

**BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA**

RESOLUTION ADOPTING DISORDERLY CONDUCT ORDINANCE

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104(6) (Reissue 2012), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103(6) (Reissue 2012), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, under the direction of the County Board, the County Administrator and County Attorney drafted a disorderly conduct ordinance; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-188 (Reissue 2012), notice was published in a newspaper of general circulation once per week for two weeks and such notice contained the entire language of the ordinance and the time and place of the hearing; and,

WHEREAS, pursuant to Neb. Rev. Stat. a public hearing on the ordinance was held on August 25, 2015; and,

WHEREAS, in accordance with Neb. Rev. Stat. §23-192 (Reissue 2012), the County Clerk provided a copy of the ordinance to the clerk of each city within seven days of the public hearing and each city was given seven days to respond; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-190 (Reissue 2012), the County Board voted by a three-fourths vote to suspend the requirement that the county ordinance be read by title on three different days; and,

WHEREAS, a motion was made to proceed to final adoption of the disorderly conduct ordinance; and,

WHEREAS, the County Board desires to adopt a disorderly conduct ordinance, a copy of which is attached.

NOW, THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners that this Board does hereby adopt the disorderly conduct ordinance, a copy of which is attached hereto.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with the applicable law on the 29th day of September, 2015.

Dan Kew
Sarpy County Board Chairperson - *vice*

Attest:

SEAL



Debra L. Henning
Sarpy County Clerk

ORDINANCE NO. 2-1-01

AN ORDINANCE TO ESTABLISH A LAW REGARDING DISORDERLY CONDUCT; TO ESTABLISH A PENALTY AND PROVIDE A METHOD OF ENFORCEMENT; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104, the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers;

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103, the powers of the County as a body are exercised by the Sarpy County Board of Commissioners ("County Board");

WHEREAS, pursuant to Neb. Rev. Stat. § 23-187, the County may regulate, through an ordinance, violations of the public peace and good order of the County by disorderly conduct;

WHEREAS, it is the intent of the County Board to enact a Disorderly Conduct Ordinance; and

WHEREAS, the Sarpy County Board has held a public hearing on the matter, after giving due notice as required by law.

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY BOARD OF THE COUNTY OF SARPY, NEBRASKA:

SECTION 1. Prohibited acts:

It shall be unlawful for any person to engage in disorderly conduct which disturbs the peace and good order of the County by unreasonable and disruptive noise, public intoxication or drunkenness, fighting, or otherwise violating the public peace and good order by offensive or disorderly conduct.

SECTION 2. Exceptions:

The following sounds shall not be considered disturbances of the peace and good order of the County by unreasonable and disruptive noise:

- a) Noises in and emanating from an athletic facility for an athletic event as well as concerts and other non-athletic events, said sounds including but not limited to public address systems ("P.A.") announcements, crowd noise, music, pyrotechnics and fireworks associated with an event, and speaker noise associated with an event or sporting activity, provided that such noises occur after 6:00 a.m. and before 1:00 a.m.
- b) Noises in and emanating from an industrial facility.
- c) Noises in and emanating from farming operations.

SECTION 3. Penalty:

Any person found to be in violation of this Ordinance shall be guilty of a Class III misdemeanor, punishable by a maximum of three months imprisonment, a five hundred dollar fine, or both.

SECTION 4. Intent:

It is the intent of this Ordinance to promote the public peace and order of the County. The provisions of this Ordinance have neither the purpose nor effect of imposing a limitation or restriction on exercises of free speech that are protected by the First Amendment.

SECTION 5. Effective area:

This Ordinance is effective in Sarpy County, but it shall not be effective within the corporate boundaries of Bellevue, LaVista, Springfield, Gretna, and Papillion; nor shall it be effective within the area outside of the corporate boundaries of Bellevue, LaVista, Springfield, Gretna, and Papillion in which those cities have been granted and are exercising powers by ordinance on a similar subject matter.

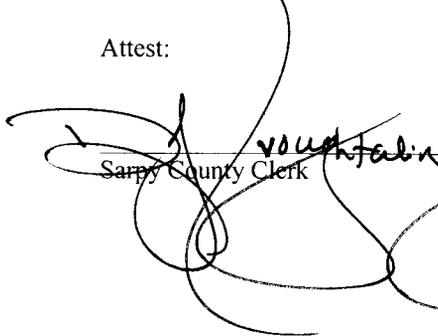
SECTION 6. Effective date:

This Ordinance shall take effect and be in force fifteen days after its passage, approval, and publication, as provided by law.

Passed and Adopted this 29th of September, 2015.


Sarpy County Board Chairperson *vice*

Attest:


Sarpy County Clerk

