

**ORDINANCE NO. 2018-1127**

**AN ORDINANCE OF THE CITY OF WISNER, NEBRASKA, RECODIFYING THE GENERAL ORDINANCES OF THE CITY; REPEALING PRIOR ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF WISNER, NEBRASKA, AS FOLLOWS:**

**SECTION 0-001: RECODIFICATION**

The ordinances of the City of Wisner, Nebraska, are hereby compiled and classified into ten chapters and the sections thereunder, which are adopted and declared to be the ordinances of this city.

**SECTION 0-002: REPEAL PRIOR ORDINANCES IN CONFLICT**

All ordinances and parts of ordinances of a general or permanent nature passed and approved prior to the passage and approval of this codification ordinance and in conflict with this ordinance are hereby repealed; provided, in construing the provisions of this ordinance, the following ordinances shall not be considered or held to be ordinances of a general or permanent nature, to-wit:

1. Ordinances vacating streets or alleys;
2. Ordinances authorizing or directing public improvements to be made;
3. Ordinances levying taxes or special assessments;
4. Ordinances granting any right, privilege, franchise, or license to persons, firms, or corporations;
5. Ordinances providing for the issuance of bonds or other instruments of indebtedness;
6. Any other ordinance which by nature would be considered special.

**SECTION 0-003: EXCEPTIONS**

The repeal of ordinances as provided in the preceding section hereof shall not affect any right acquired, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of such ordinances and parts thereof. Said ordinances above repealed are hereby continued in force and effect after the passage, approval and publication hereof for the purpose of all such rights, fines, penalties, forfeitures, and liabilities and actions therefor.

**SECTION 0-004: CONSTRUCTION OF CHAPTERS**

For purposes of construction, each chapter contained and arranged in this code shall be considered as a separate and distinct ordinance grouped for convenience under General Codification Ordinance No. 2018-1127, and each section appearing in the several

chapters of this code shall be considered a separate and distinct unit of legislation germane to the chapter or article under which it is considered.

### **SECTION 0-005: DEFINING CHAPTERS AND SECTIONS; ORDINANCE NUMBERING**

The chapters and sections as set forth herein shall be and hereby are declared to be the chapters and sections to designate said provisions, and all ordinances hereafter passed shall be numbered consecutively.

### **SECTION 0-006: GENERAL DEFINITIONS**

1. *Person*. Whenever used in this code, "person" shall include persons, artificial persons such as corporations, co-partnerships, associations, and all aggregate organizations of whatever character.

2. *Gender, number*. All words used herein implying the masculine gender may apply to and include the feminine or neuter gender, and all words importing the plural may be applied to and mean a single person, firm or thing, or vice versa; and all words importing the singular number may be applied to and mean plural number.

3. *Code, ordinance, article*. "Municipal code" shall mean General Codification No. 2018-1127. "Ordinance" and "article" are used synonymously, unless from the context the contrary clearly appears.

4. *City, municipal, municipality*. These terms, whenever used in this code, refer to the City of Wisner, Nebraska, a municipal corporation.

### **SECTION 0-007: VALIDITY**

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

### **SECTION 0-008: NONSUBSTANTIVE CHANGES**

Municipal Code Services, Inc., and the city clerk be and hereby are authorized to make nonsubstantive changes in this ordinance to correct the spelling of words, capitalize or uncapitalize words, and make other similar changes in accordance with accepted usage or for consistency with terminology used in other provisions of this code. Municipal Code Services, Inc., and the city clerk are further authorized to make other nonsubstantive changes necessary to incorporate ordinance material into this code while preserving the original meaning of the ordinance sections.

## **SECTION 0-009: EMPOWERMENT OF OTHER LAW ENFORCEMENT PERSONNEL**

The terms "city police" or "city law enforcement" shall apply in all instances to all other law enforcement officials, including Cuming County sheriff and deputies and Nebraska State Patrol troopers. Whenever this codifying ordinance empowers the city police to take any action, such empowerment shall extend to and apply equally to the Cuming County sheriff or deputies or any Nebraska State Patrol troopers.

## **SECTION 0-010: DOLLAR AMOUNTS NOT REQUIRED TO BE INCORPORATED**

All compensation amounts for city officials and employees, fees and charges for providing municipal services to the customers of such services, occupation taxes, and minimum fines for violation of municipal ordinances may be established from time to time by ordinance or resolution as required or permitted by Nebraska law. Any such ordinance or resolution shall be on file with the city clerk and available for public inspection during normal office hours. Such ordinances containing compensation, fees, charges, taxes and fines shall be published as required by law but it shall not be required that they be incorporated as part of the general ordinances in book form.

## **SECTION 0-011: FINES, COSTS, COMMITMENTS**

In any case where any person, including a partnership or corporation, shall have been found guilty of the violation of any ordinance of the City of Wisner, such person shall pay the costs of prosecution and court costs and shall stand committed until the same shall have been paid in full.

## **SECTION 0-012: BLANKET PENALTY**

Any person, firm, or corporation, their agents or servants, who shall violate any of the provisions of the within municipal code of ordinances, chapters, sections, or subdivisions of sections included herein, unless specifically otherwise provided herein, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not to exceed \$500.00.

## **SECTION 0-013: PUBLICATION AND DISTRIBUTION**

This code was printed in book form under the direction of the Mayor and City Council and shall be distributed as they may see fit.

## **SECTION 0-014: 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 2<sup>nd</sup> day of April, 2018.

CITY OF WISNER, NEBRASKA

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Administrator/Clerk/Treasurer

**CERTIFICATION OF PASSAGE**

STATE OF NEBRASKA    )  
                                          ) ss.  
COUNTY OF CUMING    )

I, Al Vacanti, City Administrator/Clerk/Treasurer in and for the City of Wisner, Nebraska, do hereby certify that Ordinance No. 2018-1127, which is herein set out, was duly passed by the City Council and duly approved by the Mayor of said city on the 2<sup>nd</sup> day of April, 2018.

In testimony whereof, I have hereunto set my hand and affixed my official seal this 2<sup>nd</sup> day of April, 2018.

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City Administrator/Clerk/Treasurer

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