

# **City of Scottsbluff, Nebraska**

**Monday, November 20, 2023**

**Regular Meeting**

## **Item Resolut.3**

**Council to consider action on the first reading of the Ordinance dealing with Chapter 6, Article 7 dealing with penalties, including waiverable offenses and authorizing the use of the Supreme Court waiver/fine schedule for Ordinance violations.**

**Staff Contact: Kevin Spencer, City Manager**

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF SCOTTSBLUFF, NEBRASKA AMENDING CHAPTER 6, ARTICLE 7, SECTION 1 OF THE SCOTTSBLUFF MUNICIPAL CODE DEALING WITH PENALTIES, INCLUDING WAIVERABLE OFFENSES AND AUTHORIZING THE USE OF THE SUPREME COURT WAIVER/FINE SCHEDULE FOR ORDINANCE VIOLATIONS, PROVIDING FOR AN EFFECTIVE DATE AND PROVIDING FOR PUBLICATION IN PAMPHLET FORM.**

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. Chapter 6, Article 7, Section 2 of the Scottsbluff Municipal Code is amended as follows:

**“6-7-1. CLASSIFICATION OF PENALTIES; COSTS, SENTENCES, USE OF WAIVER/FINE SCHEDULE; WHERE SERVED.**

(A) For purposes of this code and any subsequent amendments thereto, violations are divided into the following classes which are distinguish from one another by the following penalties which are authorized upon conviction or waiver:

<i>Class of Violation</i>	<i>Maximum</i>	<i>Minimum</i>
I	7 days imprisonment or \$500 fine, or both	None
II	\$250 fine	None
W	As provided in Chapter 22, Article 5	

(B) In all cases the convicted or waiverable defendant shall pay the costs of prosecution.

(C) All city ordinance violations which are the equivalent of state statute violations listed on the Supreme Court Waiver/Fine Schedule are waiverable and carry the penalty listed on the Supreme Court Waiver/Fine Schedule unless the scheduled fine exceeds the maximum allowed by any class of violation listed in subparagraph (A). City ordinance violations are now designated as waiverable offenses and may be incorporated in any County Court rule.

(D) All sentences of imprisonment shall be served in county jail.” (Ordinance 3926, passed - 2006; Ordinance \_\_\_\_ passed - 2023)

Section 2. All other ordinances and parts of ordinances in conflict herewith are repealed. Provided, however, this ordinance shall not be construed to effect any rights, or duties existing at the time this ordinance becomes effective.

Section 3. This Ordinance shall become effective upon its passage and approval by law, and publication shall be in pamphlet form.

PASSED AND APPROVED on \_\_\_\_\_, 2023.

Attest:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk (Seal)

Approved as to form:

\_\_\_\_\_  
City Attorney