

ORDINANCE NO. 1538

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, AMENDING THE DAVID CITY MUNICIPAL CODE TO IMPOSE A MINIMUM STAFFING REQUIREMENT FOR THE DAVID CITY POLICE DEPARTMENT; REPEALING CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on February 8, 2023, the City of David City, Nebraska, a municipal corporation and city of the second class ("**City**") passed Ordinance No. 1428, thereby creating the David City Police Department (the "**Department**"); and

WHEREAS, Section 17-107(3)(a) of the Nebraska Revised Statutes allow City's "[M]ayor, by and with the consent of the [C]ity [C]ouncil, shall appoint such a number of regular police officers as may be necessary"; and

WHEREAS, Section 1-509 of City's Municipal Code (the "**Code**") provides that the Department "shall consist of a police chief, assistant chief, sergeant, three full-time sworn enforcement officers, and five part-time law enforcement officers"; and

WHEREAS, City desires to and finds it in the best interest of City and its residents to amend the Code to implement a minimum staffing requirement for the Department.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, as follows:

(1) Amendment to Section 1-509. The City hereby amends Section 1-509 by repealing it in its entirety and replacing it with the following:

SECTION 1-509: POLICE DEPARTMENT

A. The City of David City Police Department shall at all times consist of no less than a full-time Chief of Police, six (6) full-time, sworn law enforcement officers, and four (4) part-time, sworn law enforcement officers. The Chief of Police shall promptly notify the Mayor if the Police Department is below the minimum staffing requirements of this section or if the Police Chief becomes aware of circumstances that may give rise to the same.

B. The David City Police Department is responsible for any non-emergency and emergency calls for service within the city limits and for issuing citations or making arrests for violations of all city ordinances or Nebraska state laws. The police chief shall have immediate control over all the David City police officers. The police chief oversees the law enforcement budget and all equipment needed for the Police Department. The police chief is in charge of all necessary reporting to local, state, and federal entities and offices in relation to the David City Police Department's activities or crime within the City.

C. The City may enter into a contract with the County Board of Butler County for police and law enforcement services to be provided by the Butler County Sheriff's Department. Whenever any such contract has been entered into, the sheriff or his deputies shall, in addition to their other powers and duties, have all the powers and duties of the city police chief within and for the city. One copy of such contract shall be on file at the office of the city clerk, available for public inspection during office hours. (Neb. Rev. Stat. §§ 17-208, 17-2132, 19-3801) (Am. Ord. No. 1477, 6/12/24).

(2) No Other Amendment. Except as expressly provided herein, this Ordinance shall not modify or amend any provision of the Code.

(3) Conflicting Ordinances. City hereby repeals all ordinances passed and approved prior to the passage, approval, and publication of this Ordinance to the extent of the conflict therewith.

(4) Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form.

Passed and approved this 26th day of August, 2026.

Jessica Miller, Mayor

ATTEST

Lori Matchett, City Clerk

APPROVED AS TO FORM:

David C. Levy, Esq., City Attorney