

ORDINANCES OF A GENERAL AND PERMANENT NATURE

OF THE CITY OF GOTHENBURG, NEBRASKA

ORDINANCE NO. 636

An Ordinance of the City of Gothenburg, Nebraska, revising the general ordinances of the Municipality, repealing prior ordinances in conflict herewith, and providing for an effective date.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF GOTHENBURG, NEBRASKA.

Section 1. Codification. The general ordinances of the Municipality of Gothenburg, Nebraska, are hereby codified into eleven (11) chapters and the articles and sections hereunder, which are adopted and declared to be ordinances of the Municipality.

Section 2. Repeal of 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codification ordinances and in conflict with this ordinance or with any of the provisions of this ordinances are hereby repealed; provided, that in construing the provisions of this ordinance the following ordinances shall not be considered or held to be ordinances of a general or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 and alleys;
2. Ordinances authorizing or directing public improvements to be made;
3. Ordinances levying taxes or special assessments;
4. Ordinances granting a franchise, or special license to persons, firms, or corporations;
5. Ordinances providing for the issuance of bonds or other instruments of indebtedness;
6. Ordinances establishing grades;
7. Real estate transactions;
8. Any other ordinance which by nature would be considered special.

Section 3. **Exception.** The repeal of ordinances as provided in Section 2. Ordinance No. 636 shall not affect any rights acquired, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provision of such ordinances and parts thereof prior to repeal. Such ordinances above repealed are hereby continued in force and effect after the passage, approval and publication of this general codification ordinance for the purpose of all rights, fines, penalties, forfeitures, liabilities, and actions thereof.

Section 4. **Defining Chapters, Articles, and Sections.** The chapters, articles, and sections as set forth herein shall be and hereby are declared to be the chapters, articles, and sections of this general codification ordinance. All ordinances hereafter passed by the Governing Body of the Municipality shall be numbered consecutively, beginning with No. 637.

Section 5. **Severability.** If any section, subsection, paragraph, sentence, clause, phrase, term, or provision of this ordinance should be declared invalid by any court of competent jurisdiction for any reason whatsoever, such decision shall not affect the remaining portions of this code, which will remain in full force and effect, and the provisions of this ordinance are hereby declared to be severable.

Section 6. **Blanket Penalty.** Any person, his agents, or servants who shall violate any of the provisions of this Municipal Code unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars (\$100.00). Whoever aids,

abets, procures, encourages, requests, advises, or incites another to commit any act which is an offense under this Code or under any other ordinances of the Municipality may be prosecuted and punished as though he were the principal offender.

Section 7. General Definitions:

1. Person. Whenever used in this code, the word person shall include natural persons, artificial persons such as corporation, copartnership, associations, and all aggregate organizations of whatever character.

2. Gender and 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. All words importing the singular number may be applied to and mean the plural number.

3. Code, Ordinance, and Chapter. Municipal Code shall mean the General Codification Ordinance No. 636. Ordinance and chapter are used synonymously unless from the context the contrary clearly appears.

4. Wholesale Dealer. The words wholesale dealer or sellers of said product at wholesale shall embrace and include manufacturers of any product who sell the said product to other persons for the purpose of future resale to consumers.

5. Municipal and Municipality. The words Municipal and Municipality whenever used in this code shall mean the City of Gothenburg, Nebraska, a Municipal Corporation.

6. Governing Body. The words Governing Body, whenever they

appear in this Code mean the Mayor and City Council of the Municipality.

7. Mayor. The word Mayor means the Chief Administrative Official of the Municipality whenever it appears in this Code.

8. Municipal Police. Municipal Police shall mean any police officer of the Municipality or shall mean any officer of the Dawson County Sheriff's Department whenever it appears in this Code as it may be changed from time to time by the Governing Body.

Section 8. Time. Whenever words fixing or importing time or the hour of the day are used in this Code, they shall be construed to mean Central Standard time or Central Daylight Savings Time whichever is applicable.

Section 9. Construction of Chapters, Articles, and Sections. 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 the General Codification Ordinance No. 636, 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 grouped and each article appearing in the said chapters shall be considered as a group of legislative units germane to the chapter wherein it is placed. Any chapter, article, or section duly enacted by the Governing Body of the Municipality and included in this Code, and any other independent ordinance, chapter, article, section, or subsection of an ordinance duly enacted shall be altered, amended, or revised only by the complete nullification and repeal of such ordinance, chapter, article, section or subsection

and by the substitution of a new ordinance, chapter, article, section or subsection containing the entire ordinance, chapter, article, section, or subsection as amended, altered, or revised.

Section 10. Supplementation of Municipal Code. When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:


1. Organize the ordinance material into appropriate subdivisions;
2. Provide appropriate catchlines, headings and titles for section and other subdivision of the Code printed in the supplement, and make changes in such catchlines, headings and titles.
3. Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary, to accommodate new material, change existing section or other subdivision numbers.
4. Change the words "this ordinance" or words of the same meaning to "this chapter", "this article", "this section", etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicated the sections of the Code which embody the substantive section of the ordinances incorporated into the Code); and
5. Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case, shall the codifier made any change in the meaning or effect of ordinance material included in the supplement or already embodies in the Code.

Section 11. Publication and Distribution. This code was printed in book form under the direction of the Governing Body, and shall be distributed as it may see fit. (Ref. 17-613, 17-614 RS Neb.)

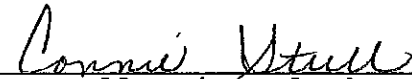
Section 12. When Operative. This ordinance shall be in full

force and shall take effect from and after its passage, approval and publication according to law.

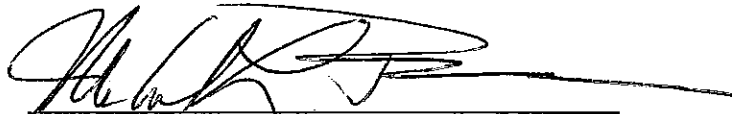
Passed and approved this 19th day of December, 1995.


Richard L. Blase, Mayor

ATTEST:


Connie Stull, City Clerk

APPROVED AS TO FORM:


Michael L. Bacon, City Attorney