

4-4-95  
Judicial Clerk  
of Grand Jury

ORDINANCE NO. 1025

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 2, SECTION 1-201 AND CHAPTER 1, ARTICLE 2, SECTION 1-211 OF THE MUNICIPAL CODE OF GOTHENBURG, NEBRASKA, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA AS FOLLOWS:

Section 1. That Chapter 1, Article 2, Section 1-201, of the Municipal Code of Gothenburg, Nebraska, be amended to read as follows:

APPOINTED OFFICIALS; GENERAL AUTHORITY. The Mayor, by, and with the consent of the City Council, may appoint such officers as shall be required by ordinance or otherwise required by law. Such officers may be removed from office by the Mayor. The Mayor, by, and with the consent of the City Council, shall appoint such other officials as may be necessary, and may establish a police reserve force as provided by law. All such appointed officials, including police officers, shall be subject to removal at any time by the Mayor. The appointment of police officers shall be subject to the terms of Section 1-211.

Section 2. That Chapter 1, Article 2, Section 1-211, of the Municipal Code of Gothenburg, Nebraska, be amended to read as follows:

**APPOINTED OFFICIALS; MUNICIPAL POLICEMEN.**

The Municipal Police, whether regular, or special shall have the power to arrest all offenders against the laws of the State of Nebraska, or the Municipality, by day or by night, and keep the said offenders in the Municipal jail, or some other place to prevent their escape until trial can be held before the proper official of the State of Nebraska, or the Municipality. They shall have full power, and authority to call on any person whenever necessary to assist them in performing public duties, and failure, neglect, or refusal to render such assistance shall be deemed a misdemeanor punishable upon conviction by a fine. Every Municipal Policeman shall be expected to be conversant, and knowledgeable with the Municipal and State laws and no law enforcement official shall have any interest in any establishment having a liquor license. Municipal Policemen shall have the duty to file such complaints and reports as may be required by the Municipal ordinances, and the laws of the State of Nebraska. Any Municipal Policeman who shall willfully fail, neglect, or refuse to make an arrest, or who purposely, and willfully fails to make a complaint after an arrest is made shall be deemed guilty of a misdemeanor, and upon conviction shall be fined. It shall be unlawful for the Governing Body to retain any Municipal Policeman in that position after he shall have been duly convicted of the willful violation of any law

of the United States of America, the State of Nebraska, or any ordinance of the Municipality, except minor traffic violations. It shall be the duty of every Municipal Policeman making a lawful arrest to search all persons in the presence of some other person, wherever possible, and shall carefully keep, and produce to the proper judicial official upon the trial everything found upon the person of such prisoners. All personal effects so taken from prisoners aforesaid shall be restored to them upon their release. Suit able uniforms and badges shall be furnished to the Municipal Police by the Municipality. Any member who shall lose or destroy the same shall be required to pay the replacement costs, and in the every that any member shall leave the force, he shall immediately deliver his badge to the Police Chief. The Governing Body may from time to time provide the Municipal Police with such uniforms, equipment, and transportation as may be essential in the performance of their official duties. (Ref. 17-118, 17-124 RS Neb.)

All Municipal police officers now in the employ of or hereafter to be employed by the Municipality are hereby required as a condition of their continued employment to have their place of abode in the Municipality and to be bona fide residents therein, except as otherwise provided by this section. A bona fide resident, for the purpose of this section, is a person having a permanent domicile within the

Municipality and one which has not been adopted with the intention of again taking up or claiming a previous residence acquired outside of the Municipal limits.

The Mayor is hereby authorized in his or her discretion, for good cause shown, to permit any police officer of the Municipality to begin or remain in the employ of the Municipality without complying with the provisions hereof, where:

(a.) The health of any police officer necessitates residence outside of the Municipal limits;

(b.) The nature of the employment is such as to require residence outside of the Municipal limits;

(c.) Special circumstances exist justifying residence outside of the Municipal limits;

(d.) At the time of appointment the police officer is not a resident of the Municipality; provided, such officer shall establish residence in the Municipality within six months of appointment.

Failure of any police officer to comply with this section shall be cause for his or her removal or discharge from Municipal service.

Section 3. That any ordinance or section passed and approved prior to the passage, approval, and publication or posting of this ordinance and in conflict with its provisions, is hereby repealed.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

CITY OF GOTHENBURG, DAWSON  
COUNTY, NEBRASKA

BY \_\_\_\_\_  
Richard L. Blase, Mayor

ATTEST:

\_\_\_\_\_  
Connie Stull, City Clerk

APPROVED AS TO FORM:

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Michael L. Bacon  
City Attorney

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