paying, the name of the insurance company, the amount, and for what time said tax is paid.

Section 3. The money paid into the City Treasury, under the provisions of this ordinance, shall constitute, and be known as the Special Occupation Tax Fund of the Volunteer Fire Department of the City of Fort Calhoun and the same shall be used exclusively for the support of such department.

Section 4. The City Treasurer of Fort Calhoun shall, upon proper receipt being given, pay to the treasurer of the Fort Calhoun Volunteer Fire Department all moneys collected for such occupation tax.

Section 5. Each and every Insurance Company, Corporation or Association doing business in the City of Fort Calhoun shall pay to the City Treasurer of said City of Fort Calhoun the said sum of Five Dollars (\$5.00) as provided for by Section 1. of this ordinance, on the 2nd day of January of each and every year and on failure to pay the same, as herein provided for, the said city may recover the same in a civil action brought against said insurance company, corporation or Association.

Section 6. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7. This ordinance shall be enforced and take effect from and after its passage, approval as by law provided.

Passed and approved this 5th day of December, 1932.

Attest: Laura R. Marr, Clerk.

G. V. BEADLE, Acting Mayor.

ORDINANCE NO. 101

OF THE ORDINANCES of the City of Fort Calhoun, Washington County, Nebraska. To provide for the rate of speed of motor vehicles on 14th street between Monroe street and Court street; and to provide for "School" or "Slow" or "Stop" signs; and to provide for penalty for the violation of the provisions of this ordinance and repealing ordinances in conflict herewith.

BE IT ORDAINED by the Mayor and City Council of the City of Fort Calhoun, Nebraska:

Section 1. That all persons operating motor vehicles on said 14th street between Monroe street and Court street shall not operate at a speed greater than reasonable.

Section 2. Whenever the signs bearing the word "School" or "Stop" by order of the City Council of said city shall be placed at or adjacent to the intersection of Monroe and 14th streets, it shall be the duty of the driver or operator of any vehicle moving along any such street toward either of the intersections aforesaid to cause such vehicle to be brought to a full or complete stop where such School or Stop sign is placed, and said driver or operator shall not cause said vehicle being driven or operated by him to enter or cross said intersection until said intersection is clear of all traffic of any kind.

Section 3. Whenever the signs bearing the work "School" or "Slow" by order of the City Council of said city shall be placed at or adjacent to the intersection of Adams and 14th Streets, or 14th and Court Streets, it shall be the duty of the driver or operator of any vehicle moving along such street towards either of the intersections aforesaid to cause such vehicle to be slowed down to a speed of not exceeding 20 miles per hour, and said driver or operator shall not cause said vehicle being driven or operated by him to be driven across or through said interseccion at a rate of speed greater than 20 miles per hour.

Section 4. Any person or persons violating the provisions or any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and shall be punished by fine of not less than \$5.00 and not more than \$50.00 and for the cost of prosecution, and such person so convicted shall stand committed to the jail of the city until such fine or costs are paid.

Section 5. All ordinances and parts of ordinances in conflict with the provisions of this ordinance shall be and the same hereby are repealed.

Section 6. This Ordinance shall take effect and be in force from and after the date of its passage, approval and publication according to law.

Passed, approved and published on this 4th day of February, 1935.

Attest: Mrs. L. R. Marx, Clerk.

CITY OF FORT CALHOUN, NEBRASKA
By I. A. PIPER, Mayor.

ORDINANCE NO. 104

OF THE ORDINANCES of the City of Fort Calhoun, Washington County, Nebraska. Relating to Alcoholic Liquors: Providing Rules and Regulations for the Transportation and Sale of such Liquors: Establishing Certain Regulations Regarding Premises where such Liquors are Sold: Providing Levy of Occupation Taxes upon Business in such Liquors: Imposing Fines and Penalties for Violations of the Provisions of this Ordinance: Repealing All Ordinances in Conflict Herewith: and Prescribing when this Ordinance shall Be in Full Force and Effect.

BE IT ORDAINED by the Mayor and City Council of the City of Fort Calhoun, Washington County, Nebraska.

Section 1. It shall be unlawful for any person to manufacture for sale, sell, keep for sale or barter, or exchange, under any pretext, any alcoholic liquor within said city unless said person shall have in full force and effect a license therefore as provided by the Nebraska Liquor Control Act.

Section 2. OCCUPATION TAX. For the purpose of raising revenue within in said city there is hereby levied upon the following described businesses conducted in said city the following designated occupation taxes:

Alcoholic Liquor Distributor (except Beer)	\$100.00
Beer Distributer	100.00
Retailer of Beer only, for consumption on the premises	10.00
Retailer of Beer only, for consumption off the premises (sale in the original package only)	10.00
Retailer of Alcoholic Liquors, for consumption off the premises (sale in the original package only)	150.00
Retailer of Alcoholic Liquors, for consumption on the premises	250.00

When applications are filed with City Council they must be accompanied by receipt signed by the City Treasurer showing that the occupation tax above provided for has been paid, and, in the event that a license shall not be finally issued, the City Treasurer is hereby ordered and authorized to return to the applicant the occupation tax.

The City Treasurer shall issue his receipt for such tax when paid, properly dated, specifying the person for whom paid and for what purpose.

Section 3. (a) No person shall, within such city, sell or give any alcoholic liquors to, or procure any such liquor for, or permit the sale or gift of any such liquor to, or the procuring of any such liquor for, any minor or any minor or any person who is mentally incompetent or any person who is physically or mentally incapacitated due to the consumption of such liquors. (b) No minor shall within such city represent that he is of age for the purpose of asking for, purchasing or receiving any alcoholic liquors from any person. Any person violating any provision of section "a" or "b" of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by fine of not more than \$50.00.

Section 4. No person shall within such city sell at retail any alcoholic liquor, including beer, on the day of any national, state, county or municipal election, including primary election, during the hours the polls are open in said city. No person shall within such city sell at retail any alcoholic liquors, except beer, on the first day of the week called Sunday. It shall be unlawful for any person to sell alcoholic liquors except beer, within such city on secular days between the hours of twelve o'clock P.M. and six o'clock A.M.

Section 5. It shall be unlawful for any person to consume alcoholic liquors within such city in the public streets, alleys, roads or highways or upon property owned by the state or any governmental subdivision thereof, or inside vehicles while upon the public streets, alleys, roads or highways, in theatres, dance halls or in any other place open to the public, and no person shall drink any alcoholic liquors other than beer upon any premises within which beer is sold at retail; provided that nothing herein contained shall be construed to prohibit persons purchasing beer upon premises within which beer is lawfully sold for consumption on the premises from drinking such beer on such premises.

Section 6. It shall be unlawful for any person to drive any motor vehicle on the streets of such city while under the influence of alcoholic liquor. Any person found guilty of such offense, in addition to the general penalty provided hereafter for the violation of the provisions hereof, shall be adjudged and ordered by the court not to drive a motor vehicle within the State of Nebraska for a period of one year from the date of such conviction.

Section 7. That all police officers of the City of Fort Calhoun are hereby authorized to enter at any time upon any premises of any licensee under the Nebraska Liquor Control Act within said city to determine whether any of the provisions of such Act or this Ordinance, or any rules or regulations adopted by such city or by Nebraska Liquor Control Commission have been or are being violated and at such time to examine sufficiently such premises of said licensee in connection therewith.

Section 8. The violation of any provision of this ordinance shall constitute a misdemeanor and upon conviction thereof, except where a different penalty for said offence is herein provided, the violator shall be fined in any sum not exceeding One Hundred Dollars; and in the case of all violations of this Ordinance, the violator shall be adjudged to pay the costs of prosecution, and shall be committed to the city jail, at hard labor upon the streets or elsewhere for the benefit of the city, until such fine and costs are paid or he be otherwise released by proper authority.

Section 9. That all ordinances or parts of ordinances in conflict herewith be and hereby are repealed.

Section 10. That this ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 1st day of July, 1935.

Attest: L. R. Marr, Clerk.

I. A. PIPER, Mayor.

ORDINANCE NO. 115

AN ORDINANCE to repeal Ordinances numbered 1, 3, 4, 6, 7, 10, 12, 13, 14, 20, 28, 34, 37, 39, 55, 56, 63, 72 and 86 of the City of Fort Calhoun, Nebraska, and all ordinances and parts of ordinances in conflict therewith; prescribing the time when this ordinance shall be in full force and take effect; and providing for the publication and distribution of this ordinance.

BE IT ORDAINED by the Mayor and Council of the City of Fort Calhoun, Nebraska:

Section 1. REPEAL OF ORDINANCES AND PRIOR ORDINANCES IN CONFLICT. -- Ordinances numbered 1, 3, 4, 6, 7, 10, 12, 13, 14, 20, 28, 34, 37, 39, 55, 56, 63, 72, and 86 of the City of Fort Calhoun, Nebraska, and all ordinances and parts of ordinances in conflict therewith are hereby repealed.

Section 2. WHEN OPERATIVE. -- This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

Section 3. PUBLICATION AND DISTRIBUTION. -- This ordinance shall be printed in pamphlet form under the direction of the Mayor and Council, and shall be distributed as they may see fit.

Passed and approved this 2nd day of January, 1940.

Attest: L. R. Marr, Clerk.

I. A PIPER, Mayor.

ORDINANCE NO. 116

AN ORDINANCE prohibiting for the determination of the ownership of all dogs within the corporate limits of the City of Fort Calhoun, Nebraska; prohibiting the running at large of any and all fierce and dangerous dogs therein, whether licensed for the current year or not, after their nature and disposition have been ascertained; prohibiting the running at large of female dogs while in season; providing for the payment of a dog tax by the owners thereof and for the securing of a license and a dog tag from the City Clerk or other city employee, designated by the Mayor and Council; empowering the Mayor to protect the public from rabid dogs; providing for the killing of dogs found to be running at large without a license or a tag or when dangerous or in season and the powers of the police relative thereto; providing for the establishment and management of a city dog pound; providing for humane treatment for dogs so impounded and a forty-eight hour period for the reclaiming of impounded dogs by their owners; providing that dog tax shall be delinquent after May 1st in each year; prohibiting poisoning or injuring dogs; declaring it to be unlawful to own, keep or harbor barking, howling or yelping dogs; providing the penalty for failure to pay dog tax and for interference with the police or any other officer or person designated by the Mayor and Council in attempting to enforce the several provisions thereof; providing penalty for interference by non-owners in taking or removing tags or plates from licensed dogs; providing for the repeal of prior ordinances in conflict herewith; prescribing the time when this ordinance shall be in full force and take effect; and providing penalties for violation of the several provisions of this ordinance.

BE IT ORDAINED by the Mayor and Council of the City of Fort Calhoun, Nebraska:

Section 1. (Reference, 17-438, C.S.N. 1929) DOG DEFINED. -- The term "dog" whenever used in this ordinance, shall be held to apply to both male and female dogs of all ages.

Section 2. WHO DEEMED OWNER. -- Any person, who shall harbor or permit any dog to be for ten days or more, or let the same habitually remain and be fed for the period of ten days or more, in or about his or her house, store or enclosure, shall be deemed the owner and possessor of such dog, and shall be liable to the penalties herein prescribed for the violation of this ordinance.

Section 3. DANGEROUS DOGS AT LARGE. -- If the owner or possessor of a fierce or dangerous dog, whether licensed for the currant year or not, after its disposition and nature have been ascertained, permits the same to run at large in this city to the danger and annoyance of the citizens, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished as hereinafter provided. The police or other officer designated by the Mayor and Council is hereby authorized to kill such dog if found running at large. The prudent use of firearms by the police or such other officer for this purpose or for any purpose required by this ordinance shall not be considered a violation of the Ordinances of the City of Fort Calhoun, Nebraska.

Section 4. FEMALE DOGS IN SEASON. -- The owner or possessor of any female dog, whether licensed or not, that permits such to run at large while in season, shall, on conviction thereof, be punished as hereinafter provided. The police or other officer designated by the Mayor and Council is hereby authorized to kill any such dog if found running at lare in such condition.

Section 5. PLATES, TAGS; LOST TAG REPLACEMENT; INTERFERENCE BY NON-OWNERS. -- It shall be unlawful for any dog to run at large or to be harbored within the corporate limits of this city, unless such dog shall have a collar with a metallic plate or tag securely fastened upon it. Each and every such tag or plate shall be plainly engraved or stamped with the year for which the same is given, and the number, which shall represent the number of such plate or tag; Provided, that the shape and appearance of the same be different each year and each year they shall be numbered from one upwards; and provided further, in the event of the loss of said tag or plate, the City Clerk shall issue a duplicate or new tag for the balance of the year for which tax has been paid upon proper showing by the harborer or owner of any dog that the tag or plate has been lost and upon the payment of a fee of twenty-five cents to the City Clerk. No person, without authority or permission from the owner of any licensed dog, shall take or remove the metallic tag or plate, issued by the City Clerk, from such dog.

Section 6. TAX; AMOUNT; WHEN DUE, WHEN DELINQUENT. -- Every possessor of a male or spayed female dog in the city shall pay, for each and every dog such possessed, to the City Clerk, as a dog tax, the sum of One Dollar (\$1.00) per annum, payable on or before May first of each year; and every possessor of any unspayed female dog in this city shall likewise pay as a dog tax the sum of Two Dollars (\$2.00) per annum; Provided, that each person so paying shall have a metallic tag attached to the collar of the dog showing the number as provided in Section 5 of this ordinance; and Provided further, the possessor of any dog brought into or harbored within the corporate limits of said city subsequent to May first in any year shall be liable for the dog tax levied herein. Dog tax shall become delinquent May tenth of each year.

Section 7. ISSUANCE OF TAGS; DOG TAX CREDITED TO GENERAL FUND; POLICE ASSISTS CITY CLERK IN DOG TAX ENFORCEMENT. -- Any person who may desire to harbor a dog or who may desire that his dog shall run at large, shall pay to the City Clerk or other city employee designated for that purpose, the aforesaid tax and take his receipt therefor, and the City Clerk shall deliver to said person one of said tags or plates. The City Clerk shall keep a record of such plates or tags

furnished by him containing the date when and to who delivered and the number of the same, and shall on the first day of each month turn over the dog tax collected, as herein provided to the City Treasurer, who shall credit the moneys so received to the general fund of said city. It shall be the duty of the City Clerk to keep a book in which shall be recorded the name of every owner and the name, description and sex of each dog upon which the tax has been paid, and the number thereof; Provided, the police shall assist the City Clerk in the collection of dog tax, when so ordered by resolution of the council.

Section 8. RABID DOGS. -- The Mayor, pursuant to resolution of the Council, may prohibit, by proclamation, the running at large of any dog at any time of year when, in his opinion, the public is in danger of rabid dogs.

Section 9. IMPOUNDING, KILLING OF DOGS; COMPENSATION OF POLICE OR OTHER DESIGNATED OFFICER FOR SO DOING. -- It shall be the duty of the police or other officers designated by the Mayor and Council after May tenth in each year when dog tax becomes delinquent, as aforesaid, to take up and kill any and all dogs, male, spayed female or unspayed female, harbored and running at large within the corporate limits thereof, not having about their necks the tag or plate provided for in Section 5 of this Ordinance; and for each and every dog so killed and buried, the police or other authorized person shall be entitled to receive by way of compensation from said city in excess of his regular monthly salary, if any, the sum of One Dollar (\$1.00) from the general fund thereof; Provided, the additional compensation herein allowed the police or other authorized person shall be paid as other moneys out of the general fund on claims filed, audited and allowed by the council according to law. No dog so taken by the police or other officer of this city shall be killed until forty-eight hours have expired after its impounding, until such officer after consulting the records in the office of the City Clerk shall have satisfied himself that the tax herein levied on said dog is due and unpaid and until such officer shall have notified in writing or by word of mouth the owner of said dog, if known to him, forthwith to pay the delinquent tax so due. The city shall provide a safe, suitable and sheltered place for the impounding, keeping and destruction of said dogs as in this section contemplated. All dogs placed in the city dog pound shall be treated in a humane manner, shall be provided with plenty of food and fresh water each day and shall be chained separately so as to prevent fighting. ~~The forty-eight hour period of impounding shall constitute the time allowed for the owner to claim or redeem his dog; and for every dog so claimed or redeemed the owner shall pay a redemption fee of One Dollar (\$1.00) to said City of Fort Calhoun to defray the expense of keeping said dog in the city pound. The City Council shall authorize and approve the summary and humane manner and means by which dogs shall be destroyed as required by the provisions of this section.~~

Section 10. POISONING OR INJURING DOGS. -- It shall be unlawful for any person to administer or cause to be administered poison of any sort whatsoever to any dog, or in any manner to injure maim or destroy, or in any manner to attempt to injure, maim or destroy any dog, the property of another, or to place any poison or poisoned food where the same is accessible to any dog.

Section 11. BARKING, HOWLING OR YELPING DOGS. -- No person shall own, keep or harbor any dog which by loud, continued or frequent barking, howling or

yelping shall annoy or disturb any neighborhood or person or which habitually barks or chases pedestrians, horses or any vehicles whatsoever to the annoyance of such pedestrians, drivers or owners of horses or vehicles while on any public street, alley, or avenue in said city.

Section 12. VALIDITY. -- Each section and each subdivision of a section of this ordinance is hereby declared to be independent of every other section or subdivision of a section so far as inducement for the passage of this ordinance is concerned; and the invalidity of any section or subdivision of a section of this ordinance shall not invalidate any other section or subdivision of a section thereof.

Section 13. VIOLATION, PENALTY. -- Any person keeping or harboring any dog, who shall refuse or neglect for a period of ten days to procure a plate or tag for the same as provided in this ordinance who shall violate any provisions of this ordinance, for which penalties are not elsewhere herein fixed, who shall interfere with the police or any other officer in his endeavor to carry into effect any provision of this ordinance or who shall remove the plate or tag issued by the City Clerk from a licensed dog without authority or permission of its owner, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not exceeding Twenty-Five Dollars (\$25.00), and, in default of payment thereof, shall be adjudged to stand committed to the city jail until such fine and costs be paid or otherwise satisfied according to law.

Section 14. REPEAL OF PRIOR ORDINANCES IN CONFLICT. -- That all ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith are hereby repealed.

Section 15. PURPOSE OF CATCH-HEADS AND CROSS-REFERENCES. -- The catch-heads and cross-references appearing in connection with the foregoing sections of this ordinance are inserted simply for convenience, and they shall be wholly disregarded by any person, officer, court, or other tribunal in construing the terms and provisions of this ordinance.

Section 16. PUBLICATION AND DISTRIBUTION. -- This ordinance shall be printed in pamphlet form under the direction of the Mayor and Council, and shall be distributed as they may see fit.

Section 17. WHEN OPERATIVE. -- This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

Passed and approved this 2nd day of January, 1940.

Attest: L. R. Marr, Clerk.

I. A. PIPER, Mayor.

ORDINANCE NO. 117

AN ORDINANCE establishing rules and regulations with reference to the preservation of the health of the inhabitants of the City of Fort Calhoun, Nebraska; Providing for the organization of a board of health and defining its powers; fixing the compensation of the city physician; designating the police and/or marshal as health officer of said city; incorporating by reference therein the Rules and Regulations of the Department of Health of the State of Nebraska together with subsequent amendments thereto; designating the city dumping ground and providing for right-of-way thereto; providing penalties for the violation of the several provisions of this ordinance; providing for the repeal of prior ordinances in conflict herewith; providing for the publication and distribution of this ordinance; and prescribing the time when this ordinance shall be in full force and take effect.

BE IT ORDAINED by the Mayor and Council of the City of Fort Calhoun, Nebraska:

Section 1. (Reference, 17-208, C.S.N. 1929) BOARD OF HEALTH, CREATED; ORGANIZATION; POWERS. -- For the purpose of promoting and preserving the health of the inhabitants of the City of Fort Calhoun, Nebraska, and enforcing such rules and regulations relative thereto as may from time to time be enacted or adopted there is hereby created and established a board of health consisting of the following persons, to-wit: The Mayor, the city physician, and the city police and/or marshal. A majority of said board of health shall constitute a quorum to recommend that the Mayor and Council enact, from time to time, such additional ordinances, not included herein, as shall embody all future rules, regulations and orders of said board of health, together with suggested fines and punishment for violation thereof. The said board of health shall have general supervision over the health of the City of Fort Calhoun, Nebraska, and is hereby authorized to establish quarantine limits within the city.

Section 2. SAME; POWERS. -- The board of health shall have the power to designate health nuisances and to recommend to the Mayor and Council that it authorize and institute proper proceedings for the abatement of the same. Such recommendations of the board of health for additional ordinances and for proceedings to abate existing health nuisances shall include all matters of health and sanitation of said city, including the removal of dead animals, the sanitary condition of the streets, alleys, vacant grounds, slaughter houses, poultry houses, packing houses, creameries, wells, potato cellars, cisterns, privies, waterclosets, cesspools, stockyards, cattle and hog pens, animal pens, cattle sales barns or pavilions and stables, dairies, barber shops, beauty shops, restaurants, hotels, grocery stores, meat markets and all places not specified where filth, nuisances and offensive matter is kept or is likely to or does accumulate. Said board of health shall have power, when authorized by ordinance, to take appropriate action to regulate, suppress or prevent the occurrence of nuisances, and to enforce all laws of the State of Nebraska and all ordinances of the City of Fort Calhoun, relating to the same or to matters of health and sanitation in said city.

Section 3. SAME; CITY PHYSICIAN; COMPENSATION. -- The Mayor, with the consent of the Council, shall appoint a city physician of the City of Fort Calhoun, Nebraska, and who shall hold said office during the pleasure of the Mayor who appointed him. He shall be entitled to no compensation for his services as a member of the board of health; but, when directed by the Mayor and the Council to call upon indigent sick persons or to perform an other professional services, he shall receive such reasonable compensation, not exceeding Two Dollars (\$2.00) per call, together with mileage in such reasonable sum for each call, as the Mayor and Council shall allow upon presentation of his claim for services.

Section 4. HEALTH ORDINANCES; SERVICE OF VIOLATORS; RULES AND REGULATIONS OF DEPARTMENT OF HEALTH, STATE OF NEBRASKA, INCORPORATED BY REFERENCE. -- The board of health shall serve a copy of any health ordinance of this city upon any person who is violating the same or who is residing within any quarantined district. Three copies of the Rules and Regulations of the Department of Health of the State of Nebraska relating to Communicable Disease, Quarantine and Schools and for the Control of Venereal Diseases, as revised, adopted and promulgated in pamphlet form, effective June 23, 1933, are in the hands of the City Clerk and, together with any amendments thereto, are incorporated herein by reference, the same as though copied at full length in this section. It shall be unlawful for any person to violate any health ordinance, state rule or state regulation referred to herein.

Section 5. DUMP; CITY DUMPING GROUND AND RIGHT OF WAY DESIGNATED. -- The Mayor and Council shall, from time to time, by resolution or order, designate, regulate and control the dumping grounds and right of way thereto, either within or without the corporate limits of this city, upon which shall be dumped such manure, garbage, offal, ashes, cinders or other loose material, as mentioned in said resolution, and it shall be unlawful for any person to dump such matter on any other place or places in this city, or within one mile thereof except by written permit of the chairman of the board of health.

Section 6. MISCELLANEOUS SANITARY REGULATIONS; PRIVIES, outhouses, CESSPOOLS, KEPT CLEAN; REFUSE, NO CASTING IN STREETS OR ON PRIVATE PREMISES. -- (a) It shall be unlawful for the owner, tenant, sub-tenant, occupant, lessor or lessee or any other person in possession, to keep or permit or suffer to exist any privy, privy vault, cesspool, water-closet, or any other receptacle whatsoever of human excrement, if and when permitted or allowed under the provisions of this ordinance, upon or near any street or alley or upon any premises of the City of Fort Calhoun, Nebraska, of which he or she is the owner, agent or tenant, sub-tenant, lessor or occupant, which is in a foul, filthy, full or stinking condition or emitting smells or odors prejudicial to the health or which shall be in any other state or condition that is prejudicial to the public health or person or persons of the City of Fort Calhoun, Nebraska. (b) No person shall run, throw or discharge any slop, dish water, human excrement or refuse matter upon any street, alley or in any one place in or upon any lot, piece or parcel of ground for such length of time as to become prejudicial to the public health, within the corporate limits of this city: Provided, such liquid or semi-solid matter may be run, thrown or discharged into a properly constructed cesspool, if and when permitted or allowed under the provisions of this ordinance, the top of which shall be at least three feet below the surface of the ground and covered with at least three feet of earth.

Section 7. VIOLATION, PENALTY. -- Any person or persons who shall violate, disobey, omit, neglect or refuse to comply with any of the foregoing regulations for which penalty is not elsewhere in this ordinance provided, or who shall refuse or neglect to obey any of the rules, orders, proclamations or sanitary regulations of the board of health of said city or of the Department of Health of the State of Nebraska, shall, upon conviction thereof, be fined in the sum of not less than Five Dollars (\$5.00), nor more than One Hundred Dollars (\$100.00), and, in default of payment thereof, shall be adjudged to stand committed to the city jail until such fine and costs be paid or otherwise discharged according to law.

Section 8. REPEAL OF PRIOR ORDINANCES IN CONFLICT. -- All ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith are hereby repealed.

Section 9. PURPOSE OF CATCH-HEADS AND CROSS-REFERENCES. -- The catch-heads and cross-references appearing in connection with the foregoing sections of this ordinance are inserted simply for convenience, and they shall be wholly disregarded by any person, officer, court, or other tribunal in construing the terms and provisions of this ordinance.

Section 10. PUBLICATION AND DISTRIBUTION. -- This ordinance shall be printed in pamphlet form under the direction of the Mayor and Council, and shall be distributed as they may see fit.

Section 11. WHEN OPERATIVE. -- This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

Passed and approved this 2nd day of January, 1940.

Attest: L. R. Marr, Clerk.

I. A. PIPER, Mayor.

ORDINANCE NO. 118

AN ORDINANCE relating to penal regulations pertaining to the City of Fort Calhoun, Washington County, Nebraska; to prescribe rules concerning costs, commitments, fines, commutation ~~and~~ bread and water diet for city prisoners under certain conditions; to prohibit the commission of misdemeanors and defining the same as follows: Vagrancy; disturbing the peace, swearing; use of profane, obscene, abusive or indecent language; provoking assault; gambling; malicious destruction of property; trespassing; window peeping; indulging in baseball or other sports in streets; obstructing sidewalk space and streets; riding or driving on public sidewalks or depot platforms; failure to clean sidewalks; spitting on sidewalks; driving metal stakes or pins in pavement; removing stake marks, obliterating landmarks; permitting animals to run at large; permitting fowls to run at large; miscellaneous offenses concerning firearms and weapons; resisting officers; drunkenness, being under the influence of narcotic drugs or barbital;

combustible chimney construction; soliciting alms and charities; larceny; the doing of filthy acts and indecencies; exhibiting stallions, jacks or bulls; maintaining and operating bawdy houses, prostitution and pimping; storing of dynamite and other explosives except under certain conditions; electrical interference with radio reception; cruelty to animals; injury to trees; failure to cut or remove weeds, including bindweed or puncture vine, after notice; cluttering vehicles, streets or private premises with handbills, advertising or printed matter; disturbing the equipment, bell or siren of the fire department; using fire hydrants as source of domestic water supply; setting out fires with the corporate limits, except under certain conditions; to define public nuisances and to outline procedure for their abatement; to provide penalties for the violation thereof; to repeal all ordinances and parts of ordinances in conflict therewith; and to prescribe the time when this ordinance shall be in full force and take effect.

BE IT ORDAINED by the Mayor and Council of the City of Fort Calhoun, Nebraska:

Section 1. (Reference, 17-428, C.S.N. 1929) SEARCH UPON ARREST REQUIRED.

-- When persons are arrested and lodged in the city jail, it shall be the duty of any member of the police force of said city making the arrest to search all persons in the presence of some other person, whenever possible, and he shall carefully keep and produce to the police magistrate upon the trial everything found upon the person of such prisoner. All personal effects so taken from prisoners aforesaid shall be restored to them upon their release.

Section 2. (Ref. 17-428, C.S.N. 1929) COMMITMENT, FINES, COSTS; FINES, COMMUTATION; BREAD AND WATER DIET FOR CITY PRISONERS. -- In all cases of violation of ordinances or sections of ordinances as herein compiled or of any other ordinance of this city where a fine is imposed upon any person found guilty of the violation thereof, such person so found guilty shall pay the costs of prosecution, and, in default of payment thereof, shall be adjudged to stand committed to the city jail until such fine and costs of prosecution be paid, secured or otherwise discharged according to law; and each judgment finding a person guilty rendered under any ordinance of this city shall specify in terms that the person found guilty shall stand committed to said jail until such fine and costs be paid, secured or satisfied, or unless said prisoner be sooner discharged by due process of law. All persons committed to the city jail by the police magistrate for the nonpayment of fines and costs for violation of any ordinance of this city shall be entitled to credit upon such fine and costs in the sum of One Dollar (\$1.00) for each day of imprisonment. All persons committed to the city jail, being of sufficient physical ability and who shall perform labor for the City of Fort Calhoun, while such prisoner, shall, for each day's labor so performed, be credited on the amount of the fine and costs for the non-payment of which he stands committed, the sum of One Dollar (\$1.00) in addition to the sum hereinbefore specified, making in all a credit of Two Dollars (\$2.00) for each day he shall perform labor for said city; and when the credits equal the amount of the fine and costs, the keeper of the city jail shall discharge the prisoner without further order from any other officer of said city, unless a retainer be furnished said jailer for said prisoner to answer for a separate and different offense; and the jailer shall, as soon thereafter as practical, return said prisoner's warrant of commitment to the police magistrate, with his doings endorsed thereon.

In case prisoners committed to the city jail are ordered to work upon the streets, alleys, and common grounds of said City of Fort Calhoun, or elsewhere, the said jailer shall deliver them from day to day, together with their warrants of commitment, to the person having charge of the work to be done, and may deputize said person to hold such prisoners at work as in the jail of said city. The city jail is hereby declared to extend to any street or other place designated by the Mayor and Council or the city police or marshal for the employment of prisoners; and any prisoner breaking away from the person in charge of him while at work, or effecting an escape while at work, shall be liable in the same manner as for breaking jail. No prisoner shall be required to perform the labor above described if the city physician certifies that such prisoner's health will be endangered in so doing. Should such prisoner refuse to perform said work and the city physician shall refuse to issue the certificate mentioned above, said prisoner may be confined on bread and water diet, for such intervals as the police magistrate shall prescribe, until such time as he shall be willing to work, or his sentence shall expire.

Section 3. (Ref. 17-454, C.S.N. 1929) "VAGRANT" DEFINED; VAGRANCY. -- A vagrant within the meaning of this section shall be deemed any person able to work and support himself or herself in any honest and respectable calling, trade or business, who lives idly and without any visible means of support for himself or herself. Any person found guilty of vagrancy as herein defined shall be punished as hereinafter provided.

Section 4. (Ref. 17-454, C.S.N. 1929) DISTURBING THE PEACE; DISTURBING ASSEMBLAGES; SWEARING; PROFANE OR OBSCENE LANGUAGE. -- (a) Any two or more persons who shall assemble together within the corporate limits of the City of Fort Calhoun, Nebraska, with the intent to do any unlawful act, by force or violence, against said city or against any other person or persons, or association of persons or corporation or individual, or to do any unlawful acts against the public peace, quiet, security or repose of any person or persons within said city, or being lawfully assembled shall agree with each other to do, or without agreement shall do, or by words, signs or otherwise make any preparation or movement to do any unlawful act or acts as aforesaid, shall each and severally be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished as hereinafter provided. (b) Any person who shall, within the corporate limits of this city, disturb any congregation or assembly for religious worship by making any noise, or by rude or indecent behavior or who shall publicly curse or swear, or upon any street or sidewalk shall use any profane, obscene, indecent, abusive or offensive language, or shall in any place public or private, disturb the peace of others or the good order and quiet of the City of Fort Calhoun, Nebraska, by violent, tumultuous or disorderly conduct, or by menacing, threatening or traducing or assaulting, or striking, or wounding, or challenging to fight, or fighting another or others, or by quarreling or rioting, shall be deemed guilty of a misdemeanor.

Section 5. (Ref. 17-428, 28-412, C.S.N. 1929) PROVOKING ASSAULT. -- It shall be unlawful for any person or persons within the corporate limits of the City of Fort Calhoun, Nebraska, intentionally to provoke or attempt to provoke an assault upon himself or another by uttering of grossly vile or insulting epithets applied to the assailed party or one so attempting to commit an assault, or who

shall curse or swear at a person or use grossly vile names, or slander or abuse the character of another person with the intention of provoking an assault by said person.

Section 6. (Ref. 17-207, C.S.N. 1929) GAMBLING. -- Every person who shall play at any game whatever for any sum of money or other property of value, or shall bet or wager any money or property of value upon any gambling table, bank or device prohibited by law, or at or upon any gambling table or gambling device, or who shall be the keeper or operator of or who shall maintain any punchboard, slot-machine, gaming table or gambling device, or other device of any kind or description for the purpose of determining any chance or hazard, or upon which any money or other thing of value is staked is or may be won or lost, shall upon conviction thereof, be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), and, in default of payment thereof, shall be adjudged to stand committed to the city jail until such fine and costs of prosecution are paid, secured or otherwise discharged according to law; and, as part of the judgment of conviction, all gambling equipment and paraphernalia seized and exhibited in court shall be ordered confiscated and destroyed.

Section 7. (Ref. 17-428, C.S.N. 1929) MALICIOUS DESTRUCTION OF PROPERTY. -- It shall be unlawful for any person or persons within the corporate limits of this city purposely, wilfully or maliciously to injure in any manner, or destroy any real or personal property of any description belonging to another.

Section 8. (Ref. 17-428, 76-808, C.S.N. 1929) TRESPASSING. -- It shall be unlawful for any person to trespass upon any private grounds or parked plots within this city, or to break, cut or injure any tree, shrub, plant, flower or grass growing thereon, or without the consent of the owner or occupant, to enter upon any improved lot or ground occupied for residence purposes, whether enclosed or unenclosed, or to lounge about the same or to lie down thereon.

Section 9. (Ref. 17-122, C.S.N. 1929) WINDOW PEEPING. -- It shall be unlawful for any person or persons to go upon the private premises of another within this city, and look or peep into any window, door or other opening in any building located thereon, which is occupied by any person or persons as a place of abode or to go upon the private premises of another for the purpose of looking or peeping into any window, door or other opening in any building thereon, which is occupied by any person or persons as a place of abode.

Section 10. (Ref. 17-455 C.S.N. 1929) BASEBALL OR OTHER SPORTS IN STREETS. -- It shall hereafter be unlawful for any person on or along any street or alley within the corporate limits of the City of Fort Calhoun, Nebraska to play catch or bat a baseball, to kick or throw a football, or to engage in any exercise or sport upon any street or sidewalk, and hereby scare or frighten any horse or horses, or injure any person or property, or embarrass or retard the passage of any motor vehicle, horse-drawn vehicle or pedestrian.

Section 11. (Ref. 17-453, C.S.N. 1929) OBSTRUCTION IN SIDEWALK SPACE AND STREETS. -- It shall be unlawful for any person or persons within the corporate limits of the City of Fort Calhoun, Nebraska, to erect, maintain or suffer

to remain on any street or public sidewalk, or on any portion of the area between the lot line and the curb line of any street any stand, wagon or other obstruction injurious to, inconvenient or inconsistent with the public use of the same: Provided, that a reasonable time shall be allowed to remove goods, wares and merchandise from sidewalks or streets while the same are being received, delivered or shipped.

Section 12. (Ref. 17-207, 170455, C.S.N. 1929) RIDING OR DRIVING ON PUBLIC SIDEWALKS. -- Hereafter it shall be unlawful for any person or persons to ride any bicycle, motorcycle or other pedal vehicle, or to coast with roller skates, express wagons, scooters or kindred contrivances, or to ride, drive or permit to pass any horses, mules, oxen, cattle or other teams or any vehicle drawn thereby upon or across any public sidewalk or depot platform within the corporate limits of this city.

Section 13. (Ref. 17-453, C.S.N. 1929) SNOW, ICE AND MUD ON SIDEWALKS OR SIDEWALK SPACE. -- It shall be unlawful for the occupant of any lot or lots, or the owner of any vacant lot or lots within the corporate limits of the City of Fort Calhoun, Nebraska to suffer snow, sleet, mud, ice or other substance to accumulate on the sidewalk or sidewalk space contiguous thereto, or to permit any hardtrodden snow, sleet, ice, mud or other substance to remain upon said sidewalk or sidewalk space; but such sidewalk or sidewalk space shall be cleaned within five hours after the cessation of the storm, unless the storm or fall of snow shall have taken place in the night time, in which case the sidewalk or sidewalk space, as the case may be shall be cleaned before eight-thirty o'clock A.M. the following day. The term "sidewalk space" as used in this section, shall be construed to mean that portion of the street whereon a sidewalk might be ordered constructed under the provisions of Ordinance Number 38.

Section 14. (Ref. 17-123, C.S.N. 1929) SPITTING ON SIDEWALKS. -- It shall be unlawful for any person to spit or expectorate on any sidewalk, crosswalk or in any cellarway, window, door grating or entrance to any basement, excavation or area in or under or leading from any sidewalk space in the City of Fort Calhoun, Nebraska, or to spit or expectorate on the floor, wall or stairway in any hall of any public building in said city.

Section 15. (Ref. 17-455, C.S.N. 1929) DRIVING METAL STAKES OR PINS IN PAVEMENT. -- It shall be unlawful for any person or persons to drive any iron or other metal stakes, pins or other substance into the pavement, and any person or persons who shall be found guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), and in default of payment thereof, shall be adjudged to stand committed to the city jail until such fine and costs of prosecution are paid, secured or otherwise discharged according to law.

Section 16. (Ref. 17-144, 39-841, C.S.N. 1929) REMOVING STAKE MARKS; OBLITERATING LANDMARKS, CORNERS. -- It shall be unlawful for any person or persons to break, remove or destroy any stone or stake, landmark or corner, marking any street, block, lot or public ground, except by proper authority. Any person or

persons who shall be found guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), and, in default of payment thereof, shall be adjudged to stand committed to the city jail until such fine and costs of prosecution are paid, secured or otherwise discharged according to law.

Section 17. (Ref. 17-445, 17-207, 17-428, C.S.N. 1929) **ANIMALS AT LARGE, PROHIBITED.** -- The running at large or herding of horses, mules, cattle, hogs, sheep or goats upon the streets, avenues, alleys, parks or public grounds within the corporate limits of this city; or the picketing, lariatting, tying or securing by a rope or otherwise, of any animal or animals upon any public street, alley, park, railroad right-of-way, private grounds, or private lot or lots without the consent of the owner thereof, or the herding or running at large of any such animals upon grounds within this city, are hereby prohibited and each declared to be a nuisance: Provided, the foregoing prohibition shall not be construed to apply to the driving of any of the animals mentioned above, when properly attended, through the streets of said city destined by the most direct route to or from loading pens in the course of transportation.

Section 18. **FOWLS RUNNING AT LARGE.** -- It shall be and hereby is declared unlawful for the owner or keeper of chickens, ducks, geese, turkeys, guinea fowls, or any other fowls to permit the same to run at large within the corporate limits of this city at any time.

Section 19. (Ref. 17-454, C.S.N. 1929) **CONCEALED WEAPONS.** -- It shall hereafter be unlawful for any person or persons within the corporate limits of this city to carry about the person any concealed pistol, revolver, bowie-knife, billy, slingshot, metal knuckles or any other dangerous or deadly weapon of any kind, except only officers of the law in the discharge of their duties.

Section 20. (Ref. 17-454, C.S.N. 1929) **FIREARMS NOT TO BE DISCHARGED IN CITY LIMITS, EXCEPTIONS.** -- No person, except an officer of the law in the discharge of his duty, shall fire or discharge any gun, pistol, fowling piece or other firearm within the corporate limits of this city.

Section 21. **AIR GUN, NIGGERSHOOTER, BLANK CARTRIDGES OR SLINGSHOT LOADED WITH DANGEROUS MISSILE NOT TO BE DISCHARGED IN CITY LIMITS.** -- It shall be unlawful for any person or persons to discharge, or cause to be discharged, any toy pistol, toy gun, toy cannon, air gun or any other arm or arms, blank cartridges, or any niggershooter or slingshot loaded with rock or leaden or other dangerous missiles, at any time or under any circumstances within the limits of this city.

Section 22. (Ref. 28-729, C.S.N. 1929) **RESISTING OFFICER.** -- It shall be unlawful for any person or persons to resist or abuse any sheriff, constable, chief of police, policeman or any other officer in the execution of his office in said City of Fort Calhoun, Nebraska.

Section 23. (Ref. 53-374, C.S. Supp., 1937) **DRUNKENNESS; NARCOTIC DRUGS OR BARBITAL, UNDER THE INFLUENCE OF.** -- If any person shall be found in a state of intoxication or under the influence of narcotic drugs or barbital, as defined by law, he shall be deemed guilty of a misdemeanor, and any peace officer shall,

without a warrant, take such person into custody and detain him until a complaint can be filed before a magistrate and a warrant be issued for his arrest; upon arrest, if found guilty he shall pay a fine of not exceeding Fifty Dollars (\$50.00) and the costs of prosecution, and, in default of payment thereof, shall be adjudged to stand committed to the city jail until such fine and costs be paid, secured or otherwise discharged according to law.

Section 24. (Ref. 17-447, C.S.N. 1929) CHIMNEYS, CONSTRUCTION. -- It is hereby declared unlawful for any person, firm or corporation within the corporate limits of this city to enter, or cause to be entered, any stovepipe into an outlet other than a brick chimney constructed with what is known as flue lining, well burnt clay or terra cotta pipe, nor shall any person run a stovepipe through any partition, floor or roof, except through a ventilator in said partition, floor or roof. All chimneys hereafter constructed shall be lined continuously on the inside with such materials as hereinbefore provided, shall be made smooth on the inside from the bottom of the flue or from the throat of the fireplace, if the flue starts from the latter, and shall be carried up continuously to the extreme height of the flue. The ends of all lining pipes shall be made to fit close together; the pipe shall be built in as the flue or flues are carried up and shall extend at least six inches above the cap of the chimney. Each flue shall be enclosed on all sides with not less than four inches of solid brickwork properly banded together, and the withes or brickwork between the lined flues on the inside of the chimney shall be four inches in thickness. All chimneys, flues and fireplaces shall be kept at all times clean and free from accumulation of soot, ashes and cinders, and in good and proper repair.

Section 25. (Ref. 17-447, C.S.N. 1929) FIRE HAZARDS, FAILURE TO CORRECT AFTER NOTICE; TRASH ON PREMISES FORBIDDEN. -- It shall hereafter be unlawful for the owner or occupier of any building or premises within the corporate limits of this city to fail or neglect to correct within five days after receipt of notice from the chief of the fire department any condition likely to cause fire or affecting the fire hazard. The accumulation of trash on premises either by owner or occupant is hereby declared a condition affecting the fire hazard and is hereby forbidden.

Section 26. (Ref. 17-454, C.S.N. 1929) SOLICITING ALMS AND CHARITIES. -- It is hereby declared unlawful for any person, persons, firms or corporations, or their agents, to solicit upon the public streets or in any private residences or business houses within the corporate limits of the City of Fort Calhoun, Nebraska, any alms, charities, gifts, donations, contributions or benefices, whether for public or private benefit, unless the person, persons, firms, or corporations, or their agents, so soliciting, shall have first secured from the Mayor of the City of Fort Calhoun, Nebraska, or some person designated by him, a permit in writing especially authorizing him, them or it to conduct such operations within the limits thereof.

Section 27. (Ref. 17-428, 28-517, C.S.N. 1929) LARCENY. -- It is hereby declared unlawful for any person within the corporate limits of this city to steal any money, goods or chattels of any kind whatever, and any person who shall, within the said city, steal property of any kind whatever, whether the same be wholly in money or wholly in property of some other character, or partly in money and partly in other property, of the value of less than Thirty-Five Dollars (\$35.00) shall be deemed and considered a thief.

Section 28. (Ref. 17-207, 17-428, C.S.N. 1929) INDECENT CONDUCT, INDECENT EXPOSURE OF PERSON, INDECENT BOOK, PICTURE OR PLAY. -- Any person who shall, within the limits of the City of Fort Calhoun, Nebraska, appear in any public place in a state of nudity, or make any indecent exposure of his or her person or be guilty of any indecent or lewd act or behavior, or shall exhibit, sell or offer to sell any indecent or lewd book, picture or thing, or shall exhibit or perform any indecent, lewd or immoral play or other representation, or shall in any public place write, draw or make any profane, obscene, indecent or lewd word, sentence, figure or design of any kind, shall be deemed guilty of a misdemeanor.

Section 29. (Ref. 17-428, 17-454, C.S.N. 1929) PROSTITUTES, HARBORING; PIMPING, PROSTITUTION; DISORDERLY HOUSE, DEFINED. -- It shall be unlawful for any person to cause or permit any prostitute or lewd woman to visit or frequent his room or lodging place at any time; and it shall be unlawful for any person within the corporate limits of this city, to follow the vocation of a common prostitute, or to engage in any manner in prostitution or pimping, either in a disorderly house, bawdy house or elsewhere; and it shall be unlawful for any woman to solicit, invite or permit any man to visit her room or lodging place in the day time or night time for the purpose of illicit sexual intercourse. For the purpose of this section, a "disorderly house" shall be defined as any place kept in such a manner as to disturb, annoy or scandalize the public generally, or persons within the particular neighborhood; and any place kept for the purpose of public resort with drunkards, prostitutes, or other idle or vicious people, and any place of public resort where illegal practices are habitually carried on to the corruption of the public morals or safety. It shall be unlawful for any person, firm or corporation to keep, run or maintain a disorderly house, as defined in this section, within the corporate limits of this city.

Section 30. (Ref. 17-207, 17-428, C.S.N. 1929) STALLIONS, JACKS AND BULLS. -- It shall be unlawful for the owner or keeper of any stallion, jackass or bull, indecently to exhibit the same, or to permit any such stallion, bull or jackass, except in an enclosed building or stockade where the same is not exposed to public view, to tease or cover any mare, jennyass or cow within the corporate limits of the City of Fort Calhoun, Nebraska.

Section 31. (Ref. 17-139, C.S.N. 1929) DYNAMITE, NITROGLYCERINE, EXPLOSIVES; INFLAMMABLE SUBSTANCES. -- It shall be unlawful for any person or corporation to store at any place in said city, any nitroglycerine, dynamite, gun cotton, giant powder, gun powder or other inflammable substances except as hereinafter provided. All explosives and inflammable substances kept in stores for sale or for manufacturing purposes within the city shall be in vessels and places removed from the reach of stoves, fires, lights and flues so that the same shall not be within reach of any fire kept within or without the building; and the same shall be kept at suitable temperature so as to prevent explosion or ignition of any such substances. No person, firm or corporation shall keep any quantity of gun or blasting powder or other similar explosive within the city in excess of one hundred pounds in any building, store excavation, or structure of any nature whatsoever. No person shall sell or in any manner dispose of or handle gun or blasting powder or other explosives of similar nature in the city in a loose

state except during daylight or by incandescent electric light at night. Gun powder may be stored in fire-proof magazines in quantities not exceeding eight hundred pounds, but such magazine shall be located on grounds designated by the Mayor and Council upon recommendation of the Chief of the fire department: Provided, such magazine shall be plainly marked "Powder Magazine". Nothing in this section shall be construed to give any person any prescriptive right to store or keep any powder in any magazine, located according to the provisions of this ordinance, but the permission to maintain such magazine may at any time be amended or wholly withdrawn.

Section 32. (Ref. 17-207, 17-428, C.S.N. 1929) RADIO RECEPTION, ELECTRICAL INTERFERENCE PROHIBITED. -- Any person, firm, association, or corporation operating or causing to be operated any oil burner, motor, sign, or other electrical apparatus within the corporate limits of the City of Fort Calhoun, Nebraska or connected with any light and power system in said city or suburban or farm lines, which shall cause unnecessary electrical interference with radio reception shall equip such apparatus with proper filtering attachments to eliminate the interference. This provision shall not apply to the use of necessary medical or health equipment or apparatus where said interference cannot be reasonably eliminated.

Section 33. (Ref. 28-560, 17-428, C.S.N. 1929) ANIMALS, CRUELTY TO. -- Any person or persons who shall inhumanly beat, strike, kick or wound any domestic animal within the corporate limits of this city, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished as hereinafter provided. Any person or persons who shall within the corporate limits of this city, overdrive, torture, torment, overload or overwork in a cruel or inhumane manner any domestic animal or beast of burden, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished as hereinafter provided. Any person or persons, whether as owner or agent, having in charge any domestic animal or animals within the corporate limits of this city, who shall wilfully or carelessly neglect to provide sufficient food or shelter therefor at any season of the year, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished as hereinafter provided.

Section 34. (Ref. 17-453, 18-606, C.S.N. 1929) INJURY TO TREES. -- Any person who purposely or carelessly and without lawful authority cuts down, roots up, carries away, injures, breaks down or destroys any fruit, shade or ornamental trees planted or growing in or upon any street, alley or public ground of the City of Fort Calhoun, Nebraska, shall, upon being found guilty of violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than Five Dollars (\$5.00) nor more than One Hundred Dollars (\$100.00), and, in default of payment thereof, shall be adjudged to stand committed to the city jail until such fine and costs of prosecution are paid, secured or otherwise discharged according to law.

Section 35. WEEDS, BINDWEED, PUNCTURE VINE, ON PRIVATE PREMISES, UNLAWFUL TO ALLOW. -- Hereafter it shall be unlawful for the owner or occupant of any lot, lots, railroad right-of-way or other parcel of ground within the corporate limits of this city to permit weeds, including bindweed or puncture vine, to grow thereon without cutting the same, within five days after receiving notice in writing from the street commissioner to do so.

Section 36. (Ref. 17-455, C.S.N. 1929) SIGNS, BILLS, CARDS, PICTURES; POSTING, PASTING; CLUTTERING PREMISES, STREETS, VEHICLES. -- It is hereby declared unlawful to paste, nail, or otherwise attach any signs, bills, or pictures upon any telephone, telegraph, electric light or other poles or posts in the streets of the City of Fort Calhoun, Nebraska, or to paste or paint any sign, card, picture or other device upon any sidewalk or crosswalk in the streets of said city. It is hereby also declared unlawful to cast, place, drop, leave, paste, stick, paint or otherwise attach any sign, circular, card, picture or other device upon, in or to any automobile or other motor vehicle in the City of Fort Calhoun, without the consent of the owner of said automobile or other motor vehicle, or for any person to throw, cast or put into, drop or leave any hand-bill, poster, advertising or printed matter in any street, alley or public place, or for any person to cast, throw or place on the premises of another without his consent any hand-bill, circular, dodger, card, picture or advertising matter of any kind: Provided, that this section shall in no manner interfere with the posting of any notice or proclamation issued according to the provisions of law or ordinance.

Section 37. FIRE EQUIPMENT, BELL OR SIREN; NOT TO BE DISTURBED; SIREN, USES; FIRE HYDRANTS NOT TO BE USED AS SOURCE OF DOMESTIC WATER SUPPLY. -- No person other than the chief or members of the fire department, when properly authorized by the Mayor and Council, shall, at any time, molest, handle or interfere with any of the fire apparatus or fire hydrants belonging to the City of Fort Calhoun. No person shall use any fire hydrant as a source of water for domestic purposes. No person shall ring the bell or sound the siren of the City of Fort Calhoun, Except for an alarm of fire or for calling the fire department or any company thereof for practice or general meeting; Provided, under order of the Mayor and Council, the siren may be used by the marshal or other designated officer or employee to give notice for the convenience of inhabitants of the city as to curfew regulations, the correct time of day or for notice of repairs to be made on the waterworks system of said city.

Section 38. (Ref. 17-139, 17-447, 17-448, C.S.N. 1929) FIRES; PROHIBITED IN FIRE LIMITS; TRASH BURNERS; INCINERATORS; METALLIC CANS, WIRE CONTAINERS. -- It shall be unlawful for any person or persons to build or cause intentionally to be built or set out any fire in the open air within the Fire Limits of this city hereinbefore established in Ordinance Number 49 of the City of Fort Calhoun, Nebraska. It shall be lawful, however, for any person or persons within the Fire Limits above mentioned to build or set out fires in the said district: Provided, the person or persons building such fire shall have the substance to be burned in some fireproof trash burner or incinerator, metallic can or wire container with the openings thereof completely covered with fireproof screen of not more than one inch mesh, so built as not to permit the escape of burning paper or other substance unless such person or persons shall require such fire in the course of his trade as blacksmith or other mechanic, or if such fire is built under the supervision of the police; and provided further, that such fires shall be built after seven o'clock A.M. and completely extinguished by four o'clock P.M. of the same day unless such fires are required by blacksmiths or other mechanics in the course of their trades.

Section 39 (Ref. 17-447, 17-448, 17-455, C.S.N. 1929) FIRES IN OPEN AIR; WITHIN CORPORATE LIMITS. -- It shall be unlawful for any person or persons to build or cause to be built, or to set out any fire in the open air within the corporate limits of this city, unless said person so causing such fire remains by it, or has it under complete control until the same be completely extinguished.

Section 40. (Ref. 17-207, 17-208, 17-454, 28-1017, C.S.N. 1929) NUISANCES, PUBLIC, DEFINITION, ABATEMENT, PROCEDURE. -- (a) It is hereby declared that a public nuisance shall consist in unlawfully doing any act or omitting to perform a duty which either annoys, injures or endangers the comfort, health, repose or safety of all or any considerable number of persons in the City of Fort Calhoun, Nebraska, or which unlawfully interferes with or tends to obstruct or in any way renders unsafe or insecure all or any considerable number of persons in said city in life or in the use of their property. In each case hereafter brought before the police magistrate of said city for a violation of any provision of this section, before a conviction on said complaint can be had and before any fine or penalty shall be assessed for the violation thereof, the police magistrate must find as part of the judgment of conviction that defendant shall have committed a public nuisance in fact hereunder, and, as part of the judgment of conviction may, in any proper case, order said defendant to abate said nuisance forthwith, or in the event of defendant's failure to do so, said magistrate may order the abatement of said nuisance at the cost of said defendant and may tax the cost of said abatement as a part of the costs in said suit in the judgment of conviction. (b) It is hereby declared to be a nuisance and unlawful for any person within the corporate limits of said city to commit, maintain, permit or suffer to remain (1) Slaughter house; (2) hog pen, animal pen, cattle pen, with one or more hogs or other animals therein in violation of Ordinance Number 117; (3) packing house or rendering establishment; (4) privies, outhouses, or cesspools in violation of Ordinance Number 117; (5) dangerous buildings or structures which shall have become fire hazards; (6) disorderly houses as elsewhere prohibited; (7) stagnant water on private premises; (8) fire hazards; (9) doing any act resulting in contamination of water supply; (10) doing any act or acts resulting in unsanitary condition of streets, alleys or vacant grounds, such as casting refuse, garbage or other filth upon them, (11) dumping, placing or disposing any offal, manure, dead animal, refuse, animal or vegetable or rubbish upon any street, avenue, public square, vacant lot or other public place; (12) expectorating, throwing mucous matter or saliva, or rinds, waste paper or other offensive or dangerous substances, upon any public conveyance or on the floors of any church, school house, lodging house, hotel or any public building which are resorted to or open to the public, or on the steps, halls, walls or stairways in or leading to such building or buildings; (13) accumulations of rubbish, trash or waste. (c) It is hereby declared to be a public nuisance and unlawful for any person within the corporate limits of this city, to maintain, conduct, carry on, permit or suffer to remain in an unsanitary or dangerous condition or manner: (1) Barbershop; (2) beauty shop or parlor where cosmetology is practiced; (3) sale or offer for sale of milk or milk products prejudicial to the public health; (4) sale or offer for sale of tainted fish or meat products, decayed vegetables, fruits or unclean or adulterated food products for human consumption; (5) creameries, meat markets, dairies, grocery stores, soda fountains, beer parlors, wells, potato cellars, cisterns, dog kennels, ice houses, stockyards or cattle sale barns or pavilions where animals are temporarily placed or confined for purposes of transportation or sale and then only when their operation is permitted by

written order of the Mayor and Council upon written application made to said Mayor and Council therefor.

Section 41. VALIDITY. -- Each section and each subdivision of a section of this ordinance is hereby declared to be independent of every other section or subdivision of a section so far as inducement for the passage of this ordinance is concerned; and the invalidity of any section or subdivision of a section of this ordinance shall not invalidate any other section or subdivision of a section thereof.

Section 42. VIOLATION, PENALTY, GENERAL. -- Any person, persons, firm, company or corporation who shall be convicted of violating any of the provisions of this ordinance for which penalty is not specifically provided, shall, upon conviction thereof, be fined in any sum not less than One Dollar (\$1.00) nor more than One Hundred Dollars (\$100.00), and, in default of payment thereof, shall be adjudged to stand committed to the city jail until said fine and costs of prosecution are paid, secured or otherwise discharged according to law.

Section 43. REPEAL OF PRIOR ORDINANCES IN CONFLICT. -- That all ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict therewith are hereby repealed.

Section 44. MEANING OF PERSON; GENDER; CITY JAIL. -- Whenever used in this ordinance, or in any other ordinance passed and approved by the Mayor and Council of the City of Fort Calhoun, Nebraska, either previous to the passage and approval of this ordinance, or in the future, the word "person" shall include natural persons, artificial persons, such as corporations, co-partnerships, associations, and all aggregate organizations or whatsoever character. All words used herein implying the masculine gender may apply to and include the feminine or neuter gender and all words importing the plural number may be applied to and mean a single person, firm, or thing, or vice versa; all words importing the singular number may be applied to mean plural number. Whenever used in this ordinance, or in any other ordinance passed and approved by the Mayor and Council of said city, either previous to the passage and approval of this ordinance, or in the future, the words "city jail" may be construed to mean "county jail": Provided, however, when so construed and said city shall exercise its rights to use the jail of the county for the confinement of such persons as may be liable to imprisonment under the ordinances of this city it shall be liable to the County of Washington for the cost of keeping such prisoners. The words "city jail", whenever used in any of the ordinances of said city, may also be construed to mean and include any and all places provided and designated by resolution of the Mayor and Council for the safekeeping of prisoners.

Section 45. PURPOSE OF CATCH-HEADS AND CROSS-REFERENCES. -- The catch-heads and cross-references appearing in connection with the foregoing sections of this ordinance are inserted simply for convenience, and they shall be wholly disregarded by any person, officer, court, or other tribunal in construing the terms and provisions of this ordinance.

Section 46. PUBLICATION AND DISTRIBUTION. -- This ordinance shall be printed in pamphlet form under the direction of the Mayor and Council, and shall be distributed as they may see fit.

Section 47. WHEN OPERATIVE. -- This ordinance shall be in full force and take effect from and after its passage, approval and publication according to law.

Passed and approved this 2nd day of January, 1940.

Attest: L. R. Marr, Clerk.

I. A. PIPER, Mayor.

ORDINANCE NO. 119

AN ORDINANCE providing for the removal of weeds from lots or grounds within the corporate limits of the City of Fort Calhoun, Nebraska; providing for notice to be given to the property owner or occupant; providing for the recovery of the expense of such removal when done by the city; providing the penalty for the violation of this ordinance; prescribing the time when this ordinance shall be in full force and take effect; and providing for the publication and distribution of this ordinance.

BE IT ORDAINED by the Mayor and Council of the City of Fort Calhoun, Nebraska:

Section 1. UNLAWFUL TO ALLOW WEEDS ON PREMISES, STREETS OR ALLEYS. -- Hereafter it shall be unlawful for the owner or occupant of any lot, lots or parcel of ground within the corporate limits of the City of Fort Calhoun, Nebraska, to permit the weeds or grass growing thereon, or in the streets or alleys, or on the sidewalks and park spaces abutting or contiguous to such lot or parcel of land to hinder or obstruct travel along the sidewalks, or to permit a growth of weeds or grass that may become dangerous in causing fire, or from which seeds of rank and noxious weeds may be propagated and scattered to lots or parcels of ground adjacent thereto.

Section 2. NOTICE TO REMOVE. -- Whenever the weeds or grass growing on such lot, lots or parcel of land, or in streets or alleys, or along sidewalks abutting or contiguous thereto, shall become a hindrance to travel, or shall in the opinion of the Mayor and Council, become dangerous in causing or spreading fire, or may propagate and scatter seeds of rank and noxious weeds to adjacent lots or parcels of land, it shall be the duty of the street commissioner or other appointive officer designated by the Mayor and Council of said city to notify in writing the owner or occupant whose lot or lands abut the streets and alleys, or his or her agent, to cut down or remove such weeds and grass, and if said weeds and grass are not cut down and removed within ten (10) days, the Mayor and Council shall cause the same to be done at the expense of the city. The money thus expended shall be recovered by the city from the owner or occupant aforesaid before a court of competent jurisdiction, or shall be assessed as a special tax upon the property owner and be collected a special tax or assessment.

Section 3. VIOLATION, PENALTY. -- Any person liable under the provisions hereof to cut down and remove any grass and weeds, who shall, after service upon him or her of the notice required in Section Two (2) hereof, fail or refuse to cut down and remove such weeds or grass within five (5) days time shall, upon conviction thereof, be fined in any sum not exceeding Twenty-Five Dollars (\$25.00), and shall stand committed to the city jail until said fine and costs are paid.

Section 4. REPEAL OF PRIOR ORDINANCES IN CONFLICT. -- All ordinances and parts of ordinances passed and approved prior to the passage and approval of this ordinance and in conflict herewith are hereby repealed.

Section 5. WHEN OPERATIVE. -- This ordinance shall take effect and be in full force from and after its passage, approval and publication according to law.

Section 6. PUBLICATION AND DISTRIBUTION. -- This ordinance shall be printed in pamphlet form under the direction of the Mayor and Council, and shall be distributed as they may see fit.

Passed and approved this 2nd day of January, 1940.

Attest: L.R. Marr, Clerk.

I. A. PIPER, Mayor.

The foregoing ordinances are a compilation of all of the ordinances of the City of Fort Calhoun, Nebraska, of a general or permanent nature, which are in full force and effect as of January 31, 1940.

The other ordinances of the City of Fort Calhoun, Nebraska which are not considered or held to be of a general or permanent nature, will be found in the Minute Records and also on file in the Council Room. In addition to the Annual Appropriation Bills and the Ordinances for levying taxes, these ordinances are as follows:

- Ordinance No. 24. Sale of East Market Square.
- Ordinance No. 25. Adopts City Plat Drawn by J. C. W. Kline.
- Ordinance No. 26. Sale of East Market Square.
- Ordinance No. 27. Franchise to Nebraska Telephone Company.
- Ordinance No. 35. Franchise to Blair Telephone Company.
- Ordinance No. 42. Election on Water Bonds.
- Ordinance No. 48. Election on Lighting Bonds.
- Ordinance No. 51. Turns Cemetary Funds Over to Cemetary Association.
- Ordinance No. 53. Conveys Title to Parts of Certain Streets and Alleys.
- Ordinance No. 54. Repeals Ordinance Number 53.
- Ordinance No. 54. Provides for Issuing of Lighting Bonds.
- Ordinance No. 59. Election on Water Bonds.
- Ordinance No. 60. Election on Water Extension Bonds.
- Ordinance No. 62. Authorizes Issuance of Water Bonds.
- Ordinance No. 64. Authorizes Issuance of Water Extension Bonds.
- Ordinance No. 68. Vacates Certain Streets.
- Ordinance No. 69. Provides for Opening of Lincoln Street.
- Ordinance No. 70. Establishes Grades of 14th Street.
- Ordinance No. 71. Creates Paving District Number 1.
- Ordinance No. 74. Intersection Paving Bonds.
- Ordinance No. 75. District Paving Bonds.
- Ordinance No. 78. Light Line Sale.
- Ordinance No. 79. Franchise to Nebraska Power Company.
- Ordinance No. 80. Refunding Water Bonds.
- Ordinance No. 98. Refunding Bonds.
- Ordinance No. 111. Refunding Bonds.
- Ordinance No. 114. Conveys Titles of Certain Tax Foreclosed Properties.