

## **Neighborhood Empowerment Guide**

### **ACKNOWLEDGMENT**

Thanks to the Baylor Evnen Law firm for its generous assistance in producing this guide. In existence since 1896, some of its founding members were residents of the Near South Neighborhood and the firm continues to maintain a presence in the neighborhood to this day. Should you wish to contact the firm you may call or write:

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## INTRODUCTION

This guide is written for and dedicated to the residents of the Historic Near South Neighborhood who have the desire, but may lack all the necessary knowledge, to improve the quality of life in this unique neighborhood. Consider this guide as a “tool box” to use in making a difference. Two old adages--“the squeaky wheel gets greased” and “knowledge is power”--apply to neighborhood problems. The more you know about your rights, and the ability and obligation of the government to correct problems, the easier it will be to call the appropriate authority to intervene.

If you confront a situation that is not addressed by this empowerment guide, please notify the association president or your section representative.

Thank you for your dedication.

## CITY / COUNTY CONTACT INFORMATION

### Mayor

### Chris Beutler

Office Address: 555 South 10th, 2nd Floor Rm 208  
Lincoln, NE 68508  
Email Address: mayor@ci.lincoln.ne.us  
Phone Number: 402-441-7511

### City Council

Office Address: 555 South 10th, Rm 111  
Lincoln, NE 68508  
Email (No Response): council@ci.lincoln.ne.us  
Email (Response): www.ci.lincoln.ne.us/city/council/feedback.htm

### City Council Members

Name	District	Email Address
Jon Camp	Southeast District 2	jcamp@ci.lincoln.ne.us
Jonathan Cook	Southwest District 3	jcook@ci.lincoln.ne.us
Doug Emery	Northeast District 1	demery@lincoln.ne.us
Robin Eschliman	At Large	reschliman@ci.lincoln.ne.us
Dan Marvin (Vice-Chair)	At Large	dmarvin@ci.lincoln.ne.us
John Spatz	Northwest District 4	jspatz@lincoln.ne.us
Ken R. Svoboda	At Large	ksvoboda@ci.lincoln.ne.us

## CHILD NEGLECT OR ABUSE

### Child Neglect

There are two different types of neglect that one should be aware of: Emotional Neglect and Physical Neglect.

Emotional Neglect occurs when a child suffers severe negative emotional effects due to a parent’s failure to provide opportunities for normal experiences that produce feelings of being loved, wanted, secure and worthy.

Physical Neglect occurs when a parent fails to provide basic needs or a safe and sanitary living environment for the child. This includes, but is not limited to, failure to provide adequate food and clothing, failure to follow medical recommendations, lack of supervision that places the child at risk, and no heat in the winter.

### Child Abuse

The general term “abuse” may be divided into three separate categories of abuse: Physical Abuse, Emotional Abuse, and Sexual Abuse.

Physical Abuse occurs when a child suffers an unexplainable, non-accidental injury.

Emotional Abuse is the continual scapegoating or rejection of a child by their parents which results in a child's disturbed behavior.

Sexual Abuse is any sexually oriented act, practice, contact, or interaction in which the child has been used for sexual stimulation of an adult.

### **Reporting Suspected Child Abuse**

To report any suspected child abuse call the Abuse/Neglect Hotline at 1-800-652-1999. Additionally, if there is an emergency situation local law enforcement should be notified immediately.

#### **Procedure for Reporting Child Abuse**

When a person calls to report suspected child abuse or neglect, the reporting caller is not required to give their name. Although giving a name is not mandatory, the person making the report might be asked to provide his or her name so that additional information may be gathered by the child protective services worker. The reporter's identity will be kept confidential and is protected from liability as long as the report of abuse or neglect is made in good faith. Only law enforcement and the court involved in the judicial proceedings will have access to the report.

By law the Department of Health and Human Services (HHS) is obligated to investigate all reports of suspected abuse and neglect. HHS will work together with local law enforcement to investigate all reports made to HHS. If necessary, law enforcement may also conduct its own investigation.

Because reports are kept confidential and due to the delicate nature of the situation, the person who reports the suspected abuse or neglect will not be informed of any action taken after the report is made.

#### **Process After Abuse has been Reported**

When a report of suspected child abuse or neglect is made to HHS a child protective services worker will visit with the individual suspected of abusing or neglecting the child. During this visit, child protective services will evaluate the validity of the reported abuse. If abuse or neglect is not found, the case will be closed and if appropriate, the suspected abuser and family may be referred to applicable community services.

If it is determined that abuse or neglect is present in the home, the protective services worker and the suspected abuser will discuss the situation and the worker may offer services to the family in order to help them deal with the situation. The suspected abuser and the worker will discuss what may be causing the problems in the home and together will attempt to decide what changes must be made within the home to resolve the problems. The child protective services worker may offer services such as counseling, case management, supervision, child care, and homemaker services.

If because of the abuse, there is a high degree of risk or harm to the child(ren)'s safety, law enforcement, for the protection of the child(ren), may temporarily remove them from the home. Only the courts and law enforcement have the right to remove children from the home. If the child(ren) is/are removed from the home, child protective services will work with the family to improve the situation so that the child(ren) may be returned to a safe environment.

### **Additional Information**

Information for the above section was found on the Department of Health and Human Services website at [www.hhs.state.ne.us](http://www.hhs.state.ne.us). Additional information may be found at that location or by contacting HHS at 471-2306.

## **DOMESTIC ABUSE**

Domestic violence is abuse that occurs between spouses, persons living as spouses, or adult members of the same household. It is attempting to cause or intentionally, knowingly, or recklessly causing bodily injury with or without a deadly weapon or placing another in fear of imminent serious bodily injury.

### **Reporting Domestic Abuse**

Report domestic abuse by calling the Domestic Violence/Sexual Assault Crisis Line at 1-800-876-6238. The caller is not required to give their name

and address. Although giving a name is not mandatory, if needed, the person making the report may be asked to provide a written report.

The reporter's identity will be kept confidential and the reporter is protected from liability as long as the report of abuse is made in good faith. Only law enforcement and the court involved in any judicial proceedings will have access to the report. Because reports are kept confidential and due to the delicate nature of the situation, the person who reports the suspected abuse will not be informed of any action taken after the report is made.

If there is an emergency, local law enforcement should be notified immediately.

#### **Services Available for Victims of Domestic Abuse**

Emergency shelters provide a safe place to stay for victims of domestic violence. The State of Nebraska provides a number of safe locations for domestic abuse victims, such as shelters, private homes, and motels. Emergency transportation to shelters is also available 24 hours a day. Transportation to court proceedings, medical services, or to other community agencies is also available to victims of domestic abuse. Staff and volunteers are available upon request to accompany survivors to hospital emergency rooms and local medical offices for treatment of injuries or rape exams. These programs cannot provide legal advice, but can provide assistance with obtaining domestic abuse protection orders or harassment protection orders and referrals to local attorneys.

#### **Additional Information**

Information for the above section was found on the Department of Health and Human Services website at [www.hhs.state.ne.us](http://www.hhs.state.ne.us) and the Nebraska Network of Domestic Violence at [www.ndvsac.org](http://www.ndvsac.org). Additional information may be found on those websites or by contacting the Friendship Home at (402) 475-7273 or the Rape/Spouse Crisis Abuse Center at (402) 475-7273.

## **ADULT NEGLECT OR ABUSE**

*Adult Protective Services Act Neb. Rev. Stat. § 28-348 to § 28-387*

#### **There are several definitions which fully explain the scope of adult neglect and abuse.**

Abuse is any knowing, intentional, or negligent act or omission on the part of a caregiver to a vulnerable adult or any other person which results in physical injury, unreasonable confinement, cruel punishment, sexual abuse, exploitation, or denial of essential services to a vulnerable adult.

Vulnerable adult is any person eighteen years of age or older who has a substantial mental or functional impairment or for whom a guardian has been appointed.

A substantial mental impairment is a substantial disorder of thought, mood, perception, orientation, or memory that grossly impairs judgment, behavior, or ability to live independently or provide self-care as revealed by observation, diagnosis, investigation or evaluation.

A substantial functional impairment is a substantial incapability because of physical limitations to live independently or provide self-care as determined through observation, diagnosis, investigation or evaluation.

Caregiver is any person or entity who has voluntarily, by express or implied contract, or by order of the court assumed the responsibility for the care of a vulnerable adult.

Physical injury is damage to bodily tissue caused by non-therapeutic conduct, including, but not limited to, fractures, bruises, lacerations, internal injuries or dislocations, and shall include, but not limited to, physical pain, illness, or impairment of physical function.

Unreasonable confinement is confinement which intentionally causes physical injury to a vulnerable adult.

Cruel punishment is defined as punishment which intentionally causes physical injury to a vulnerable adult.

Exploitation is the taking of a vulnerable adult's property by means of undue influence, breach of a fiduciary relationship, deception, or extortion by any unlawful means.

Denial of essential services is the denial or neglect of services necessary to safeguard the person or property of a vulnerable adult, including, but not limited to, sufficient and appropriate food and clothing, temperate and sanitary shelter, treatment for physical needs and proper supervision.

*(The information in this section was found in the Adult Protective Services Act NEB. REV. STAT. §28-348 to 387.)*

### **Warning Signs of Adult Abuse**

Signs of physical abuse: unexplained bruises, welts, black eyes, wounds, fractures, multiple injuries in various stages of healing, or sudden changes in behavior (fearfulness, depression, self-destructive behavior). Additional warning signs include: the caregiver refuses to allow visitors, vulnerable adult is in restraints or a locked room, missing patches of hair, or hemorrhaging below the scalp.

Signs of mental abuse: person is emotionally upset, agitated, withdrawn, non-communicative, depressed, non-responsive, or caregiver refuses to allow visitors or does not let the person participate in family or community events.

Signs of sexual abuse: bruising around breasts and/or genital area, an unexplained venereal disease, soiled underclothes or bedding, or sudden change in behavior.

Signs of abandonment: the adult is deserted in a public place or in his own home.

Signs of neglect and self-neglect: dehydration, malnutrition, untreated injuries or unattended health problems, including poor dental health, person appears unclean and/or poorly groomed, person lying in feces or urine, or a strong odor of feces or urine, and unsafe living conditions.

Signs of exploitation: unexplained or unusual use of bank cards or sudden transfer of money, forged signature on checks, disappearance of possessions, overcharge for home repairs or other work, signs of telephone or mail soliciting (magazines, prize items, etc.), and use of home or possessions for illegal activities.

If any of the above mentioned signs are observed, the abuse should be reported immediately.

(Information for this section was found on the Partners Against Adult Abuse website at [www.aasa.dshs.wa.gov](http://www.aasa.dshs.wa.gov).)

### **When To Report Abuse**

Any person may report abuse if there is reasonable cause to believe that a vulnerable adult has been subjected to abuse or observes such adult being subject to conditions or circumstances which reasonably would result in abuse.

(Information for this section was found at NEB. REV. STAT. §28-372 (1) (2001, in the Adult Protective Services Act, NEB. REV. STAT. §28-348 to 387.))

### **Reporting Abuse of an Adult**

Adult abuse can be reported by calling the 24-hour toll free hotline at 1-800-652-1999. Callers are not required to give their name and address. Although giving a name is not mandatory, if needed, the individual reporting the abuse may be asked to provide a written report. To the extent the information is available, the written report should contain the following: (1) The name, address, and age of the vulnerable adult; (2) The address of the adult's caregiver(s); (3) The nature and extent of the alleged abuse or the conditions and circumstances which would reasonably be expected to result in such abuse; (4) Any evidence of previous abuse including the nature and extent of the abuse; (5) Any other information, which in the opinion of the person making the report, may be helpful in establishing the cause of the alleged abuse and the identity of the perpetrator(s). Additionally, if there is an emergency situation, local law enforcement should be notified immediately.

The reporter's identity will be kept confidential and is protected from liability as long as the report of abuse or neglect is made in good faith. Only law enforcement and the court involved in the judicial proceedings will have access to the report.

By law the Department of Health and Human Services (HHS) is obligated to investigate all reports of suspected abuse and neglect. HHS will work together with law enforcement to investigate all reports made to HHS. Because reports are kept confidential, and due to the delicate nature of suspected abuse or neglect situations, the individual who reports the suspected abuse or neglect will not be informed of any action taken after the report is made.

*(Information for this section was found in the Adult Protective Services Act. NEB. REV. STAT. §28-348 to 387.)*

### **Process After Abuse has been Reported**

When a report of suspected adult abuse is made to HHS, a law enforcement agent, if warranted, will make an investigation and take the necessary steps to protect the vulnerable adult. When appropriate, the agent will also institute legal proceedings. If an investigation is undertaken, HHS will be notified.

#### **Additional Information**

Information for the above section was found on the Department of Health and Human Services website at [www.hhs.state.ne.us](http://www.hhs.state.ne.us). Additional information may be found at that location or by calling the Friendship Home at (402) 475-7273 or the Rape/Spouse Crisis Abuse Center at (402) 475-7273.

## **ANIMALS**

*Lincoln Municipal Code 6.04, 6.08, and 6.12*

### **Dogs**

#### **Free Roaming Dogs**

It is illegal for a dog owner to allow their dog to freely roam the neighborhood. "It shall be unlawful for the owner of any dog to let such dog run at large, whether licensed or not, at any time within the city, and any dog found to be running at large may be impounded by [Animal Control]." Municipal Code 6.08.130. Any roaming dog, outside the control of its owner, may be impounded and taken to an animal shelter. If a dog were to leave its owner's property, it must be under the control of a responsible person and wearing a city pet license. If the owner can be determined before Animal Control takes the dog to the shelter, the dog will be returned to its owner. There is also a "leash law" which states that when dogs are being walked on any city sidewalk or city street it must be on a leash at all times.

#### **Disposal of Dog Waste**

A dog owner must remove or dispose of all waste material accumulating from such dog on the owner's property, at least once every five days. A dog owner shall not allow the dog's waste material to accumulate or remain in the yard, pen, enclosure, shelter, or structure upon which such dog resides or is confined. It is also illegal for a dog owner "to place, deposit, discard, or dispose of feces or manure on public property or private property of another unless placed in approved garbage or refuse containers on public property or with the consent of the owner of the private property." Municipal Code 6.08.155.

#### **Barking Dogs**

It is illegal "for any person to own, keep, or harbor any dog which by loud, continued or frequent barking, howling, or yelping shall annoy or disturb any neighborhood, person or persons." Municipal Code 6.08.160.

#### **Reporting a Barking Dog**

Complaints with regard to barking dogs are to be made to Animal Control. Upon the initial complaint, a license and rabies vaccination check will be performed on the dog and a letter will be sent to the dog's owner informing them of the complaint. If the barking continues, the individual who made the report will be asked to fill out the appropriate forms and an animal control officer will be dispatched to investigate the incident in an attempt to determine the cause of the barking. The investigating officer may also interview other individuals in the neighborhood to confirm or verify the complaint. Based upon the results of the officer's investigation, the dog owner may be issued a citation. To allow the officer to issue a citation, the individual who made the initial complaint must be willing to testify in court.

#### **Limit on Number of Dogs Owned without a Permit**

Unless the owner has a permit to do otherwise, it is illegal for a person to own or permit to be kept upon any premises more than three dogs over the age of six months.

### **Cats**

#### **Free Roaming Cats**

Cats are only allowed to roam free if they have been spayed or neutered and are wearing a pet license. Municipal Code 6.12.070. Otherwise, under section 6.12.100, roaming cats are subject to impoundment similar to that of dogs.

#### **Limit on Number of Cats Owned without a Permit**

Unless the owner has a permit to do otherwise, it is illegal for any person “to own, keep, harbor, or permit to be kept upon any premises occupied or under such person’s charge, more than five cats over six months of age.” Municipal Ordinance 6.12.045.

#### **Disposal of Cat Waste**

A cat owner must remove or dispose of all waste material accumulating from such cat on the owner’s property, at least once every seven days. A cat owner shall not allow the cat’s waste material to accumulate or remain in the yard, pen, enclosure, shelter, or structure upon which such dog resides or is confined. Municipal Ordinance 6.12.170.

#### **Animal Complaints in General**

Complaints regarding any type of animal should be made to Animal Control.

#### **Animal Control Contact Information**

Animal Control can be reached at 441-7900. When appropriate, the Police may also be contacted. The non-emergency number is 441-6000.

## **BUILDING AND SAFETY INSPECTORS**

*Lincoln Municipal Code 1.20 and 20.04*

#### **Right of Entry**

A building official may enter a building or premises “whenever necessary to make an inspection to enforce any provisions of this code, or whenever the building official or an authorized representative has reasonable cause to believe” that there is a violation of the code which makes the building or premises “unsafe, dangerous, or hazardous.” Municipal Code 20.04.02 Section 201.3.

#### **Building Official’s Right of Entry with Consent**

Before performing an inspection, the building official or authorized representative must give notice to the owner, occupant, or person in charge of the building. Municipal Code 1.20.020(b). The building official must also obtain the consent of the owner, occupant or person in charge of the building, and present to them the building official’s proper credentials. Municipal Code 1.20.020(b) and (c).

#### **Building Official’s Right of Entry without Consent**

If the owner, occupant, or person in charge of the building refuses to give their consent to the investigation, the building official must obtain a warrant and “proceed in accordance with the requirements of the law.” Municipal Code 1.20.030. “Any person who willfully refuses to permit, interferes with, or prevents an inspection authorized by an inspection warrant” is guilty of a misdemeanor, punishable by imprisonment in the county jail, not to exceed three months, or a fine of up to \$500.00. Municipal Code 1.20.060.

#### **Emergency Entry**

Authorized officials may enter a building or premises any time when “an actual emergency or the possibility for immediate danger to the public safety exists.” Municipal Code 1.20.050.

## **DILAPIDATED PROPERTIES**

*Lincoln Municipal Code 21.01*

#### **Purpose of Uniform Housing Code**

The purpose of the Lincoln Housing Code is to “safeguard life or limb, health, property and public welfare and to protect neighborhoods from hazardous, blighting and deteriorating influences or conditions that have a negative impact on area property values . . .” Lincoln Housing Code 21.01.030, Section 102.

#### **Characteristics of Dilapidated Properties**

- Inadequately maintained housing may be in violation of the Lincoln Housing Code. Possible characteristics of dilapidated properties include but are not limited to:
  - Buildings that have been boarded-up for six months or more, left in a partial state of destruction, or left in a partial state of construction after the building permit has expired. Lincoln Housing Code 21.01.115, Section 506(2).
  - Buildings with broken windows that create a safety hazard. Lincoln Housing Code 21.01.115, Section 506(3).

- Buildings that are cracking, chipping, flaking, peeling, or missing paint over 50% of any wall or building face. Lincoln Housing Code 21.01.115, Section 506(6).
- Buildings that are unpainted and show signs of dry rot, warping, or termite infestation. Lincoln Housing Code 21.01.115, Section 506(5).
- Buildings which contain noticeable holes, breaks, gaps, loose or rotting boards, or timber. Lincoln Housing Code 21.01.185, Section 1001.11(4) (prohibiting “noticeable conditions of blight” as defined in Lincoln Housing Code 21.01.060, Section 401).
- Buildings with excessive peeling, rusting or other physical signs of decay. Lincoln Housing Code 21.01.185, Section 1001.11(4) (prohibiting “noticeable conditions of blight” as defined in Lincoln Housing Code 21.01.060, Section 401).
- Yards with an accumulation of weeds (see section on Weeds), vegetation, junk (see section on Junk Cars), dead organic matter, or debris. Lincoln Housing Code, Section 1001.11(1).
- Yards with dead or dying trees and limbs that create health or safety risks.

*Lincoln Housing Code 21.01.185, Section 1001.11(2).*

#### **Characteristics of Inadequate Maintenance of Premises**

- A Building is considered substandard when the premises is inadequately maintained. Inadequate maintenance of the premises shall include, but is not limited to the following:
  - The accumulation of debris, litter, rubbish, rubble, and similar materials or conditions. 21.01.185 Section 1001.11(1).
  - Premises contains dead and dying trees, limbs, or other natural growth which by reason of rotting or deteriorating conditions or storm damage constitute a health or safety hazard. 21.01.185 Section 1001.11(2).
  - Premises has substantial and noticeable conditions of blight or disrepair. 21.01.185 Section 1001.11(4).

#### **Contact Information**

If a property in the neighborhood has one or more of the above listed characteristics, a complaint may be made to the Neighborhood Hotline at 441-6300. The complaint will be recorded and routed to the appropriate department. For further assistance, contact the Chief Housing Inspector of Building and Safety by calling 441-7521.

## **DRUG SALES OR USE**

#### **Drug Use or Sale in the Neighborhood**

Suspected drug use or sale in the neighborhood should be reported immediately to Crime Stoppers at 475-3600. When reporting suspected drug activity, provide, if available, the license plate number, address, and description of any suspicious individuals. Crime Stoppers has an available narcotics unit that is able to handle specific drug related complaints.

## **FENCE ISSUES**

#### **Determine the Classification of the Fence**

A division fence is where each person makes and maintains a just proportion of a fence between them. NEB. REV. STAT. § 34-102 (1999). Whenever a division fence is injured or destroyed by fire, floods or other casualty, the person responsible for making repairs to the fence shall make the proportionate repairs within ten days after being requested by an interested party to do so. NEB. REV. STAT. § 34-112. The request should be made in writing and signed by the requesting party. If the responsible party refuses to repair their portion of the fence for a period of ten days after the request, the requesting party may repair the fence at the responsible party's expense.

#### **Contact your neighbor**

The easiest and most effective way to deal with a fallen fence is to contact your neighbor. Always keep a record of the correspondence between yourself and your neighbor in the event that a friendly resolution is not possible.

#### **Registering a Complaint with the Housing Authority.**

A complaint can be registered with the 24-hour Neighborhood Hotline at 402-441-6300. All information provided will be kept confidential. A report will be made and the situation will be investigated. If, after the investigation, the building is found to be below the housing code standards, the owner may be charged with a misdemeanor. The fine for the first offense is a minimum of \$25, second offense is \$50, and third offense is \$100. The maximum fine is \$500 or six months in jail. Each day the building is in violation of the code is considered a separate offense.

However, the City of Lincoln will allow the offender a reasonable time to make repairs. Low and moderate income homeowners may also be eligible for financial assistance.

#### **Additional Information**

Additional information is available by visiting the City of Lincoln's website at [www.interlinc.ci.lincoln.ne.us/city/attorn/lmc/contents.htm](http://www.interlinc.ci.lincoln.ne.us/city/attorn/lmc/contents.htm). The Lincoln Housing Code is also available on this website.

## **FIREWORKS**

*Lincoln Municipal Code 9.44*

#### **Acceptable Fireworks**

Lincoln Municipal Ordinance 9.44.010 defines permissible fireworks as sparklers, vesuvius fountains, spray fountains, torches, color fire cones, star and comet-type color aerial shells without an explosive charge for the purpose of making a noise, and color wheels. Fireworks commonly known as skyrockets, bottle rockets, or any other form of fireworks which launch in their entirety and leave no base shall not be permissible fireworks within the City of Lincoln. Municipal Code 9.44.070.

#### **Age of Purchaser/User**

It is illegal for any retailer to sell fireworks to any person under the age of eighteen, and no person under the age of eighteen shall discharge, explode, or use any fireworks except under the supervision of a person eighteen years of age or older. Municipal Code 9.44.030.

#### **Dates When Fireworks may be Purchased**

Licensed retailers may sell permissible fireworks beginning July 3rd at 8 a.m. These sales are permitted to continue through 11:59 p.m. on July 4th. Municipal Code 9.44.080. Thus, fireworks may be purchased from 8 a.m. on July 3rd through 11:59 p.m. on July 4th.

#### **Time Period When Fireworks may be Used**

Lincoln Municipal Ordinance 9.44.080 also limits the hours during which fireworks may be used. Fireworks may be used between the hours of 8 a.m. and 11 p.m. on July 3rd. On July 4th the time period for use of permissible fireworks is extended by one hour, making the lawful time during which fireworks may be used from 8 a.m. to 12 midnight.

#### **Proper Use of Permissible Fireworks**

The manner in which fireworks are used is governed by 9.44.100 which states: "[i]t shall be unlawful for any person to discharge, fire, launch or throw any fireworks or any object which explodes upon contact with another object:

- (a) from or into any motor vehicle;
- (b) onto any street, highway, or sidewalk;
- (c) at or near any person;
- (d) into or upon any building;
- (e) into or at any group of persons; or
- (f) into or upon the premises of another person."

#### **Contact Information**

If there is a fireworks violation, the police should be contacted by calling the non-emergency line, 441-7204. Additional information may be found on the city of Lincoln's website at [www.ci.lincoln.ne.us/city/attorn/lmc/contents.htm](http://www.ci.lincoln.ne.us/city/attorn/lmc/contents.htm).

## **GARBAGE**

*Lincoln Municipal Code 8.22; 8.32*

### **Restrictions on Garbage Containers**

Lincoln Municipal Code Section 8.32.220 governs the types of containers in which garbage may be placed. The various types of containers are as follows:

#### **Types of Garbage Containers**

- Garbage cans: A container made of treated metal to prevent rusting or heavy duty plastic. The container must have a matching, overhanging, tight-fitting lid and have handles that are sufficient for safe and convenient handling. Each container shall be water-tight, fly-tight, and cannot have a capacity of more than thirty-two gallons. The container must be kept in serviceable condition at all times.
- Front and/or rear-loading bulk containers: These containers are to be constructed of 14-gauge or heavier metal treated to prevent rust or heavy duty rigid plastic. They shall be of water-tight construction and have doors or lids that open to the sides or top such that the container may be emptied mechanically by special trucks. The doors or lids must be made of 12-gauge or heavier metal or heavy-duty plastic.
- Roll-off containers: A container made of metal treated to prevent rust and designed for collecting, storing, and transporting building rubbish, demolition debris or hazardous industrial waste. Roll-off containers should be water tight to prevent leakage of liquid waste.
- Poly-kart, roll-out, or toter: A container constructed of a metal frame with molecular stabilized polyethylene body, or a total unit constructed of a heavy polyethylene plastic alloy making the container water-tight. Such container must have a lid to prevent insects and rodents from entering. Each container must also have at least two wheels and a handle for easy and safe mobility.
- Plastic bags: Plastic bags are not to be used for the storage of solid waste containing garbage or lawn waste, and may not be used in place of any of the above mentioned containers. Plastic bags may be used to line garbage cans or hold garbage and refuse which has been placed in one of the above mentioned containers.
- Lawn waste containers: A degradable paper container or other container of suitable, two-ply moisture resistant materials that will not adversely impact composting. Lawn waste may also be placed in separate garbage cans, bulk containers, roll-offs, poly-karts, roll-outs, or toters, provided that such containers have suitable tight fitting lids; be water-tight and fly-tight; and are kept in serviceable condition at all times.

#### **Proper Place to Store and Deposit Garbage**

It is unlawful to deposit garbage or refuse in any street, alley, public place, or private property unless the refuse is placed in a proper container (as listed above). See Lincoln Municipal Code Section 8.32.230 for more information.

#### **Neighbor's Garbage not Properly Stored**

Under Lincoln Municipal Code Section 9.24.170 it is unlawful to willfully, maliciously or negligently place, throw or cause to be placed on the premises of another, any filth, refuse or other thing to the annoyance of the owner or occupant. This code section therefore makes it illegal for an individual to allow their garbage to blow onto another person's property.

#### **Contact Information**

Enforcement of the garbage provisions of the Lincoln Municipal Code is under the direction of the Health Director. Report any nuisance created by garbage or refuse to the Health Director at 441-8000.

## **GROUP HOMES**

*Lincoln Municipal Code 27.03.300.*

A group home is a facility where more than two but less than sixteen persons who are unrelated by blood, marriage, or adoption reside while receiving therapy or counseling, but not nursing care.

#### **Special Permit Required**

Pursuant to Article 13 of the Lancaster County Zoning Resolution, operating a group home or group care facility requires a special permit. Group homes must obtain this special permit and follow its specifications while it is in operation.

### **Contents of Special Permit**

Information regarding the activities and/or living conditions that the group home's special permit authorizes may be obtained by contacting the Planning Department. The Planning Department may be contacted by phone at 441-7491 or via email at plan@ci.lincoln.ne.us.

### **Operating in Violation of Special Permit**

There are two options available when there is reason to believe that a group home is operating in violation of the special permit. The first option is to contact the group home's advisory board or administrator. By discussing the problem with the group home's advisory board or administrator, the violation may be rectified without having to contact a city official.

The second option is to contact the Department of Building and Safety. The Department of Building and Safety is responsible for investigating and enforcing special permit violations.

### **Contact Information**

The Department of Building and Safety may be contacted by calling 441-7521 or may be reached by email at bldgsafe@ci.lincoln.ne.us.

## **HOME BASED BUSINESSES**

*Lincoln Municipal Code 27.03.320 and 27.70.010*

### **Home Occupation**

A home occupation is "any occupation or activity carried on within a dwelling unit or accessory building by a member of the family residing on the premises, which occupation is incidental and secondary to the residential occupancy and does not change the residential character thereof." Municipal Code section 27.03.320. Home occupations may include anything from a catering service to an accountant who works out of their home.

### **Restrictions on Home Based Businesses**

Lincoln Municipal Code section 27.70.010(b) partially restricts the type of business activities which may be conducted out of the home.

- **Sale of Goods:** The only goods allowed to be sold out of the home are those goods prepared on the premises in connection with the home owned business. This section does not prohibit the sale of restored antiques on the premises when the seller has obtained a second-hand dealer's permit from the city.
- **Automobile Repair:** Activities such as welding, vehicle body repair, mechanical repair, rebuilding, or dismantling of vehicles are not permitted as home occupation activities.

### **Restrictions on Home Business Advertisements**

A person may advertise their home business with a sign, as long as the sign conforms to the following restrictions: the sign may not be animated or illuminated; the sign can not have a reflecting nameplate, and the sign can not be more than two square feet in area. The sign's nameplate can designate the business being carried on within the dwelling, however, the letters may not be more than two inches in height. Lastly, the sign is to be attached to the building in which the home occupation is being conducted. These regulations are found in section 27.70.010(a) of the Lincoln Municipal Code.

### **Restriction on Number of Employees**

The only persons allowed to work for the home business are members of the family residing at the premises out of which the home business is operated. There is, however, one exception to this rule. One nonresident employee may be hired/employed if the home business owner has the proper approval of the building official. To obtain such approval, the home business owner must show:

- 1) certification by the appropriate state or federal agency that the owner is physically disabled;
- 2) certification from an attending physician that the owner cannot perform the tasks required by the home occupation without assistance; and
- 3) there are no other employees either resident or nonresident engaged in the home occupation on the premises.

*These regulations are found in Lincoln Municipal Code section 27.70.010(c).*

### **Restrictions on Storage of Equipment used for Outdoor Activities**

A person may conduct business outside of the home as long as the activities carried on outdoors in connection with the home business are screened or hidden and there is no outdoor storage of any equipment, machinery, parts, or other articles of any nature used in connection with such home business.

The only exception to the “screening” rule applies to day care centers. Day care centers are permitted to have permanent play equipment, such as slides or swings, located on the side or back yard of the home. Municipal Code 27.70.010(d).

#### **Percentage of Floor Space Dedicated to Business**

The maximum amount of a home that may be utilized in the conducting of a home occupation is 20% of the floor area of the dwelling. Municipal Code 27.70.010(f).

#### **Miscellaneous Restrictions.**

Persons operating a business out of the home may only do so as long as there is no chemical, mechanical, or electrical equipment used in connection with the home business that causes noise or odors that are disturbing to those on the surrounding properties. Furthermore, this equipment cannot interfere with other residents’ radio or television reception. Municipal Code 27.70.010(e).

## **INSTALLATION OF TRAFFIC-CONTROL SIGNALS**

*Lincoln Municipal Code 10.12*

#### **Request for Installation of Traffic Sign**

The Director of Public Works and Utilities should be contacted to have a traffic-control sign installed at an intersection in the neighborhood. Inform the Director of Public Works and Utilities of the problem area and the type of traffic-control requested. The Director of Public Works and Utilities has the authority to place and maintain traffic-control signs, signals, and devices and “may place and maintain such additional traffic-control devices as deemed necessary to regulate, guide, and warn traffic.” Municipal Code 10.12.010. The Director of Public Works and Utilities has the discretion to place traffic-control signs where appropriate or needed. Municipal Code 10.12.070.

#### **Contact Information**

To contact the Director of Public Works and Utilities call 441-7548.

## **LANDLORD / TENANT**

*Uniform Residential Landlord Tenant Act (URLTA)*

#### **Tenant**

A tenant is “a person entitled under a rental agreement to occupy a dwelling unit to the exclusion of others.” URLTA 76-1410(14).

#### **Rent**

The tenant must pay rent, without notice or demand from the landlord, at the time and place agreed upon by the tenant and landlord. Unless the rental agreement specifies otherwise, rental payments are due at the beginning of the term. URLTA 76-1414(3)

#### **Tenant’s Duties**

Tenant’s duties include, but are not limited to, the following: Tenants must comply with the applicable minimum standards of the building and housing codes that materially affect health and safety. URLTA 76-1421(1). Tenants must keep the part of the premises that they occupy and use clean and safe. The tenant must also leave the unit “in as clean [a] condition, excepting ordinary wear and tear, as when the tenancy commenced.” URLTA 76-1421(2); Tenants may “not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or knowingly permit any person to do so.” URLTA 76-1421(7).

#### **Landlord**

A landlord is “the owner, lessor, or sublessor of the dwelling unit.” URLTA 76-1410(5).

#### **Security Deposit and Prepaid Rent**

A landlord may not require a security deposit that is more than one month’s periodic rent. URLTA 76-1416(1). A pet deposit may not be greater than one-fourth of one month’s periodic rent. URLTA 76-1416(1).

When the tenancy ends, the landlord may apply any prepaid rent or security deposit “to the payment of rent and the amount of damages” which the tenant has caused by breaching one of their duties. URLTA 76-1416(2). After paying for the rent and/or damages, the landlord must return the balance to the tenant. URLTA 76-1416(2).

#### **Landlord’s Duties**

The landlord’s duties include, but are not limited to, the following: Landlords must “substantially comply, after written or actual notice, with the requirements of the applicable minimum housing codes materially affecting health and safety.” URLTA 76-1419(1)(a). Landlords must also “make repairs and do whatever is necessary, after written or actual notice, to put and keep the premises in a fit and habitable condition.” URLTA 76-1419(1)(b).

#### **Tenant’s Failure to Pay Rent**

If a tenant fails to pay rent when due, a landlord may send written notice informing the tenant that if rent is not paid within three days of the written notice, the rental agreement will be terminated. URLTA 76-1431(2). If the tenant fails to pay the required rent within the three day period, the landlord may terminate the rental agreement.

#### **Additional Information**

Additional information may be found in the Uniform Residential Landlord Tenant Act at [www.nrec.state.ne.us/landlordact.htm](http://www.nrec.state.ne.us/landlordact.htm).

## **LOUD NEIGHBORS OR PARTIES**

*Lincoln Municipal Code 9.20*

#### **Loud Neighbors (Parties, Music, etc.)**

It is illegal to knowingly make, cause, permit, or suffer to be made therein any loud or improper noise to the annoyance or disturbance of any person or neighborhood.” Municipal Code 9.20.030. A homeowner (or tenant) who allows loud noise to emanate from their home may be issued a citation by the police for maintaining a disorderly house. In addition to a disorderly house citation, loud or disruptive parties may also lead to a disturbing the peace citation.

The disturbing the peace ordinance states that it is unlawful to intentionally or knowingly disturb the peace and quiet of any person, family or neighborhood. Municipal Code 9.20.050. Disturbing the peace also includes operating any device which amplifies radio broadcasts, or musical recordings, in or upon any street, alley or other public place in such a manner as to be audible to other persons in such public place more than fifty feet from the source. Municipal Code 9.20.050. Persons who are convicted of violating these two sections of the Municipal Code may be fined a minimum of \$150.00.

#### **Making a Noise Disturbance Complaint**

If there is a noise disturbance in the neighborhood, the police should be contacted at 441-7204. The call will be connected to the 911 center but will not tie up the 911 emergency lines.

## **PARKING ISSUES**

*Lincoln Municipal Code 10.32*

#### **No Parking Zones**

It is never lawful to park in an area that has been designated as a “no parking zone.”

#### **Types of Vehicles Allowed to Park Along Curb in Neighborhood**

It is illegal to park a truck or self-propelled mobile home, any of which exceed twenty-one feet in length, or seven feet in width, or any cabin trailer, semitrailer, trailer, tractor, or truck-tractor upon any portion of a street abutting property located within a residentially zoned area. Municipal Code 10.32.070.

However, these vehicles may be parked along the curb of a residential street for a period of time necessary to load, unload, deliver or collect goods, as long as that period does not exceed two hours. The other exception to this rule is that section 10.32.070 does not apply to semitrailers, trailers, trucks or truck-tractors being used in connection with construction, repair, service or moving operations.

#### **Time Limit for Parked Vehicle on Residential Street**

Vehicles may remain parked on one side of a residential street for a period no longer than 24 hours. Municipal Code 10.32.190.

**Parking Direction**

All vehicles must be parked headed in the direction of traffic with the right-hand side thereof parallel with the curb and not more than one foot from the curb. Municipal Code 10.32.080. It is illegal to park against the direction of traffic and any car so doing may be ticketed.

**Parking Next to a Driveway**

It is illegal to stop or park a vehicle in a manner that obstructs a private driveway. Municipal Code section 10.32.110. Vehicles must be parked at least five feet away from the outer portion of the curb cut out of a private driveway.

**Parking in an Alley**

It is illegal to park a vehicle in any alley, unless the vehicle is used for delivery purposes, and then only for such times as is necessary for the actual loading or unloading of the vehicle. Municipal Code 10.32.150.

**Distance Required to Park by Intersection**

Vehicles parked on the street must leave twenty-five feet between the front of the vehicle and the appropriate traffic stop sign or signal, or crosswalk. If no crosswalk, traffic signal, or sign is present, there must be twenty-five feet between the front of the vehicle and the intersection of the property lines of the intersection. Municipal Code 10.32.310.

**Distance Required to Park by Fire Hydrant**

It is illegal to park any vehicle, except a bicycle, within 15 feet of a fire hydrant. Municipal Code 10.32.320.

**Reporting Illegally Parked Vehicles**

To report an unlawfully parked vehicle, the police department should be contacted by calling the non-emergency police number at 441-6000.

**POSTING SIGNS ON PUBLIC PROPERTY**

*Lincoln Municipal Code 14.40.055*

**Posting Signs on Public Property (garage sales, lost pets, etc.)**

It is illegal to attach any type of sign, notice or poster to any tree, bench, fence, or post of any type that is on public property. Municipal Code 14.40.055. Examples of illegal sign postings include garage sales and lost pet signs posted on telephone polls.

**SNOW EMERGENCIES**

*Lincoln Municipal Code 10.40*

A snow emergency is declared when Lincoln receives three or more inches of snow in a period of 24 hours or less. When a snow emergency is in place, the Director of Public Works and Utilities may prohibit parking or stopping of vehicles on certain streets to enable the quick removal of the snow. The Director of Public Works and Utilities will notify the public of the snow emergency through the news media, including the press, radio or television. In this warning, the Director will inform the public of parking prohibitions and the hours during which the prohibitions will be in effect. Municipal Code 10.40.010.

**Effect of a Snow Emergency**

After a snow emergency has been announced, parking on certain arterial streets and bus routes will be prohibited. The Mayor will state the date, time, and location at which the parking prohibitions will take effect. The prohibitions will remain in effect until they are terminated by the Mayor. It is illegal for any person to park or allow to remain parked any vehicle within the arterial streets during the announced parking prohibition.

**Stuck or Stalled Vehicle on Emergency Snow Route**

If a motor vehicle stalls or becomes stuck on an emergency snow route, the vehicle's operator must take immediate action to have the vehicle towed or pushed off the roadway. Stalled vehicles include those vehicles that have stalled due to lack of fuel or dead batteries.

Additionally, no person shall abandon or leave their vehicle except for the purpose of securing assistance at a nearby telephone or service station. After obtaining assistance, the operator must immediately return to the vehicle. Municipal Code 10.40.080.

#### **Vehicles not Removed from Prohibited Parking Areas**

The Lincoln Police Department is authorized to remove any abandoned or parked vehicle located within the prohibited parking snow route. Municipal Code 10.04.110.

#### **Additional Information**

Additional information regarding snow routes may be found in the blue pages section of the Lincoln Telephone Directory.

## **SNOW REMOVAL**

*Lincoln Municipal Code 14.80.110*

#### **Snow Removal from Sidewalks**

The owner or occupant of a home or building must keep the sidewalks clear of snow and ice and keep such sidewalks free from snow and ice during the day. The sidewalks must be clear of snow and ice on the day after the snow storm ends by 9 a.m. Municipal Code 14.81.110. For example, if it snows on Monday, the sidewalks must be shoveled by Tuesday morning at 9 a.m.

#### **Contact Information**

Complaints regarding unshoveled or dangerous sidewalks should be made to the sidewalk division of the Department of Public Works at 441-7541.

## **TREES OR SHRUBS CROSSING PROPERTY LINES**

#### **Determine Location of Tree/Shrub**

The location of the tree or shrub in question is important in determining whether the branches may be cut.

#### **Trees or Shrubs Located on Neighbor's Property**

If the tree is located entirely on the neighbor's property, than the branches may be cut, but only at the point where the branches cross the property line. The Nebraska Supreme Court has held that "one whose property is invaded by the boughs of trees growing on adjoining premises may cut them at the point where they enter his property." *Jurgens v. Wiese*, 151 Neb. 549, 554, 38 N.W.2d 261, 264 (1949). This rule grants a person the right to trim the branches or shrubs to the extent that they extend into his or her property. While the property owner is allowed to cut the neighbor's branches or shrubs that intrude onto their property, the property owner does not have any ownership interest in the tree or shrub.

#### **Trees or Shrubs Located Directly on the Boundary Line**

If the tree or shrub is located directly on the boundary line, than the branches may not be cut down without the consent of the other neighbor. In *Patterson v. Oye*, 214 Neb. 167, 333 N.W.2d 389 (1983), the Nebraska Supreme Court held that when a tree is located directly on the boundary between properties, so that the property line runs through the tree, that tree is the common property of both property owners. Therefore, one property owner must gain the consent of the other before cutting or destroying the tree. An owner who does cut a tree or shrub located on the boundary line, without the consent of the other owner, may be liable for monetary damages based on the amount of damage caused to the tree. Additionally, a property owner who does not want the tree or shrubbery to be altered may rightfully seek an injunction preventing the other owner from damaging or destroying the tree.

## **UNREGISTERED, WRECKED, ABANDONED, OR JUNKED VEHICLES**

*Lincoln Municipal Code 10.42*

#### **Junk Vehicle Ordinance**

It is illegal for property owners, tenants, and occupants within the Lincoln City Limits to keep a "nonoperating, wrecked, junked, or partially dismantled vehicle" on their property for more than thirty days. Municipal Code 10.42.110. It is also illegal to keep a vehicle or trailer that has not been registered for more than thirty days on the property. Violators of the junk vehicle ordinance are guilty of a misdemeanor and may be fined up to \$500.00 if convicted.

### **Making a Complaint**

To make a complaint regarding a junked vehicle in the neighborhood, call the Neighborhood Hotline at 411-6300. The complaint will be recorded and forwarded to the appropriate department.

### **Exceptions to the Junk Vehicle Ordinance**

The junked vehicle ordinance does not apply to vehicles in enclosed buildings, vehicles on the premises of a lawfully operated business, when necessary to the operation of the business, nor to vehicles on farmsteads. Municipal Code 10.42.110. A resident with a hobbyist permit will not be in violation of the junk vehicle ordinance. Municipal Code 10.42.115.

### **Hobbyist Permit**

According to Lincoln Municipal Ordinance 10.42.115, residents may apply for a hobbyist permit to restore or repair no more than two non-operating, wrecked, junked or partially dismantled vehicles. Applications for a hobbyist permit may be obtained by calling the City Clerk's Office at 441-7436. Information requested on the application include, the name and address of the applicant, as well as information about the vehicle to be restored or repaired. The applicant must also be the owner of the vehicle. The hobbyist permit only applies to that vehicle, not to the parts or junk on or near the vehicle. The fee for the hobbyist permit is \$50.00 per vehicle. The permit expires 180 days after being issued and may only be renewed once for \$50.00 per vehicle.

### **ABANDONED VEHICLES**

*Lincoln Municipal Code 10.42.100*

It is illegal to abandon a vehicle. According to Lincoln Municipal Code 10.42.020, a vehicle is considered "abandoned" under the following circumstances:

- It is left unattended with no number plates for more than six hours on any public right-of-way, street, alley, highway, or park.
- It is left unattended and illegally parked for more than six hours on any public right-of-way, street, alley, highway, or park.
- It is left unattended and illegally parked for more than forty-eight hours.
- It is left unattended for more than seven days on private property, without the owner's permission or after permission of the property owner has been terminated.

### **Contact Information**

To make a complaint about an abandoned vehicle in the neighborhood, call the Neighborhood Hotline at 441-6300. The complaint will be recorded and forwarded to the appropriate department.

## **HAZARDOUS VEHICLES**

*Lincoln Municipal Code 8.02.020*

It is illegal to keep a hazardous vehicle on private property for more than fifteen days. A hazardous vehicle is one that meets at least one of the following criteria:

- Has junk or garbage stored in it.
- Has heavy growth of grass over twelve inches high around it.
- Is in danger of falling or turning over.
- Is a safety hazard for children.
- Is a possible nesting site for insects or rodents.
- Is a potential source of soil contamination, explosion, or fire due to leaking petroleum products or battery acid.

### **Exceptions to Hazardous Vehicle Ordinance**

The prohibition against hazardous vehicles does not apply to a vehicle in an enclosed building, a vehicle on the premises or a business enterprise operated in a lawful place and manner, or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner.

### **Making a Complaint**

To report a hazardous vehicle in the neighborhood, call the Neighborhood Hotline at 441-6300. The complaint will be recorded and forwarded to the appropriate department.

## UNRELATED PERSONS LIVING TOGETHER

### **Single-Family Dwelling**

*Lincoln Municipal Ordinance 27.03.220*

It is illegal to have more than two unrelated persons living in a single-family dwelling. A single-family dwelling is a home that has accommodations for and is only occupied by one family. A family includes those “persons immediately related by blood, marriage, or adoption.” Municipal Code 27.03.220. However, a family may not have more than two unrelated persons living in the home.

The following persons are considered related for the purposes of this ordinance: (1) people living with a family for purposes of adoption; (2) not more than six persons under nineteen years old, residing in a foster home; (3) not more than four persons nineteen years of age or older who receive foster care; (4) any person living with a family at the direction of a court. Municipal Code 27.03.220.

### **Two-Family Dwelling**

A two-family dwelling is a home that has accommodations for and is occupied by two families. The definition of family is the same for both single and two-family dwellings.

### **Contact Information**

To register a complaint regarding the number of individuals in a home, call the 24-hour Neighborhood Hotline at 402-441-6300.

## VEHICLES - LOUD ENGINES AND STEREO

*Lincoln Municipal Code 8.24*

### **Noise Control Ordinance**

The city of Lincoln has a Noise Control Ordinance “to prevent excessive sound and vibration which will jeopardize the health and welfare or safety of its citizens or degrade the quality of life.” Municipal Code 8.24.020. No person shall make, continue, or cause to be continued any noise disturbance (any sound not occurring in the natural environment which would tend to annoy or disturb humans with reasonable sensitivities, or which injures or endangers the comfort, health, welfare, hearing, peace or safety of other persons). Municipal Code 8.24.050.

### **Prohibited Activities**

The Lincoln Municipal Code sets out the noise level standards for several activities including but not limited to stereos, public address systems, animals, musical instruments, tools, construction, and vehicles. Acceptable noise levels are measured in decibels.

### **Making a Complaint**

Any complaint with regard to a violation of the noise control ordinance should be made to the police at 441-6000. Once a report is made, a police officer will be dispatched to investigate the noise and determine whether any action should be taken. Police officers are granted a great deal of discretion in determining whether to investigate a complaint, therefore, it is important to provide as much information as possible, including name, address, and telephone number.

Contact the investigating officer to determine the progress of the complaint. If the investigating officer is unavailable, or there are additional questions, contact the Captain of the Southwest area of the Lincoln Police Department, at 441-7754.

## VOTING

### **Registration**

There are a number of requirements that must be met in order for a person to be eligible to register to vote. These requirements are:

- You must be (or are going to be) at least eighteen years of age on general election day;
- You must be a United States citizen;
- You must be a Nebraska resident;
- You cannot be serving out a sentence for a felony conviction; and
- You cannot have been found mentally incompetent.

Nebraska does not have a requirement as to how long a person must be a Nebraska resident before being eligible to register to vote. A person may register to vote on the same day that they take up residency. Additionally, at the time of registration, the person will be required to designate a political party affiliation.

### **Voter Registration Required**

To vote on election day you must be registered to vote in the county.

### **Where to Register**

To register in person, visit the election office during the hours of 8 a.m. to 4:30 p.m. To obtain a listing of additional voter registration sites, call the election office at 441-7311.

Registration by mail is also available. Application packets are available at local banks, post offices, and libraries. There is also a voter registration form in the Lincoln Phone Book. Completed applications should be sent to the election office. When registering by mail you will be notified through the mail when your application is accepted.

### **Change of Information**

It is necessary to re-register when there has been a change of name, address, or political party affiliation. If any of these events take place you must re-register with the election office.

### **Deadline to Register**

If registering by mail, the application must be postmarked by the 3rd Friday before election day. Registration in person may be completed up to ten days before election day.

### **Location for Voting**

Each registered voter is assigned to a polling place. Each voter will receive their polling assignment at the time of registration. Polling assignments may also be obtained and verified by calling the election office at 441-7311.

### **Voter Assistance**

Persons who are blind, cannot read, or are physically disabled may request assistance in marking their ballot. A friend or relative, or two election officials (one from each political party) may also assist in the voting process. All polling places are handicap accessible and ballots may be brought to a voter's vehicle if it is difficult for the voter to enter the polling place.

### **Obtaining an Absentee Ballot**

Absentee ballots are available from the election office and may be obtained either in person or by mailing an absentee ballot request. Requests by mail must include the following information: name and address, political party, address where the ballot should be sent and signature. Additionally, someone may pick up an absentee ballot from the election office for you, however, this person or agent cannot be a candidate or person on a committee for a candidate.

Absentee ballots are available thirty-five days before a general election and fifteen days before a city election.

The last day before an election to request an absentee ballot by mail is the Friday before the election at 5 p.m. The last day on which an absentee ballot may be obtained in person is the day before the election at 5:30 p.m. Absentee ballots returned in person must be returned by 8 p.m. on election day. Absentee ballots returned by mail must be received by the election office by 10 a.m. on the 2nd day after the election.

### **Election Office Location**

The election office is located at 601 North 46th Street and can be reached by phone at 441-7311.

## **WEEDS**

### *Lincoln Municipal Code 8.46*

Real estate owners have a duty to keep their property and one-half of the streets and alleys abutting their property clear of all weeds and worthless vegetation that is greater than six inches in height. Municipal Code 8.46.010. Any weeds that are greater than six inches in height are classified as noxious weeds, and the city may take action against the real estate owner.

### **Making a Complaint**

When a real estate owner fails to remove weeds that are greater than six inches tall, the Director of Public Works and Utilities has the right to cut and clear the noxious weeds. Municipal Code 8.46.020. After a complaint has been made, the Director of Public Works will notify the real estate owner of the complaint, either by publication or certified mail. Five days after notification is given, the city may enter the property and remove the overgrown weeds. The real estate owner will be assessed the cost of the weed removal. Municipal Ordinance 8.46.030. The real estate owner may also be fined up to \$100 for the failure to perform the duty of weed removal.

**Contact Information**

Any complaints regarding noxious weeds should be made to the Weed Control Authority at 441-7817.