

**ORDINANCE NO. 1303**

**AN ORDINANCE REVISING THE RALSTON MUNICIPAL CODE TO ADD SECTION 1-106, GENERAL PROVISIONS, VIOLATIONS, PENALTIES; TO AMEND SECTIONS 9-912, 10-502, 12-115, 15-1001, AND 16-125 TO BE IN CONFORMITY THEREWITH; TO REPEAL PROVISIONS IN CONFLICT THEREWITH; TO PROVIDE AN EFFECTIVE DATE; AND TO AUTHORIZE THAT SAID ORDINANCE BE PUBLISHED IN PAMPHLET FORM.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF RALSTON, NEBRASKA.

That on the 15<sup>th</sup> day of February 2022, the Ralston City Council conducted a regularly scheduled public hearing at which it considered revising the Ralston Municipal Code to standardize uniform penalties and bring them in conformity to state law by adding section 1-106 and amending sections 9-912, 10-502, 12-115, 15-1001, and 16-125 to be in conformity with section 1-106. Upon consideration of such, the Ralston City Council approved the revisions so that after passage of this ordinance said sections shall read as follows:

**§1-106 GENERAL PROVISIONS; VIOLATIONS; PENALTY.**

1. Penalty. Any person who violates any of the provisions of the Ralston Municipal Code, including Chapter 11, the Zoning Ordinance, shall be deemed guilty of a class III misdemeanor as defined by Neb. Rev. Stat. §28-106 unless otherwise specified in the particular article or section for which the person stands convicted of violating.
2. Corporation. When a corporation violates or fails to comply with any provision of the Ralston Municipal Code, a summons may be issued to said corporation stating the offense and directing it to appear by its agent or attorney at the time and place for trial. This summons shall be served upon an officer or agent of said corporation. After hearing the case if it appears that the corporation, through its officers or otherwise, has violated or failed to comply with the provision of the ordinance in question, a fine not exceeding \$500.00 per offense, plus costs, may be imposed. Said fine may be enforced and collected by execution against the property of the corporation. This section shall not relieve any officer or agent of such corporation from prosecution and punishment in case such officer or agent has violated any provision of this Code.
3. Nuisance. Whenever any article or section shall declare a nuisance, each day such violation continues shall constitute a separate offense. In addition to the imposition of a fine or imprisonment, the court may issue an order of abatement as part of its judgment. Notwithstanding the foregoing, if a nuisance continues after reasonable notice and demand from the city to abate the same, and after any specific notice and right to appeal required by law, the city may abate the nuisance and recover the cost thereof by a civil suit.
4. Revocation. The imposition of a penalty under the provisions of this Code shall be just grounds for the revocation or suspension of any license or permit issued or granted under the provisions of this Code.  
(Ref. 16-225, 16-246, 18-1720 RS Neb.)

## **§9-912 VIOLATION; PENALTY; ENFORCEMENT**

Any person violating any provision of this Article shall be deemed guilty of a class IV misdemeanor as defined by Neb. Rev. Stat. §28-106. (Ref. 81-1626 RS Neb.)

## **§10-502 RAILROAD COMPANIES; FAILURE TO CONSTRUCT; PENALTIES.**

When any such drains, ditches or culverts may be necessary for the escape of water and other proper drainage of the territory on either side of any such railroad track, the Mayor and City Council may, by resolution, call upon the proper railroad company to construct or repair the drain, ditch or culvert and to place the same in a proper condition for the escape of water for the proper drainage of the territory on either side of the railroads. A copy of every such resolution shall be served upon the local agent of the railroad company whose duty it is to construct or keep in repair any such drain, ditch or culvert; and for a failure or refusal to comply with any such resolution within 14 days after the service thereof, such railroad company, its local agent, section foreman, or the employee in charge of the maintenance and way through the City, shall be deemed guilty of a class V misdemeanor. If such resolution be not then complied with within 48 hours, every neglect of 24 hours thereafter shall be deemed and shall constitute a separate offense against the provisions of this chapter. (Ref. 16-212, 16-230 RS Neb.)

## **§12-115 PENALTY.**

Any person, firm, partnership, association or corporation violating any of the provisions of this chapter shall be deemed guilty of a class III misdemeanor as defined by Neb. Rev. Stat. §28-106. The sale of each and every lot sold in violation of this chapter shall be considered a separate violation.

## **§15-1001 PENALTIES FOR VIOLATION**

Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall be deemed guilty of a class III misdemeanor as defined by Neb. Rev. Stat. §28-106 and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Ralston or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

## **§16-125 PENALTIES: RECOVERY OF DAMAGES**

Any person who is found to have violated an order provided for in this Chapter, or who willfully or negligently failed to comply with any provisions of this Chapter and the rules and regulations issued hereunder, shall be deemed guilty of a class III misdemeanor as defined by Neb. Rev. Stat. §28-106. Each day any such violation or failure to perform such act shall continue, shall constitute a separate offense, unless otherwise specifically provided. Except as prohibited by the State or Federal Constitutions, a prosecution under this Chapter, shall not be the exclusive penalty for such acts or omissions.

Any and all Ordinances or portions thereof which are in conflict herewith are hereby repealed, including specifically the following articles or sections in their entirety:

- Chapter 1, Article 14;
- Chapter 2, Article 2;
- Chapter 3, Article 6;
- Chapter 4, Sections 4-313 and 4-806, and Article 11;
- Chapter 5, Section 5-704;
- Chapter 6, Sections 6-124 and 6-511, and Article 10;
- Chapter 7, Article 6;
- Chapter 8, Sections 8-408, 8-515, and 8-609, and Article 8;
- Chapter 9, Article 15;
- Chapter 10, Section 10-308, 10-610, 10-1810, and Article 14;
- Chapter 17, Section 17-122.

This Ordinance becomes effective fifteen days after passage by the City Council and Mayor of the City of Ralston, Nebraska.

This Ordinance is directed to be published in pamphlet form by amending the pamphlet form of the Municipal Code of the City of Ralston.

DATED this 15<sup>th</sup> day of February, 2022.



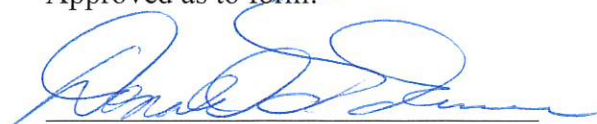
CITY OF RALSTON, NEBRASKA

  
Donald A. Groesser, Mayor

ATTEST:

  
Maura Kelly, City Clerk

Approved as to form:—

  
Donald F. Ficenec, City Attorney