

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.

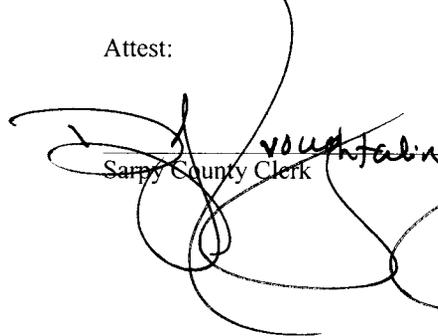
SECTION 6. Effective date:

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

