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CHAPTER 1 – CIVIL ADMINISTRATION

Article 1 – Village Administration

SECTION 1-101: CORPORATE EXISTENCE

The Village of Greenwood, Nebraska, having a population of fewer than 800 inhabitants, is hereby declared to be a village and shall be governed in all respects by the laws regulating villages. (Neb. Rev. Stat. §17-201)

SECTION 1-102: OFFICIAL CORPORATE SEAL

The official corporate seal of the Village shall be kept in the office of the village clerk, and may bear the following inscription: "Village of Greenwood, Nebraska, Corporate Seal." The village clerk shall affix an impression of the said official seal to all warrants, licenses, permits, ordinances, and all other official papers issued by order of the Village Board and countersigned by him or her. (Neb. Rev. Stat. §17-502)

SECTION 1-103: OATH OF OFFICE

A. All officials of the Village, whether elected or appointed, except when a different oath is specifically provided herein, shall, before entering upon their respective duties, take and subscribe the following oath which shall be endorsed upon their respective bonds:

"I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservation or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of _____ according to law and to the best of my ability. And I do further swear that I do not advocate nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God."

B. If any such officer is not required to give bond, the oath shall be filed in the office of the secretary of state or with the village clerk.
(Neb. Rev. Stat. §11-101)

SECTION 1-104: BONDS; FORM

A. All official bonds of village officers must be in form, joint and several, and made payable to the Village in such penalty as the Village Board may fix. All official bonds shall obligate the principal and sureties for the faithful discharge of all duties required by law of such principal, and shall inure to the benefit of any persons injured by a breach of the conditions of such bonds. The approval of each official bond shall be endorsed upon such bond by the officer approving the same, and no bond shall be filed and recorded until so approved. In place of the individual bonds required to be furnished by municipal officers, a blanket bond or undertaking, or evidence of equivalent insurance, may be given by municipal officers. The Village may pay the premium for the bond or insurance coverage, which shall be, at a minimum, an aggregate of the amounts fixed by law or by the Village Board and with such terms and conditions as may be required.

B. All official bonds of local officers shall be executed by the principal named in such bonds and by at least two sufficient sureties who shall be freeholders of the county in which such bonds are given; or any official bond of a local officer may be executed by the officer as principal and by a guaranty, surety, fidelity or bonding company as surety, or by two or more of such companies. Only such companies as are legally authorized to transact business in this state shall be eligible to suretyship on the bond of a county, precinct or other local officer.

C. Official bonds, with the oath endorsed thereon, shall be filed in the proper office within the following time: (1) of all officers elected at any general election, following receipt of their election certificate and not later than ten days before the first Thursday after the first Tuesday in January next succeeding the election; (2) of all appointed officers, within 30 days after their appointment; and (3) of officers elected at any special election and village officers, within 30 days after the canvass of the votes of the election at which they were chosen. The filing of the bond with the oath endorsed thereon does not authorize a person to take any official action prior to the beginning of his or her term of office pursuant to Article XVII, Section 5, of the Constitution of Nebraska.

D. The officers with whom any official bonds are required by law to be filed shall carefully record and preserve the same in their respective offices and shall give certified copies thereof, when required, under the seal of their office, and shall be entitled to receive for the same the usual fee allowed by law for certified copies of records in other cases.

E. If any person elected or appointed to any office neglects to have his or her official bond executed and approved as provided by law and filed for record within the time limited by Neb. Rev. Stat. §11-101 to 11-122, the provisions of Neb. Rev. Stat. §11-115 shall apply.

F. Any person appointed to fill a vacancy, before entering upon the duties of

the office, must give a bond corresponding in substance and form with the bond required of the officer originally elected or appointed, as herein provided. When the incumbent of an office is re-elected or re-appointed, he or she shall qualify by taking the oath and giving the bond as above directed.

(Neb. Rev. Stat. §11-103 to 11-105, 11-109 to 11-112, 11-115 to 11-117, 17-604)

SECTION 1-105: SALARIES

A. The salaries of elected and appointed officials shall be set by ordinance and kept on file in the office of the village clerk, available to the public for inspection during office hours.

B. The compensation of any elective official of the Village shall not be increased or diminished during the term for which he or she shall have been elected except when there has been a merger of offices; provided, the compensation of the members of the Village Board, a board, or commission may be increased or diminished at the beginning of the full term of any member whether or not the terms of one or more members commence and end at different times.

C. No elected official may be rehired at a greater salary if he or she resigns and desires to be rehired during the unexpired term of office. Said official may be rehired after the term of office during which he or she resigned at a greater salary. All salaries shall be set by ordinance of the Village Board and will be available for public inspection at the office of the village clerk.

(Neb. Rev. Stat. §17-209, 17-612)

SECTION 1-106: CONFLICT OF INTEREST

A. For purposes of this section, "officer" shall mean (1) any member of any board or commission of the Village; (2) any appointed official if such village official serves on a board or commission which spends and administers its own funds and is dealing with a contract made by such board or commission; or (3) any elected village official.

B. Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this section with respect to their duties as firefighters and ambulance drivers.

C. No officer of the Village shall be permitted to benefit from any contract to which the Village is a party. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the Village or by any resident thereof and must be brought within one year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor, or services furnished under the contract, to the extent that the Village has

benefited thereby. The prohibition in this section shall apply only when the officer or his or her parent, spouse, or child:

1. Has a business with which the individual is associated or a business association which shall mean a business: (a) in which the individual is a partner, director, or officer or (b) in which the individual or a member of the Individual's immediate family is a stockholder of a closed corporation stock worth \$1,000.00 or more at fair market value or which represents more than 5% equity interest or is a stockholder of publicly traded stock worth \$10,000.00 or more at fair market value or which represents more than 10% equity interest or
2. Will receive a direct pecuniary fee or commission as a result of the contract; provided, however, if such officer is an employee of the business involved in the contract and has no ownership interest or will not receive a pecuniary fee, such officer shall not be deemed to have an interest within the meaning of this section.

D. The provisions of this section shall not apply if the interested officer:

1. Makes a declaration on the record to the governing body responsible for approving the contract regarding the nature and extent of his or her interest, prior to official consideration of the contract;
2. Does not vote on the matter of granting the contract, except that if the number of members of the body declaring an interest in the contract would prevent the body, with all members present, from securing a quorum on the issue, then all members may vote on the matter; and
3. Does not act for the governing body as to inspection or performance under the contract in which he or she has an interest.

E. The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any village by a financial institution shall not be considered a contract under the provisions of this section. The ownership of less than 5% of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section. Notwithstanding the provisions of subsection (D)(1) through (3) above, if an officer's parent, spouse or child is an employee of the Village, the officer may vote on all issues of the contract which are generally applicable to all employees or all employees within a classification and do not single out his or her parent, spouse, or child for special attire. If an officer has the power to employ personnel and he or she hires his or her parent, spouse, or child, such officer shall disclose the hiring pursuant to subsection (F)(1) through (5) below, except that if the parent, spouse, or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made. Notwithstanding any other provision of this section, any contract entered into with an in-

interested officer shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the Village.

F. The village clerk shall maintain separately from other records a ledger containing the information listed in subdivisions (1) through (5) below about every contract entered into by the Village in which an officer has an interest as specified above for which disclosure is made as provided in subsection (D)(1) through (3) above. Such information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include the (1) names of the contracting parties; (2) nature of the interest of the officer in question; (3) date that the contract was approved by the Village; (4) amount of the contract; and (5) basic terms of the contract.

G. The information supplied relative to the contract shall be provided to the clerk not later than ten days after the contract has been signed by both parties. The ledger kept by the clerk shall be available for public inspection during normal working hours.

H. An open account established for the benefit of any village or entity thereof, with a business in which an officer has an interest, shall be deemed a contract subject to the provisions of this section. The statement required to be filed pursuant to this section shall be filed within ten days after such account is opened. Thereafter, the clerk shall maintain a running account of all amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to the provisions of this section.

I. Any officer who knowingly violates the provisions of Neb. Rev. Stat. §49-14,103.01 through 49-14,103.03 shall be guilty of a Class III misdemeanor. Any officer who negligently violates Neb. Rev. Stat. §49-14,103.01 through 49-14,103.03 shall be guilty of a Class V misdemeanor.

J. The Village may enact ordinances exempting from the provisions of this section contracts involving \$100.00 or less in which an officer of such village may have an interest.

K. No officer shall receive any pay or perquisites from the Village other than his/or her salary. The Village Board shall not pay or appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service, or duty which comes within the proper scope of the duties of any officer of the Village.

(Neb. Rev. Stat. §17-611, 18-305 through 18-312, 49-14,103.01 through 49-14,103.03)

Article 2 – Village Board

SECTION 1-201: POWERS

A. The Board of Trustees shall have the power to pass ordinances; to prevent and remove nuisances; to restrain and prohibit gambling; to provide for licensing and regulating theatrical and other amusements within the Village; to prevent the introduction and spread of contagious diseases; to establish and regulate markets; to erect and repair bridges; to provide for the inspection of building materials to be used or offered for sale in the Village; to govern the planting and protection of shade trees in the streets and the building of structures projecting upon or over and adjoining and all excavations through and under the sidewalks of the Village; and in addition to the special powers herein conferred and granted, to maintain the peace, good government, and welfare of the Village and its trade, commerce, and manufactories; and to enforce all ordinances by inflicting penalties upon inhabitants or other persons for violation thereof not exceeding \$500 for any one offense, recoverable with costs. (Neb. Rev. Stat. §17-207)

B. The Village has the power and authority by ordinance to define, regulate, suppress, and prevent nuisances, to declare what constitutes a nuisance, and to abate and remove the same. The Village may exercise such power and authority within its zoning jurisdiction. (Neb. Rev. Stat. §18-1720)

SECTION 1-202: NUMBER AND QUALIFICATIONS

The Board of Trustees shall consist of five members. Any person who is a citizen of the United States, a resident of the Village at the time of his or her election and a registered voter is eligible to be elected to the board. Every trustee so elected and so qualified shall hold his or her office for a term of four years; provided, a trustee's term shall expire and the office will become vacant upon a change of residence from the Village. All trustees elected to office shall qualify and meet at the first regular meeting of the board in December, organize, and appoint the village officers required by law. (Neb. Rev. Stat. §17-202, 17-203)

SECTION 1-203: VACANCY

A. Every elective office shall be vacant upon the happening of any of the events specified in Neb. Rev. Stat. §32-560 except as provided in Neb. Rev. Stat. §32-561. (Neb. Rev. Stat. §32-560)

B. Except as otherwise provided in subsection (C) or (D) of this section, vacancies in elected offices shall be filled by the Village Board for the balance of the unexpired term. Notice of vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the Village Board at a regular or special meeting and shall appear as a part of the minutes of such meeting. The board shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the Village or by posting in three public places in

the Village the office vacated and the length of the unexpired term.

C. The chairperson of the Village Board shall call a special meeting or place the issue of filling such vacancy on the agenda at the next regular meeting, at which time the chairperson shall submit the name of a qualified registered voter to fill the vacancy for the balance of the unexpired term. The regular or special meeting shall occur within four weeks after the meeting at which such notice of vacancy has been presented or within four weeks after the death of the incumbent. The board shall vote upon such nominee and if a majority votes in favor of such nominee, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the chairperson shall at the next regular or special meeting submit the name of another qualified registered voter to fill the vacancy. If the subsequent nominee fails to receive a majority of the votes, the chairperson shall continue at such meeting to submit the names of qualified registered voters in nomination and the board members shall continue to vote upon such nominations at such meeting until the vacancy is filled. All board members present shall cast a ballot for or against the nominee. Any member of the board who has been appointed to fill a vacancy shall have the same rights, including voting, as if such person were elected.

D. The board may, in lieu of filling a vacancy in the elected office as provided in subsection (A) of this section, call a special election to fill such vacancy.

E. If vacancies exist in the offices of a majority of the members of the Village Board, the secretary of state shall conduct a special election to fill such vacancies.

F. Any vacancy due to a recall election shall be filled as provided in Neb. Rev. Stat. §32-1308.

(Neb. Rev. Stat. §32-560 through 32-569, 32-1308) (Am. by Ord. No. 326, 6/9/98)

SECTION 1-204: CHAIRPERSON; SELECTION AND DUTIES

The Village Board chairperson shall be selected at the first regular meeting of the board in December by the board members from their own membership. The chairperson shall preside at all meetings of the board. In the absence of the chairperson, the Board of Trustees shall elect one of its own body to occupy the position temporarily who shall hold the title of chairperson pro tempore of the Board of Trustees. The chairperson and the chairperson pro tempore shall have the same powers and privileges as other members of the Board of Trustees. The chairperson shall cause the ordinances of the board to be printed and published for the information of the inhabitants. The chairperson shall also perform all duties of his or her office in accordance with the laws of the State of Nebraska and the ordinances of the Village. The qualifications for the chairperson shall be the same general qualifications that apply to the members of the Board of Trustees. (Neb. Rev. Stat. §17-202 through 17-210)

SECTION 1-205: MEETINGS; DEFINED

“Meetings” shall mean all regular, special, or called meetings, formal or informal, of a

public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action. (Neb. Rev. Stat. §84-1409(2))

SECTION 1-206: PUBLIC BODY; DEFINED

A. "Public body" as used in this article shall mean (1) the Village Board; (2) all independent boards commissions, bureaus, committees, councils, sub-units, or any other bodies now or hereafter created by Constitution, statute, ordinance or otherwise pursuant to law; and (3) advisory committees of the bodies listed.

B. This article shall not apply to subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy or taking formal action on behalf of their parent bodies.

(Neb. Rev. Stat. §84-1409(1))

SECTION 1-207: MEETINGS; RIGHTS OF THE PUBLIC

A. Subject to the Open Meetings Act, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body except for closed meetings called pursuant to Section 1-216 may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

B. It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting but it may not forbid public participation at all meetings.

C. No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

D. No public body shall for the purpose of circumventing the Open Meetings Act hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

E. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.

F. Public bodies shall make available at the meeting, for examination and cop-

ying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act, to be posted in the meeting room at a location accessible to members of the public. At the beginning of each meeting, the public shall be informed about the location of the posted information.

(Neb. Rev. Stat. §84-1412)

SECTION 1-208: MEETINGS; NOTICE, AGENDA

A. Each public body shall give reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be posted in three public places. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting.

B. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting or 48 hours before the scheduled commencement of a Village Board meeting scheduled outside the corporate limits of the municipality. The public body shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(Neb. Rev. Stat. §84-1411)

SECTION 1-209: MEETINGS; NOTICE TO NEWS MEDIA

The village clerk shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed. (Neb. Rev. Stat. §84-1411)

SECTION 1-210: MEETINGS; REGULAR MEETING; QUORUM

A. The meetings of the Village Board shall be held at the council chambers, E.L. McDonald Community Center, or in a location directed and posted by the board in the event the center is unavailable. Regular meetings shall be held on the second and last Wednesday of each month at 7:00 p.m.

B. At all meetings of the Board of Trustees a majority of the Board shall constitute a quorum to do business.

(Neb. Rev. Stat. §17-204, 17-205) (Am. Ord. No. 441, 4/15/15)

SECTION 1-211: REORGANIZATIONAL MEETING; STANDING COMMITTEES

A. All trustees elected to office shall qualify and meet on the first regular meeting of the Village Board in December thereafter, organize, elect a chairperson of the

board, and appoint the officers required by law. Board members shall, before entering upon the duties of their office, take an oath to support the Constitutions of the United States and the State of Nebraska and to faithfully and impartially discharge the duties of their office.

B. At the organizational meeting, the chairperson shall appoint members of such standing committees as the board may create by ordinance or resolution. The membership of such committees may be changed at any time by the chairperson, who shall be an *ex officio* member of each standing committee. The members of the committees shall serve terms of office of one year unless reappointed.

(Neb. Rev. Stat. §17-204)

SECTION 1-212: MEETINGS; ORDER OF BUSINESS

Promptly at the hour set by law on the day of each regular meeting, the members of the Village Board, the village clerk, and such other village officials that may be required shall take their regular stations in the meeting place and the business of the Village shall be taken up for consideration and disposition in the manner prescribed by the official agenda on file at the office of the village clerk.

SECTION 1-213: MEETINGS; PARLIAMENTARY PROCEDURE

A. The chairperson shall preserve order during meetings of the Village Board and shall decide all questions of order, subject to an appeal to the board. When any person is called to order, he or she shall be seated until the point is decided. When the chairperson is putting the question, no person shall leave the meeting room. Every person present shall address himself/herself to the presiding officer and while speaking shall confine himself/herself to the question. When two or more persons request to speak, the chairperson shall recognize the one who spoke first.

B. All resolutions shall be reduced to writing before being acted upon, if requested by the village clerk or any member of the Village Board. Every member of the board who is present when a question is voted upon shall cast his or her vote unless excused by a majority of the board present. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Village Board making the motion or resolution shall be entered also. After each vote, the "yeas" and "nays" shall be taken and entered in the minutes. Before the vote is actually taken, any resolution, motion, or proposed ordinance may be withdrawn from consideration by the sponsor thereof.

C. When, in the consideration of an ordinance, different times or amounts are proposed, the question shall be put on the largest sum or the longest time. A question to reconsider shall be in order when made by a member voting with the majority, but such motion to reconsider must be made before the expiration of the third regular meeting after the initial consideration of the question.

SECTION 1-214: MEETINGS; MINUTES

The Village Board shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The minutes shall be public records and open to public inspection during normal business hours. Minutes shall be written and available for inspection within ten working days of the meeting or prior to the next convened meeting, whichever occurs earlier, but an additional ten working days shall be allowed if the employee responsible for writing the minutes is absent due to a serious illness or an emergency. (Neb. Rev. Stat. §84-1413)

SECTION 1-215: MEETINGS; VOTES

Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the Village Board in open session and the record shall state how each member voted or if the member was absent or not voting. The requirements of a roll call or voice vote shall be satisfied by utilization of an electronic voting device which allows the “yeas” and “nays” of each board member to be readily seen by the public. The vote to elect leadership within the board may be taken by secret ballot but the total number of votes for each candidate shall be recorded in the minutes. (Neb. Rev. Stat. §84-1413)

SECTION 1-216: MEETINGS; CLOSED SESSIONS

A. The Village Board may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons as:

1. Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;
2. Discussion regarding deployment of security personnel or devices;
3. Investigative proceedings regarding allegations of criminal misconduct; or
4. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

B. Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

C. The vote to hold a closed session shall be taken in open session. The vote

of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. The public body holding such a closed session shall restrict its consideration to matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be re-convened in open session before any formal action may be taken. For purposes of this section, "formal action" shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subsection (A) of this section.

D. Any member of the Village Board shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (1) the protection of the public interest or (2) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the Village Board. Such challenge and its disposition shall be recorded in the minutes.

E. Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the provisions of this article. No closed session, informal meeting, chance meeting, social gathering, or electronic communication shall be used for the purpose of circumventing the provisions of this article.

F. The provisions of this article shall not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened and there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

(Neb. Rev. Stat. §84-1410)

SECTION 1-217: MEETINGS; SPECIAL

A. Special meetings may be called by the chairperson or by three members of the Board of Trustees, the object of which shall be submitted to the board in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the village clerk.

B. On filing the call for a special meeting, the clerk shall notify the members of the board of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a member of the board known to be out of the state or physically unable to be present. A majority of the members of the board shall constitute a quorum for the transaction of business but a smaller number may adjourn from

day to day and compel the attendance of the absent members. Whether a quorum is present or not, all absent members shall be sent for and compelled to attend.

C. At the hour appointed for the meeting, the village clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the board shall be called to order by the chairperson, if present, or if absent, by the chairperson pro tempore. In the absence of both the chairperson and the chairperson pro tempore, the members of the Board of Trustees shall elect a president pro tempore. All ordinances passed at any special meeting shall comply with procedures set forth in Chapter 1, Article 3 (Ordinances, Resolutions, and Motions) herein.

SECTION 1-218: MEETINGS; EMERGENCY

When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of Section 1-209 (Notice to News Media) shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day. (Neb. Rev. Stat. §84-1411)

SECTION 1-219: MEETINGS; VIDEOCONFERENCING, WHEN ALLOWED

A. A meeting of an organization created under the Interlocal Cooperation Act or the Village Cooperative Financing Act or of the governing body of a risk management pool or advisory committee organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing if:

1. Reasonable advance publicized notice is given;
2. Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing was not used;
3. At least one copy of all documents being considered is available to the public at each site of the videoconference;
4. At least one member of the governing body or advisory committee is present at each site of the videoconference; and
5. No more than one-half of the governing body's or advisory committee's meetings in a calendar year are held by videoconference.

B. Videoconferencing shall not be used to circumvent any of the public government purposes established in this Article.

C. For purposes of this section, “videoconferencing” shall mean conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

(Neb. Rev. Stat. §84-1409, 84-1411)

Article 3 – Ordinances, Resolutions and Motions

SECTION 1-301: GRANT OF POWER

The Village Board shall have the responsibility of making all ordinances, bylaws, rules, regulations, and resolutions not inconsistent with the state laws as may be necessary and proper for maintaining the peace, good government, and welfare of the Village and its trade, commerce, and security. (Neb. Rev. Stat. §17-505)

SECTION 1-302: ORDINANCES; STYLE

The style of all village ordinances shall be: "Be it ordained by the Chairperson and Board of Trustees of the Village of Greenwood, Nebraska." (Neb. Rev. Stat. §17-613)

SECTION 1-303: ORDINANCES; TITLE

No ordinance shall contain a subject not clearly expressed in its title. (Neb. Rev. Stat. §17-614)

SECTION 1-304: ORDINANCES; INTRODUCTION

Ordinances shall be introduced by members of the Village Board in one of the following ways:

A. With the recognition of the chairperson, a board member may, in the presence and hearing of a majority of the members of the Board of Trustees, read aloud the substance of the proposed ordinance and file a copy with the village clerk for future consideration; or

B. With the recognition of the chairperson, a member may present the proposed ordinance to the clerk who, in the presence and hearing of a majority of the board, shall read aloud the substance of the same and file it for future consideration.

SECTION 1-305: RESOLUTIONS AND MOTIONS; INTRODUCTION

Resolutions and motions shall be introduced in one of the methods prescribed for the introduction of ordinances. After their introduction, they shall be fully and distinctly read one time in the presence and hearing of a majority of the Village Board. The issues raised by said resolutions or motions shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the board. The vote on any resolution or motion shall be by roll call vote.

SECTION 1-306: PASSAGE

Ordinances of a general or permanent nature shall be read by title on three different

days unless three-fourths of the Village Board votes to suspend this requirement, except that such requirement shall not be suspended for any ordinance for the annexation of territory. In case such requirement is suspended, the ordinance shall be read by title and then moved for final passage. Three-fourths of the Village Board may require a reading of any ordinance in full before enactment under either procedure set out in this section. All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the Village Board. (Neb. Rev. Stat. §17-614)

SECTION 1-307: VOTES

On the passage or adoption of every bylaw or ordinance, and every resolution or order to enter into a contract by the Village Board, the yeas and nays shall be called and recorded. To pass or adopt any bylaw, ordinance, or any such resolution or order, a concurrence of a majority of the whole number of members elected to the Village Board shall be required. (Neb. Rev. Stat. §17-616)

SECTION 1-308: ORDINANCES; PUBLICATION OR POSTING; CERTIFICATE

All ordinances of a general nature shall be published one time within 15 days after they are passed in some newspaper published in the Village or if no paper is published in the Village, then by posting a written or printed copy in each of three public places in the Village or in book or pamphlet form. The passage, approval, and publication or posting of all ordinances shall be sufficiently proven by a certificate under the seal of the Village from the village clerk showing that the said ordinance was passed and approved, and when and in what paper the same was published, or when, by whom and where the same was posted. When ordinances are printed in book or pamphlet form, purporting to be published by authority of the Board of Trustees, the same need not be otherwise published and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances as of the dates mentioned in such book or pamphlet, in all courts without further proof. (Neb. Rev. Stat. §17-613)

SECTION 1-309: ORDINANCES; EFFECTIVE DATE

A. All ordinances adopted by the voters of the Village after submission to them by either initiative or referendum petition shall become immediately effective thereafter.

B. No ordinance for the government of the Village which has been adopted without submission to the voters shall go into effect until 15 days after the passage of such ordinance except as provided in Neb. Rev. Stat. §16-405 and 17-613. (Neb. Rev. Stat. §19-3701)

SECTION 1-310: ORDINANCES; AMENDMENTS AND REVISIONS

No ordinance or section thereof shall be revised or amended unless the new ordi-

nance contains the entire ordinance or section as revised or amended and the ordinance or section so amended is repealed, except that an ordinance revising all the ordinances of the Village and modifications to zoning building districts may be adopted as otherwise provided by law. (Neb. Rev. Stat. §17-614)

SECTION 1-311: EMERGENCY ORDINANCES

In the case of riot, infectious or contagious diseases, or other impending danger, failure of a public utility, or any other emergency requiring its immediate operation, an ordinance shall take effect upon the proclamation of the chairperson and the posting thereof in at least three of the most public places in the Village. Such emergency ordinance shall recite the emergency, be passed by a three-fourths vote of the Village Board and be entered of record on the village clerk's minutes. (Neb. Rev. Stat. §16-405, 17-613)

Article 4 – Appointed Officials

SECTION 1-401: APPOINTMENT

The Village Board may appoint a village clerk, treasurer, attorney, overseer of the streets, and marshal. It shall also appoint a Board of Health. The Village Board shall also appoint such additional officials and employees as it may determine the Village needs. All such appointees shall hold office for one year unless sooner removed by the chairperson of the Board of Trustees by and with the advice and consent of the remainder of the board. If the Village has a water commissioner, he may at any time be removed from office by a two-thirds vote of the board for sufficient cause.

(Neb. Rev. Stat. §17-208, 17-541)

SECTION 1-402: MERGER OF OFFICES

The Village Board may by ordinance combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except trustee, with any other elective or appointive office or employment so that one or more of such offices or employments or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time. However, trustees may perform, and upon board approval receive compensation for, seasonal or emergency work subject to Neb. Rev. Stat. §49-14,103.01 to 49-14,103.06. The offices or employments so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment or employments so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers. (Neb. Rev. Stat. §17-209.02, 49-14,103.01 through 49-14,103.06)

SECTION 1-403: CLERK-TREASURER POSITION CREATED

The appointive offices of village clerk and village treasurer are hereby combined and merged in accordance with the authority granted to the Village Board by Section 1-402. The office so merged and combined shall always be construed to be separate, and the effect of the combination, or merger, shall be limited to a consolidation of official duties only. The salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined.

SECTION 1-404: VILLAGE CLERK

A. The village clerk shall attend the meetings of the Village Board and keep a correct journal of the proceedings of that body. He or she shall make, at the end of the fiscal year, a report of the business of the Village transacted through his or her

office for the year. He or she shall make the proper certificate of passage which shall be attached to original copies of all ordinances hereafter enacted by the Village Board.

B. The village clerk shall issue and sign all licenses, permits, and occupation tax receipts authorized by law and required by village ordinances. He or she shall collect all occupation taxes and license money except where some other village officer is specifically charged with that duty. He or she shall keep a register of all licenses granted in the Village and the purpose for which they have been issued.

C. The village clerk shall permit no records, public papers, or other documents of the Village kept and preserved in his or her office to be taken therefrom, except by such officers of the Village as may be entitled to the use of the same but only upon their leaving a receipt therefor. He or she shall keep all the records of his or her office, including a record of all licenses issued, in a blank book with a proper index. He or she shall include as part of the village records all petitions under which the Village Board shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. He or she shall endorse the date and hour of filing upon every paper or document so filed in his or her office. All such filings made by him or her shall be properly docketed. Included in the records shall be all standard codes, amendments thereto and other documents incorporated by reference and arranged in a manner convenient for reference.

D. The village clerk shall keep an accurate and complete account of the appropriation of the several funds and draw, sign, and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he or she shall then make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records during village office hours.

E. The village clerk shall deliver all warrants, ordinances, and resolutions under his or her charge to the chairperson for his or her signature. He or she shall also deliver to officers, employees, and committees all resolutions and communications which are directed at said persons. With the seal of the Village, he or she shall duly attest the chairperson's signature to all ordinances, deeds and papers required to be attested to when ordered to do so by the Village Board.

F. Within 30 days after any meeting of the board, the village clerk shall prepare and publish the official proceedings in a legal newspaper of general circulation in the Village and which was duly designated as such by the Village Board. Said publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item.

G. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for such publication shall not exceed the rates provided by state statutes. Said publication shall be charged against the General Fund. He or she shall then keep in a book with a proper index copies of all notices required to be published or posted by the village clerk by order of the Village Board or under the ordinances of the Village. To each of the file copies of said notices shall be attached the printer's affidavit of publication, if the said notices are required to be published, or the village clerk's certificate under seal where the same are required to be posted only.

H. The village clerk shall receive all objections to creation of paving districts and other street improvements. He or she shall receive the claims of any person against the Village and in the event that any of said claims is disallowed in part or in whole the village clerk shall notify such claimant, his or her agent, or attorney by letter within five days after such disallowance and the clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.

I. The village clerk may charge a reasonable fee for certified copies of any record in the office as set by resolution of the Village Board. He or she shall destroy village records under the direction of the State Records Board pursuant to Neb. Rev. Stat. §84-1201 through 84-1220; provided, the Village Board shall not have the authority to destroy the minutes of the village clerk, the permanent ordinances and resolution books, or any other records classified as permanent by the State Records Board

(Neb. Rev. Stat. §17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712)

SECTION 1-405: VILLAGE TREASURER

A. The treasurer of the Village shall be the custodian of all money belonging to the corporation, keeping a separate account of each fund or appropriation and the debts and credits belonging thereto. The treasurer shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid. The treasurer shall also file copies of such receipts with his or her monthly reports and shall, at the end of every month and as often as may be required, render an account to the Village Board, under oath, showing the state of the treasury at the date of such account and the balance of money in the treasury. The treasurer shall also accompany such accounts with a statement of all receipts and disbursements, together with all warrants redeemed and paid, which warrants, with any and all vouchers held, shall be filed with his or her account in the clerk's office. If the treasurer fails to render an account within 20 days after the end of the month or by a later date established by the Village Board, the chairperson, with the advice and consent of the board members, may use this failure as cause to remove the treasurer from office.

B. The treasurer shall keep a record of all outstanding bonds against the Village, showing the number and amount of each bond, for and to whom the bonds were issued, and the date upon which any bond is purchased, paid, or canceled. The annual statement submitted pursuant to Neb. Rev. Stat. §19-1101 shall be accompanied with a description of the bonds issued and sold in that year and the terms of sale, with every item of expense thereof.

C. The treasurer shall deposit and at all times keep on deposit for safekeeping in banks, capital stock financial institutions, or qualifying mutual financial institutions of approved and responsible standing all money collected, received, or held as village treasurer. Such deposits shall be subject to all regulations imposed by law or adopted by the Village Board for the receiving and holding thereof. The fact that a stockholder, director, or other officer of such bank, capital stock financial institution, or qualifying mutual financial institution is also serving as a member of the Village Board, as a member of a board of public works, or as any other officer of such municipality shall not disqualify such bank, capital stock financial institution, or qualifying mutual financial institution from acting as a depository for such municipal funds. Neb. Rev. Stat. §77-2366 shall apply to deposits in capital stock financial institutions. Neb. Rev. Stat. §77-2365.01 shall apply to deposits in qualifying mutual financial institutions.

D. The board shall require from all banks, capital stock financial institutions, or qualifying mutual financial institutions (1) a bond in such penal sum as may be the maximum amount on deposit at any time less the amount insured or guaranteed by the Federal Deposit Insurance Corporation or, in lieu thereof, (2) security given as provided in the Public Funds Deposit Security Act to secure the payment of all such deposits and accretions. The board shall approve such bond or giving of security. The village treasurer shall not be liable for any loss of any money sustained by reason of the failure of any such depository so designated and approved.

E. When the treasurer holds funds of the Village in excess of the amount required for maintenance or set aside for betterments and improvements, the chairperson and Village Board may, by resolution, direct and authorize said treasurer to invest said surplus funds in the outstanding bonds or registered warrants of said village, bonds and debentures issued either singly or collectively by any of the 12 federal land banks, the 12 intermediate credit banks, or the 13 banks for cooperatives under the supervision of the Farm Credit Administration, or in interest-bearing bonds or the obligations of the United States. The interest on such bonds or warrants shall be credited to the fund out of which said bonds or warrants were purchased.

F. The chairperson and Village Board may, by resolution, direct and authorize the treasurer to dispose of the surplus electric light, water, or gas funds or the funds arising from the sale of electric light, water, or natural gas distribution properties by the payment of outstanding electric light, water, or gas distribution bonds or water warrants then due. The excess, if any, after such payments, may be transferred to the general fund of the Village.

G. It shall be the duty of the treasurer to prepare and publish annually within 60 days following the close of its municipal fiscal year a statement of the receipts and expenditures of funds of the Village for the preceding fiscal year. Not more than the legal rate provided for in Neb. Rev. Stat. §33-141 shall be charged and paid for such publication.

(Neb. Rev. Stat. §17-606 through 17-609, 19-1101)

SECTION 1-406: VILLAGE ATTORNEY

The village attorney shall be the legal advisor of the Village Board. He or she shall commence, prosecute, and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the corporations or that may be ordered by the board. When requested, he or she shall attend meetings of the board and give the members his or her opinion upon any matters submitted to him or her, either orally or in writing, as may be required. He or she shall draft or review for legal correctness ordinances, contracts, franchises and other instruments as may be required and shall perform such other duties as may be imposed upon him or her by general law or ordinance. The Village Board shall have the right to pay the village attorney compensation for legal services performed on such terms as the board and attorney may agree, and to employ additional legal assistance and to pay for such legal assistance out of the funds of the Village. (Neb. Rev. Stat. §17-610)

SECTION 1-407: LAW ENFORCEMENT; CONTRACT WITH COUNTY SHERIFF

The Village may enter into a contract with the County Board of Cass County for police and law enforcement services to be provided by the Cass County Sheriff's Office. Whenever any such contract has been entered into, the sheriff or his deputy shall, in addition to his other powers and duties, have all the powers and duties of the village police chief within and for the Village. A minimum of one copy of such contract shall be on file at the office of the village clerk and available for public inspection during office hours. When appointed as the chief law enforcement officer, the county sheriff shall direct the police work of the Village and shall be responsible for the maintenance of law and order; act as health inspector except in the event the Village appoints another person; file the necessary complaints in cases arising out of violations of village ordinances; and make all necessary reports required by the village ordinances or state laws. (Neb. Rev. Stat. §17-213)

SECTION 1-408: FIRE CHIEF

The duties of the fire chief shall be as provided in Section 8-105 herein.

SECTION 1-409: SPECIAL ENGINEER

The Village Board may employ a special engineer to make any particular estimate, survey, or other work. The special engineer shall make a record of the minutes of his surveys and all other work done for the Village. He shall, when directed by the Village

Board, accurately make all plats, sections, profiles, and maps as may be necessary in the judgment of the Village Board. He shall, upon request of the board, make estimates of the costs of labor and material which may be done or furnished by contract with the Village and make all surveys, estimates, and calculations necessary for the establishment of grades, bridges, building of culverts, sewers, electric light system, waterworks, power plant, public heating system, curbing and gutters, and the improvement of streets and erection and repair of buildings. He shall perform such other duties as the Village Board may require. All records of the special engineer shall be public records which shall belong to the Village and shall be turned over to his successor. (Neb. Rev. Stat. §17-405, 17-568, 17-568.01, 17-919)

SECTION 1-410: PUBLIC WORKS COMMISSIONER/UTILITIES SUPERINTENDENT

A. In the event that there is another village utility in addition to the village waterworks, a public works commissioner, also called utilities superintendent, shall be appointed annually at the first regular meeting of the Village Board in December to manage the said utilities. The commissioner may at any time, for sufficient cause, be removed by a two-thirds vote of the Village Board. Any vacancy occurring in the office by death, resignation, removal from office, or removal from the Village may be filled in the manner provided in this section for the appointment of such commissioner.

B. The public works commissioner shall, before entering upon the discharge of his duties, execute a bond or provide evidence of equivalent insurance to the Village in a sum to be fixed by the board, but not less than \$5,000.00, conditioned upon the faithful discharge of his duties, and such bond shall be signed by two or more good and sufficient sureties, to be approved by the board or executed by a corporate surety. The commissioner, subject to the supervision of the Village Board, shall have the general management and control of the following village utilities and shall have such other duties as prescribed by the board:

Water Department

The public works commissioner shall have general supervision and control over the village water system and shall be primarily responsible for its economic operation and prudent management, included in the said water system shall be the water plant, the pump house, all machinery, and appliances used in connection with producing and distributing water to inhabitants of the Village. The commissioner shall have the general control and supervisory authority over all employees of the water system which the Village Board may from time to time hire to operate and maintain the said system. He shall make a detailed report to the board at least once every six months of the condition of the said water system, of all mains, pipes, hydrants, reservoirs, and machinery and such improvements, repairs, and extensions thereof as he may think proper. The report shall show the amount of receipts and expenditures on account thereof for the preceding six months. No money shall be expended for improvements,

repairs, or extensions of the said waterworks system except upon the recommendation of the commissioner.

Sewer Department

The public works commissioner shall have the immediate control and supervision over all the employees and property that make up the village sewer system. He shall, at least every six months, make a detailed report to the Village Board on the condition of the sewer system and shall direct their attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed, along with an estimate of the cost thereof. He shall inspect and supervise all repairs made to the said system.

(Neb. Rev. Stat. §17-541, 17-543)

SECTION 1-411: STREET COMMISSIONER

The street commissioner shall, subject to the orders and directives of the Village Board, have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the Village. It shall be his responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. At the request of the Village Board he shall make a detailed report on the condition of the streets, sidewalks, culverts, alleys, and bridges of the Village and shall direct its attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed to maintain a satisfactory street system in the Village, along with an estimate of the cost thereof. He shall perform such other duties as the Village Board may require. (Neb. Rev. Stat. §17-214)

Article 5 – Fiscal Management

SECTION 1-501: FISCAL YEAR

The fiscal year of the Village and any public utility of the Village commences on October 1 and extends through the following September 30 except as provided in the Village Proprietary Function Act. (Neb. Rev. Stat. §17-701)

SECTION 1-502: PUBLIC FUNDS DEFINED

“Public funds” shall mean all money, including nontax money, used in the operation and functions of governing bodies. For purposes of a village which has a lottery established under the Nebraska County and City Lottery Act, only those net proceeds which are actually received by the Village from a licensed lottery operator shall be considered public funds, and public funds shall not include amounts awarded as prizes. (Neb. Rev. Stat. §13-503)

SECTION 1-503: DEPOSIT OF FUNDS

A. The Village Board, at its first meeting in each fiscal year, shall designate some one or more banks or capital stock financial institutions of approved and responsible standing in which the village treasurer shall keep at all times, subject to payment on his or her demand, all money held by him or her as village treasurer. If one or more banks or capital stock financial institutions are located in the Village which apply for the privilege of keeping such money and give bond or give security for the repayment of deposits as provided in this section, such banks or capital stock financial institutions shall be selected as such depositories. The village treasurer shall not give a preference to any one or more of them in the money he or she may so deposit.

B. The Village Board shall require from all banks or capital stock financial institutions (1) a bond in such penal sum as may be the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or, in lieu thereof, (2) security given as provided in the Public Funds Deposit Security Act to secure the payment of all such deposits and accretions. The Village Board shall approve such bond or giving of security. The village treasurer shall not be liable for any loss of any money sustained by reason of the failure of any such depository so designated and approved. The fact that a stockholder, director, or other officer of such bank or capital stock financial institution is also serving as a member of the Village Board or as any other officer of the Village shall not disqualify such bank or capital stock financial institution from acting as a depository for such municipal funds.

C. The insurance afforded to depositors in banks or capital stock financial institutions through the Federal Deposit Insurance Corporation shall be deemed and construed to be a surety bond to the extent that the deposits are insured by such corporation. For deposits so insured, no other surety bond or other security shall be

required. The provisions of Neb. Rev. Stat. §77-2366 shall apply to deposits in capital stock financial institutions.

D. The village treasurer may deposit the funds received and held by him or her by virtue of such office with a cooperative credit association situated within the boundaries of the county, or a county adjoining thereto where the Village is situated, if the Village is the depositor, as well as in a commercial state or national bank if the cooperative credit association performs all the conditions precedent required by the laws of this state of commercial state and national banks to qualify them to receive deposits of such public funds. It shall not be necessary for the Village, in making such a deposit of public funds, to purchase shares in such cooperative credit association or become a member thereof and such a cooperative credit association is hereby authorized and empowered to receive such money under such conditions.

(Neb. Rev. Stat. §17-607, 77-2362 through 77-2364, 77-2386 through 77-2397) (Am. by Ord. No. 335, 6/9/98)

SECTION 1-504: INVESTMENT OF FUNDS

Whenever the Village has accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the Village Board may invest any such surplus in certificates of deposit, in time deposits, and in any securities in which the state investment officer is authorized by law and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. (Neb. Rev. Stat. §17-608, 17-609, 77-2341)

SECTION 1-505: CERTIFICATES OF DEPOSIT; TIME DEPOSITS; CONDITIONS

The village treasurer may, upon resolution of the Village Board authorizing the same, purchase certificates of deposit from and make time deposits in any bank or capital stock financial institution in the State of Nebraska to the extent that such certificates of deposit or time deposits are insured by the Federal Deposit Insurance Corporation. Deposits may be made in excess of the amounts so secured by the corporation and the amount of the excess deposit shall be secured by a bond or by security given in the manner provided in this section. The provisions of Neb. Rev. Stat. §77-2366 shall apply to deposits in capital stock financial institutions. (Neb. Rev. Stat. §17-720) (Am. by Ord. No. 336, 6/9/98)

SECTION 1-506: AUTHORITY TO CONTRACT WITH COLLECTION AGENCY

A. The Village may contract to retain a collection agency licensed pursuant to Neb. Rev. Stat. §45-601 to 45-622, within or without this state, for the purpose of collecting public debts owed by any person to the Village.

B. No debt owed pursuant to subsection (A) of this section may be assigned to a collection agency unless there has been an attempt to advise the debtor by first-

class mail, postage prepaid, at his or her last known address of the existence of the debt and that the debt may be assigned to a collection agency for collection if the debt is not paid and at least 30 days have elapsed from the time the notice was sent.

C. A collection agency which is assigned a debt under this section shall have only those remedies and powers which would be available to it as an assignee of a private creditor.

D. For purposes of this section, "debt" shall include all delinquent fees or payments except delinquent property taxes or real estate. In the case of debt arising as a result of an order or judgment of a court in a criminal or traffic matter, a collection fee may be added to the debt. The collection fee shall be \$25.00 or 4½% of the debt, whichever is greater. The collection fee shall be paid by the person who owes the debt directly to the person or agency providing the collection service.

(Neb. Rev. Stat. §45-623)

SECTION 1-507: CLAIMS

All claims against the Village shall be presented to the Village Board in writing with a full account of the items and no claim or demand shall be audited or allowed unless presented as provided for in this section. No costs shall be recovered against the Village in any action brought against it for an unliquidated claim which has not been presented to the Village Board to be audited nor upon claims allowed in part unless the recovery shall be for a greater sum than the amount allowed, with the interest due. No order or warrant shall be drawn in excess of 85% of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the village treasury for the appropriate fund against which it is to be drawn, provided that in the event there exist obligated funds from the federal and/or state government for the general purpose of such warrant, then such warrant may be drawn in excess of 85% but not more than 100% of the current levy for the purpose for which said warrant is drawn. (Neb. Rev. Stat. §17-714, 17-715)

SECTION 1-508: WARRANTS

All warrants drawn upon the village treasury must be signed by the village chairperson and countersigned by the village clerk, stating the particular fund to which the warrant is chargeable, the person to whom it is payable, and the purpose of the expenditure. No money shall be otherwise paid than upon warrants so drawn. Each warrant shall specify the amount included of such fund. (Neb. Rev. Stat. §17-711)

SECTION 1-509: EXPENDITURES

No village official shall have the power to appropriate, issue, or draw any order or warrant on the village treasury for money, unless the same has been appropriated or ordered by ordinance. No expenditure for any improvement to be paid for out of the General Fund of the Village shall exceed in any one year the amount provided for that improvement in the adopted budget statement. (Neb. Rev. Stat. §17-708)

SECTION 1-510: BOND ISSUES

The Village Board may, after meeting all the requirements of state law, issue bonds, fund bonds, and retire bonds for such purposes as may be permitted by state law. The board shall have the authority to levy special assessments for the payment of interest and principal on such bonds and may spread the payments up to the maximum number of years permitted by state law. (Neb. Rev. Stat. §10-209 through 10-411, 10-606 through 10-612, 12-1001, 17-529.01, 17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-1801 through 18-1805, 23-3513, 39-836)

SECTION 1-511: SINKING FUNDS

A. The Village Board, subject to the limitations set forth herein, shall have the power to levy a tax not to exceed that prescribed by state law upon the assessed value of all taxable property within the Village for a term not to exceed that prescribed by state law, in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the Village, for the purpose of establishing a sinking fund for the construction, purchase, improvement extension, or repair of the approved uses as authorized by state law. To initiate the said sinking fund, the Village Board shall declare its purpose by resolution to submit to the qualified electors of the Village the proposition to provide the improvement at the next general village election. The resolution shall set forth the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed, and the proposition as it will appear on the ballot

B. Notice of the said proposition shall be published in its entirety three times on successive weeks before the day of the election in a legal newspaper of general circulation in the Village. The sinking fund may be established after the election if a majority or more of the legal votes were in favor of the establishment of the fund. The Village Board may then proceed to establish the said fund in conformity with the provisions of the proposition and applicable state law. The funds received by the village treasurer shall, as they accumulate, be immediately invested with the written approval of the Village Board in the manner provided by state law. No sinking fund so established shall be used for any purpose or purposes contrary to the purpose as it appeared on the ballot unless the Village Board is authorized to do so by 60% of the qualified electors of the Village voting at a general election favoring such a change in the use of the sinking fund.

(Neb. Rev. Stat. §19-1301 through 19-1304, 77-2337, 77-2339)

SECTION 1-512: SPECIAL ASSESSMENT FUND

All money received on special assessments shall be held by the village treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made and such money shall be used for no other purpose unless to reimburse the Village for money expended for any such improvement. (Neb. Rev. Stat. §17-

710)

SECTION 1-513: COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE

The Village shall have the authority to collect the special assessments which it levies and perform all other necessary functions related thereto, including foreclosure. Notice that special assessments are due shall be mailed or otherwise delivered to the last known address of the person against whom such special assessments are assessed or to the lending institution or other party responsible for paying such special assessments. Failure to receive such notice shall not relieve the taxpayer from any liability to pay such special assessments and any interest or penalties accrued thereon. The Village shall file notice of the assessments and the amount of assessment being levied for each lot or tract of land to the register of deeds; and file a release of assessment upon final payment of each assessment with the register of deeds. (Neb. Rev. Stat. §18-1216)

SECTION 1-514: CONTRACTS; APPROPRIATION

No contracts shall hereafter be made by the Board of Trustees or any committee or member thereof and no expense shall be incurred by any of the officers or departments of the Village, whether the object of the expenditures shall be ordered by the board or not, unless an appropriation shall have been previously made concerning such expense or the funds necessary for the payment of such expense have been duly transferred according to law. (Neb. Rev. Stat. §17-708, 17-709)

SECTION 1-515: CONTRACTS AND PURCHASES; BIDDING AND OTHER REQUIREMENTS

A. Except as provided in Neb. Rev. Stat. §18-412.01 for a contract with a public power district to operate, renew, replace, or add to the electric distribution, transmission, or generation system of the Village, no contract costing over \$30,000.00 shall be made for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, unless it is first approved by the Village Board.

B. Except as provided in Neb. Rev. Stat. §18-412.01, before the Village Board makes any contract in excess of \$30,000.00 for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, an estimate of the cost shall be made by the village engineer and submitted to the Village Board. In advertising for bids as provided in subsections (C) and (E) of this section, the board may publish the amount of the estimate.

C. Advertisements for bids shall be required for any contract costing over

\$30,000.00 entered into for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, or for the purchase of equipment used in the construction of such enlargement or general improvements.

D. A village electric utility may enter into a contract for the enlargement or improvement of the electric system or for the purchase of equipment used for such enlargement or improvement without advertising for bids if the price is:

1. \$30,000.00 or less;
2. \$60,000.00 or less and the village electric utility has gross annual revenue from retail sales in excess of \$1,000,000.00;
3. \$90,000.00 or less and the village electric utility has gross annual revenue from retail sales in excess of \$5,000,000.00; or
4. \$120,000.00 or less and the village electric utility has gross annual revenue from retail sales in excess of \$10,000,000.00.

E. The advertisement provided for in subsection (C) of this section shall be published at least seven days prior to the bid closing in a legal newspaper published in or of general circulation in the Village and if there is no legal newspaper published in or of general circulation in the Village, then in some newspaper of general circulation published in the county in which the Village is located, and if there is no legal newspaper of general circulation published in the county in which the Village is located, then in a newspaper designated by the County Board, having a general circulation within the county where bids are required, and if no newspaper is published in the Village or County or if no newspaper has general circulation in the County, then by posting a written or printed copy thereof in each of three public places in the Village at least seven days prior to the bid closing. In case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war, or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to, life, health, or property, estimates of costs and advertising for bids may be waived in the emergency ordinance authorized by Neb. Rev. Stat. §17-613 when adopted by a three-fourths vote of the Village Board and entered of record.

F. If, after advertising for bids as provided in this section, the Village Board receives fewer than two bids on a contract or if the bids received by the board contain a price which exceeds the estimated cost, the board may negotiate a contract in an attempt to complete the proposed enlargement or general improvements at a cost commensurate with the estimate given.

G. If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the Village Board, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the Village, the board may authorize the manufacture and assemblage of such materials

and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

H. Any village bidding procedure may be waived by the Village Board when materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure in Neb. Rev. Stat. §81-145 to 81-162 or when the contract is negotiated directly with a sheltered workshop pursuant to Neb. Rev. Stat. §48-1503.

I. Notwithstanding any other provisions of law or a home rule charter, a village which has established by an interlocal agreement with any county a joint purchasing division or agency may purchase personal property without competitive bidding if the price for the property has been established by the federal General Services Administration or the materiel division of the Department of Administrative Services. For purposes of this subsection, (1) "personal property" includes but is not limited to supplies, materials, and equipment used by or furnished to any officer, office, department, institution, board, or other agency; and (2) "purchasing" or "purchase" means the obtaining of personal property by sale, lease, or other contractual means (Neb. Rev. Stat. §17-568.01, 17-568.02, 18-1756) (Am. by Ord. No. 337, 6/9/98)

SECTION 1-516: ANNUAL AUDIT; FINANCIAL STATEMENTS

A. The Village Board shall cause an audit of the village accounts to be made by a qualified accountant as expeditiously as possible following the close of the fiscal year. Such audit shall be made on a cash or accrual method at the discretion of the Village Board. The said audit shall be completed and the annual audit report made not later than six months after the close of the fiscal year. The accountant making the audit shall submit no fewer than three copies of the audit report to the Village Board. All public utilities or other enterprises which substantially generate their own revenue shall be audited separately, except in villages having a population of less than 800, and the results of such audits shall appear separately in the annual audit report. Such audits shall be on an accrual basis and shall contain statements and materials which conform to generally accepted accounting principles. The audit report shall set forth the financial position and results of financial operations for each fund or group of accounts of the Village as well as an opinion by the accountant with respect to the financial statements. Two copies of the annual audit report shall be filed with the village clerk, becoming a part of the public records of the village clerk's office, and will at all times thereafter be open for public inspection. One copy shall be filed with the state auditor of public accounts.

B. Any village may file an unaudited statement of cash receipts and disbursements annually in lieu of an annual audit. Such unaudited statement shall be filed with the auditor of public accounts in a form prescribed by him. The unaudited statement of cash receipts and disbursements shall become a part of the public records of the village clerk and shall at all times thereafter be open and subject to public inspection. Every Village Board that is required herein to submit to an audit of its accounts shall provide and file with the village clerk, not later than August 1 of each year, fi-

nancial statements showing its actual and budgeted figures for the most recently completed fiscal year.

(Neb. Rev. Stat. §19-2901 through 19-2909, 13-606)

SECTION 1-517: GENERAL FUND

All money not specifically appropriated in the annual appropriation bill shall be deposited in and known as the general fund.

SECTION 1-518: EXPENDITURES PRIOR TO ADOPTION OF BUDGET

A. On and after the first day of its fiscal year until the adoption of the budget in September, the Village Board may expend any balance of cash on hand for the current expenses of the Village. Except as provided in subsection (B) of this section, such expenditures shall not exceed an amount equivalent to the total amount expended under the last budget in the equivalent period of the prior budget year. Such expenditures shall be charged against the appropriations for each individual fund or purpose as provided in the budget when adopted.

B. The restriction on expenditures in subsection (A) of this section may be exceeded upon the express finding of the Village Board that expenditures beyond the amount authorized are necessary to enable the Village to meet its statutory duties and responsibilities. The finding and approval of the expenditures in excess of the statutory authorization shall be adopted by the Village Board in open public session. Expenditures authorized by this section shall be charged against appropriations for each individual fund or purpose as provided in the budget when adopted, and nothing in this section shall be construed to authorize expenditures by the Village in excess of that authorized by any other statutory provision.

(Neb. Rev. Stat. §13-509.01, 13-509.02)

SECTION 1-519: BUDGET STATEMENT; APPROPRIATIONS

The Village Board shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill," in which are appropriated such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the Village. (Neb. Rev. Stat. §17-706)

SECTION 1-520: BUDGET PROCEDURE; FORM AND MANUAL INCORPORATED

For the purpose of proper budget preparation, the *City/Village Budget Form* and the *Budget Form Instruction Manual*, prepared by the state auditor of public accounts, are incorporated by reference.

SECTION 1-521: PROPOSED BUDGET STATEMENT

A. The Village Board shall, not later than August 1 each year on forms pre-

scribed and furnished by the Nebraska state auditor, prepare in writing and file with the village clerk a proposed budget statement containing the following:

1. For the immediate two prior fiscal years, the revenue from all sources, including motor vehicle taxes, other than revenue received from personal and real property taxes allocated to each of the several funds and separately stated as to each such source, and for each fund: The unencumbered cash balance of such fund at the beginning and end of the year; the amount received by taxation of personal and real property allocated to each fund; and the amount of actual expenditure for each fund.
2. For the current fiscal year, actual and estimated revenue from all sources, including motor vehicle taxes, allocated to each of the several funds and separately stated as to each such source, and for each fund: The actual unencumbered cash balance available for such fund at the beginning of the year; the amount received from personal and real property taxation allocated to each fund; and the amount of actual and estimated expenditure, whichever is applicable. Such statement shall contain the cash reserve for each such fund for each fiscal year and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the actual experience of prior years. The cash reserve shall not exceed 50% of the total budget adopted for such fund exclusive of capital outlay items.
3. For the immediately ensuing fiscal year, an estimate of revenue from all sources, including motor vehicle taxes, other than revenue to be received from taxation of personal and real property, separately stated as to each such source, to be allocated to each of the several funds, and for each fund: The actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year; the amounts proposed to be expended during the year; and the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items.
4. A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property for the purpose of paying the principal or interest on bonds issued by the Village Board and for all other purposes.
5. A uniform summary of the proposed budget statement which shall include a separate total for each fund, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Village Proprietary Function Act and a grand total of all funds maintained by the Village Board.

6. A list of the proprietary functions which are not included in the budget statement if a separate proprietary budget statement has been prepared for such proprietary functions pursuant to the Village Proprietary Function Act. (See Section 1-526 herein.)

B. The actual or estimated unencumbered cash balance of each fund required to be included in the budget statement by this section shall include deposits and investments of the Village as well as any funds held by the county treasurer for the Village and shall be accurately stated on the proposed budget statement.

C. The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the estimated income from all sources, including motor vehicle taxes, other than taxation of personal and real property, shall equal the amount to be received from taxes and such amount shall be shown on the proposed budget statement filed pursuant to this section. The amount to be raised from taxation of personal and real property, as determined above, plus the estimated revenue from other sources, including motor vehicle taxes, and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year.

(Neb. Rev. Stat. §13-504, 13-505) (Am. by Ord. No. 328, 6/9/98)

SECTION 1-522: PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION OF AMOUNT RECEIVED FROM TAXATION

A. The Village Board shall each year conduct a public hearing on the proposed budget statement. Notice of the place and time of the hearing, together with a summary of the proposed budget statement, shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation within the Village. After the hearing, the proposed budget statement shall be adopted, or amended and adopted as amended, and a written record shall be kept of such hearing.

B. The amount to be received from personal and real property taxation shall be certified to the levying board after the proposed budget statement is adopted or is amended and adopted as amended. The certification of the amount to be received from personal and real property taxation shall specify separately (1) the amount to be applied to the payment of principal or interest on bonds issued by the Village Board and (2) the amount to be received for all other purposes.

C. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 days after its adoption in the manner provided in this section but without provision for hearing, setting forth the items changed and the reasons for such changes. When a levy increase has been authorized by vote of the electors, the adopted budget statement shall indicate the amount of the levy increase.

(Neb. Rev. Stat. §13-506, 13-507) (Am. by Ord. No. 329, 6/9/98)

SECTION 1-523: ADOPTED BUDGET; FILING, CERTIFICATION OF AMOUNT OF TAX

A. The Village Board shall file with and certify to the levying board on or before September 20 each year and file with the state auditor a copy of the adopted budget statement, together with the amount of the tax required to fund the adopted budget, setting out separately (1) the amount to be levied for the payment of principal or interest on bonds issued by the Village Board and (2) the amount to be levied for all other purposes. Proof of publication shall be attached to the statements.

B. The Village Board, in certifying the amount required, may make allowance for delinquent taxes not exceeding 5% of the amount required plus the actual percentage of delinquent taxes for the preceding tax year and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year that is still pending. Except for such allowances, the Village Board shall not certify an amount of tax more than 1% greater or lesser than the amount determined in the proposed budget statement.

C. The Village Board may designate one of its members to perform any duty or responsibility required of such body by this section.
(Neb. Rev. Stat. §13-508) (Am. by Ord. No. 330, 6/9/98)

SECTION 1-524: REVISION OF BUDGET

A. Unless otherwise provided by law, the Village Board may propose to revise the previously adopted budget statement and shall conduct a public hearing on such proposal whenever during the current fiscal year it becomes apparent to the Village Board that:

1. There are circumstances which could not reasonably, have been anticipated at the time the budget for the current year was adopted;
2. The budget adopted violated Neb. Rev. Stat. §13-518 to 13-522 such that the revenue of the current fiscal year for any fund thereof will be insufficient, additional expenses will be necessarily incurred, or there is a need to reduce the budget requirements to comply with Neb. Rev. Stat. §13-518 to 13-522; or
3. The Village Board has been notified by the state auditor of a mathematical or accounting error or noncompliance with the Nebraska Budget Act.

B. Notice of the time and place of the hearing shall be published at least five days prior to the date set for hearing in a newspaper of general circulation within the

Village Board's jurisdiction. Such published notice shall set forth the following:

1. The time and place of the hearing;
2. The amount in dollars of additional or reduced money required and for what purpose;
3. A statement setting forth the nature of the unanticipated circumstances and, if the budget requirements are to be increased, the reasons why the previously adopted budget of expenditures cannot be reduced during the remainder of the current year to meet the need for additional money in that manner; and
4. A copy of the summary of the originally adopted budget previously published.

C. At such hearing any taxpayer may appear or file a written statement protesting any application for additional money. A written record shall be kept of all such hearings.

D. Upon conclusion of the public hearing on the proposed revised budget and approval of the proposed revised budget by the Village Board, the board shall file with the county clerk and with the state auditor a copy of the revised budget, as adopted, and shall certify the revised amount of tax to be levied. The Village Board may then issue warrants in payment for expenditures authorized by the adopted revised budget. Such warrants shall be referred to as "registered warrants" and shall be repaid during the next fiscal year from funds derived from taxes levied therefor.

E. Within 30 days after the adoption of the budget under Neb. Rev. Stat. §13-506, the Village Board may, or within 30 days after notification of an error by the state auditor, the board shall, correct an adopted budget which contains a clerical, mathematical, or accounting error which does not affect the total amount budgeted by more than 1% or increase the amount required from property taxes. No public hearing shall be required for such a correction. After correction, the Village Board shall file a copy of the corrected budget with the county clerk and with the state auditor. The board may then issue warrants in payment for expenditures authorized by the budget.

(Neb. Rev. Stat. §13-511)

SECTION 1-525: EMERGENCY; TRANSFER OF FUNDS

Whenever during the current fiscal year or biennial period it becomes apparent to the Village Board that due to unforeseen emergencies there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the board may by a majority vote, unless otherwise provided by state law, transfer money from other funds to such fund. No expenditure during any fiscal year or biennial period shall be made in excess of the amounts indicated in the adopted budget statement, except as authorized in Neb. Rev. Stat. §13-511, or

by state law. Any officer or officers of any governing body who obligates funds contrary to the provisions of this section shall be guilty of a Class V misdemeanor. (Neb. Rev. Stat. §13-510)

SECTION 1-526: PROPRIETARY FUNCTIONS; FISCAL YEAR; BUDGET STATEMENTS; FILING; HEARING; ADOPTION; RECONCILIATION

A. Pursuant to the Village Proprietary Function Act, the Village Board may prepare a proprietary budget statement for its proprietary functions separate and apart from its village budget statement prepared pursuant to the Nebraska Budget Act. For purposes of this section, "proprietary function" shall mean a water supply or distribution utility, a wastewater collection or treatment utility, an electric generation, transmission, or distribution utility, a gas supply, transmission, or distribution utility, an integrated solid waste management collection, disposal, or handling utility, or a hospital or a nursing home owned by the Village.

B. The Village Board may establish a separate fiscal year for each proprietary function, except that any proprietary function which is subsidized by appropriations from the Village's general fund shall have the same fiscal year as the Village. For purposes of this section, "subsidization" shall mean that the costs of operation of a proprietary function are regularly financed by appropriations from the Village's general fund in excess of the amount paid by the Village to the proprietary function for actual service or services received.

C. If the Village does not include its proprietary functions in its budget statement, a proposed proprietary statement shall be prepared in writing on forms provided by the state auditor and filed with the village clerk at least 30 days prior to the start of the fiscal year of each proprietary function, containing the following information:

1. For the immediately preceding fiscal year, the revenue from all sources, the unencumbered cash balance at the beginning and end of the year, the amount received by taxation, and amount of actual expenditure;
2. For the current fiscal year, actual and estimated revenue from all sources separately stated as to each such source, actual unencumbered cash balance available at the beginning of the year, the amount received from taxation, and the amount of actual and estimated expenditure, whichever is applicable;
3. For the immediately ensuing fiscal year, an estimate of revenue from all sources separately stated as to each such source, the actual or estimated unencumbered cash balance, whichever applicable, to be available at the beginning of the year, amounts proposed to be expended during the fiscal year, and amount of cash reserve based on actual experience of prior years; and

4. A uniform summary of the proposed budget statement which shall include a total of all funds maintained for the proprietary function.

D. Such statement shall contain the estimated cash reserve each fiscal year and shall note whether or not such reserve is encumbered. The cash reserve projections shall be based upon actual experience of prior years.

E. After the proposed proprietary budget statement is filed with the village clerk, the Village Board shall conduct a public hearing on such statement. Notice of the time and place of the hearing, a summary of the proposed proprietary budget statement, and notice that the full proposed proprietary budget statement is available for public review with the village clerk during normal business hours shall be published at least five days prior to the hearing in a newspaper of general circulation within the Village Board's jurisdiction or by mailing each resident within the board's jurisdiction.

F. After such hearing, the proposed proprietary budget statement shall be adopted or amended and adopted as amended and a written report shall be kept of such hearing. If the adopted proprietary budget statement reflects a change from the proposed proprietary statement presented at the hearing, a copy of the adopted proprietary budget statement shall be filed with the village clerk within 20 days after its adoption and published in a newspaper of general circulation within the Village Board's jurisdiction or by mailing to each resident within the board's jurisdiction.

G. If the actual expenditures for a proprietary function exceed the estimated expenditures in the proprietary budget statement during its fiscal year, the Village Board shall adopt a proprietary function reconciliation statement within 90 days after the end of such fiscal year which reflects any difference between the adopted proprietary budget statement for the previous fiscal year and the actual expenditures and revenue for such fiscal year. After the adoption of a proprietary function reconciliation statement, it shall be filed with the village clerk and published in a newspaper of general circulation within the Village Board's jurisdiction or by mailing to each resident within the board's jurisdiction. If the difference between the adopted proprietary budget for the previous fiscal year and the actual expenditures and revenues for such fiscal year is greater than 10%, the proprietary function reconciliation statement shall only be adopted following a public hearing.

H. Any income from a proprietary function which is transferred to the general fund of the Village shall be shown as a source of revenue in the village budget statement created pursuant to the Nebraska Budget Act.

(Neb. Rev. Stat. §18-2803 to 18-2808)

SECTION 1-527: PROPERTY TAX LEVY AND REQUEST; AUTHORITY TO SET

A. The property tax request for the prior year shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization in Neb. Rev. Stat. §77-1601 unless the Board of Trustees passes by a majority vote a

resolution or ordinance setting the tax request at a different amount. Such resolution or ordinance shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the Village at least five days prior to the hearing.

B. The hearing notice shall contain the following information:

1. The dollar amount of the prior year's tax request and the property tax rate that was necessary to fund that tax request;
2. The property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation; and
3. The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request.

C. Any resolution setting a tax request under this section shall be certified and forwarded to the county clerk prior to October 14 of the year for which the tax request is to apply.

D. Any tax levy which is not in compliance with this section and Neb. Rev. Stat. §77-1601 shall be construed as an unauthorized levy under Neb. Rev. Stat. §77-1606.

(Neb. Rev. Stat. §77-1601.02) (Am. by Ord. No. 333, 6/9/98)

SECTION 1-528: PROPERTY TAX LEVY; MAXIMUM; AUTHORITY TO EXCEED

A. Property tax levies for the support of the Village for fiscal years beginning on or after July 1, 1998, shall be limited to the amounts set forth in this subsection except as provided in subsections (C) and (D) of this section. The Village may levy a maximum levy of 45 cents per \$100.00 of taxable valuation of property subject to the levy plus an additional 5 cents per \$100.00 of taxable valuation to provide financing for the Village's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to Neb. Rev. Stat. §51-201, museum pursuant to Neb. Rev. Stat. §51-501, visiting community nurse, home health nurse, or home health agency pursuant to Neb. Rev. Stat. §71-1637, or statue, memorial, or monument pursuant to Neb. Rev. Stat. §80-202. Property tax levies for judgments obtained against the Village which require or obligate the Village to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of the Village, for preexisting lease-purchase contracts approved prior to July 1, 1998, and for bonded indebtedness approved according to law and secured by a levy on property are not included in the levy limits established by this subsection. The limitations on tax levies provided in this subsection are to include all other general or special levies provided by law. Notwithstanding other provisions of law, the only exceptions to the limits in this subsection are those provided by or authorized by this section. Tax levies in excess of the limitations in this section shall be considered unauthorized levies under Neb. Rev. Stat. §77-1606 unless approved under subsection (C) or (D) of this section.

B. All city airport authorities established under the Cities Airport Authorities Act and community redevelopment authorities established under the Community Development Law may be allocated property taxes as authorized by law which are authorized by the Village and are counted in the Village's levy limit provided by subsection (A) of this section, except that such limitation shall not apply to property tax levies for preexisting lease-purchase contracts approved prior to July 1, 1998, and for bonded indebtedness approved according to law and secured by a levy on property. The Village Board shall review and approve or disapprove the levy request of the political subdivisions subject to this subsection. The Village Board may approve all or a portion of the levy request and may approve a levy request that would allow a levy greater than that permitted by law. The levy allocated by the Village may be exceeded as provided in Neb. Rev. Stat. §77-3444.

C. On or before August 1, all political subdivisions subject to municipal levy authority under this subsection shall submit a preliminary request for levy allocation to the Village Board. The preliminary request of the political subdivision shall be in the form of a resolution adopted by a majority vote of members present of the political subdivision's governing body. The failure of a political subdivision to make a preliminary request shall preclude such political subdivision from using procedures set forth in Neb. Rev. Stat. §77-3444 to exceed the final levy allocation as determined in this subsection.

D. The Village Board shall adopt a resolution by a majority vote of members present which determines a final allocation of levy authority to its political subdivisions and forward a copy of such resolution to the chairperson of the governing body of each of its political subdivisions.

E. No final levy allocation shall be changed after September 1 except by agreement between both the Village Board and the governing body of the political subdivision whose final levy allocation is at issue.

F. The Village may exceed the limits provided in subsection (A) of this section by an amount not to exceed a maximum levy approved by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to exceed the limits must be approved prior to October 10 of the fiscal year which is to be the first to exceed the limits.

G. The Village Board may call for the submission of the issue to the voters (1) by passing a resolution calling for exceeding the limits by a vote of at least two-thirds of the members of the board and delivering a copy of the resolution to the election commissioner of every county which contains all or part of the Village or (2) upon receipt of a petition by the county clerk requesting an election signed by at least 5% of the registered voters residing in the Village. The petition shall be in the form as provided in Neb. Rev. Stat. §32-628 through 32-631.

H. The resolution or petition shall include the amount of levy which would be imposed in excess of the limits provided in subsection (A) of this section and the duration of the excess levy authority. The excess levy authority shall not have a duration greater than five years. Any resolution or petition calling for a special election shall be filed with the county clerk no later than 30 days prior to the date of the election, and the time of publication and providing a copy of the notice of election required in Neb. Rev. Stat. §32-802 shall be no later than 20 days prior to the election.

I. The county clerk shall place the issue on the ballot at an election as called for in the resolution or petition which is at least 30 days after receipt of the resolution or petition. The election shall be held pursuant to the Election Act.

J. Any excess levy authority approved under this subsection shall terminate pursuant to its terms, on a vote of the Village Board to terminate the authority to levy more than the limits, at the end of the fourth fiscal year following the first year in which the levy exceeded the limit or as provided in subsection (H) of this section, whichever is earliest.

K. The Village Board may pass no more than one resolution calling for an election pursuant to this subsection during any one calendar year. There shall be no limit on the number of elections held pursuant to this subsection which are initiated by petition. The ballot question may include any terms and conditions set forth in the resolution or petition and shall include the language specified in Neb. Rev. Stat. §77-3444.

L. If a majority of the votes cast upon the ballot question are in favor of such tax, the County Board shall authorize a tax in excess of the limits in subsection (A) of this section but such tax shall not exceed the amount stated in the ballot question. If a majority of those voting on the ballot question are opposed to such tax, the Village Board shall not impose such tax.

M. In lieu of the election procedures in subsection (C) of this section, the Village may approve a levy in excess of the limits in subsection (A) of this section for a period of one year at a meeting of the residents of the Village, called after notice is published in a newspaper of general circulation in the Village at least 20 days prior to the meeting. At least 10% of the registered voters residing in the Village shall constitute a quorum for purposes of taking action to exceed the limits. If a majority of the registered voters present at the meeting vote in favor of exceeding the limits, a copy of the record of that action shall be forwarded to the County Board prior to October 10 and said board shall authorize a levy as approved by the residents for the year. If a majority of the registered voters present at the meeting vote against exceeding the limits or final allocation, the limit or allocation shall not be exceeded and the Village shall have no power to call for an election under division (C) of this section.

N. The Village may rescind or modify a previously approved excess levy authority prior to its expiration by a majority of registered voters voting on the issue in a

primary, general, or special election at which the issue is placed before the registered voters. A vote to rescind or modify must be approved prior to October 10 of the fiscal year for which it is to be effective.

O. The Village Board may call for the submission of the issue to the voters by passing a resolution calling for the rescission or modification by a vote of at least two-thirds of the members of the board and delivering a copy of the resolution to the county clerk or upon request of a petition by the election commissioner requesting an election signed by at least 5% of the registered voters residing in the Village.

P. The resolution or petition shall include the amount and the duration of the previously approved excess levy authority and a statement that either such excess levy authority will be rescinded or such excess levy authority will be modified. If the excess levy authority will be modified, the amount and duration of such modification shall be stated. The modification shall not have a duration greater than five years. The county clerk shall place the issue on the ballot at an election as called for in the resolution or petition which is at least 30 days after receipt of the resolution or petition, and the time of publication and providing a copy of the notice of election required in Neb. Rev. Stat. §32-802 shall be no later than 20 days prior to the election. The election shall be held pursuant to the Election Act.

(Neb. Rev. Stat. §77-3442 through 77-3444) (Am. by Ord. No. 332, 6/9/98)

SECTION 1-529: ALL-PURPOSE LEVY; ALLOCATION; ABANDONMENT; EXTRAORDINARY LEVY

A. The Village Board has decided to certify to the county clerk for collection one all-purpose levy required to be raised by taxation for all municipal purposes instead of certifying a schedule of levies for specific purposes added together. Subject to the limits in Neb. Rev. Stat. §77-3442, the all-purpose levy shall not exceed the annual levy specified in Neb. Rev. Stat. §19-1309 to be levied upon the taxable valuation of all taxable property in the Village.

B. The amount of the all-purpose levy shall be certified as a single amount for general fund purposes. The Village Board shall allocate the amount raised by the all-purpose levy to the several departments of the Village in its annual budget and appropriation ordinance or in other legal manner as the board deems wisest and best.

C. The Village shall be bound by its election to follow the all-purpose levy method during the ensuing fiscal year but may abandon such method in succeeding fiscal years.

D. Otherwise authorized extraordinary levies to service and pay bonded indebtedness of the Village may be made by the Village in addition to the all-purpose levy.

(Neb. Rev. Stat. §19-1309 through 19-1312) (Am. by Ord. No. 334, 6/9/98)

SECTION 1-530: GENERAL PROPERTY TAX

The Village Board shall cause to be certified to the county clerk the amount of tax to be levied upon the actual value of all the taxable property of the Village for the requirements of the adopted budget for the ensuing year, including all special assessments and taxes. The maximum amount of tax which may be certified and assessed shall not require a tax levy in excess of the legal maximum as prescribed by state law.

SECTION 1-532: SALES TAX

Pursuant to Neb. Rev. Stat. §77-27,142 and pursuant to approval by the electors of the Village at the general election held on November 7, 2006, a sales tax of 1% is imposed in the Village upon the same transactions within such municipality on which the State of Nebraska is authorized to impose such a tax. (Neb. Rev. Stat. §77-27,142)

SECTION 1-531: MOTOR VEHICLE TAX

The Village Board may levy a tax on all motor vehicles owned or used in the Village, which tax shall be paid to the county treasurer when the registration fees as provided in Neb. Rev. Stat. §60-329 to 60-339 are paid. Such taxes shall be credited by the county treasurer to the road fund of the Village. Such funds shall be used by such village for constructing, resurfacing, maintaining, or improving streets, roads, alleys, public ways, or parts thereof for the amortization of bonded indebtedness when created for such purposes. (Neb. Rev. Stat. §18-1214) (Am. by Ord. No. 331, 6/9/98)

Article 6 – Elections

SECTION 1-601: VILLAGE BOARD OF TRUSTEES

A. Board of Trustees members shall be elected from the Village at large unless the registered voters of the Village have voted to elect its board members by wards. Board members shall serve for terms of four years and shall be residents and qualified electors. If the election of board members takes place by wards, each nominee for board member shall be a resident and qualified elector of the ward for which he or she is a candidate and only residents of that ward may sign the candidate's nomination petitions.

B. The members of the Village Board of Trustees shall be elected at the statewide general election as provided in Neb. Rev. Stat. §17-202 and each four years thereafter. Except as provided in such section, the term of each trustee shall be four years or until his or her successor is elected and qualified.
(Neb. Rev. Stat. §17-202, 17-203, 32-532, 32-554)

SECTION 1-602: ELECTION OF OFFICERS; CERTIFICATION

All village elections involving the election of officers shall be held in accordance with the Election Act and in conjunction with the statewide general election. No later than July 5 of each even-numbered year, the Village Board shall certify to the secretary of state or the election commissioner the name of the Village, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office. (Neb. Rev. Stat. §17-202, 32-404(2), 32-556)

SECTION 1-603: PARTISAN BALLOT; WHEN ALLOWED; REQUIREMENTS

All elective village offices shall be nominated and elected on a nonpartisan basis unless the Village Board provides for a partisan ballot by ordinance. No ordinance providing for nomination and election on a partisan ballot shall permit affiliation with any party not recognized as a political party for purposes of the Election Act. Such ordinance providing for nomination and election on a partisan ballot shall be adopted and effective not less than 60 days prior to the filing deadline. (Neb. Rev. Stat. §32-557)

SECTION 1-604: ELECTIONS GENERALLY

A. All village issues and offices shall be combined on the statewide primary and general election ballots whenever possible. The issuance of separate ballots shall be avoided in a statewide election if village offices or issues can reasonably be combined with the nonpartisan ballot and state law does not require otherwise.

B. When the Village holds an election in conjunction with the statewide primary or general election, the election shall be held as provided in the Election Act. Any

other election by the Village shall be held as provided in the Election Act unless otherwise provided by the charter, code, or bylaws of the Village.

(Neb. Rev. Stat. §32-404(1), 32-556)

SECTION 1-605: JOINT, GENERAL; NOTICE

The notice of election required to be published by the county clerk no less than 40 days prior to an election shall serve as the notice requirement for all village elections which are held in conjunction any other election. (Neb. Rev. Stat. §32-802)

SECTION 1-606: SPECIAL ELECTION

A. Any issue to be submitted to the registered voters at a special election by the Village shall be certified by the village clerk to the county clerk at least 50 days prior to the election. A special election may be held by mail as provided in Neb. Rev. Stat. §32-952 through 32-959. No special election to be conducted by the county clerk shall be held within 30 days prior to or 60 days after the statewide primary election and no special election to be conducted by the county clerk shall be held within 30 days prior to or 60 days after the statewide general election.

B. In lieu of submitting the issue at a special election, the Village may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the village clerk to the county clerk by March 1 for the primary election and by September 1 for the general election.

C. After the county clerk has received the certification of the issue to be submitted, he or she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the village clerk shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election issues. The county clerk shall prepare the ballots and issue absentee ballots and shall also conduct the submission of the issue, including the receiving and counting of ballots on the issue. The election returns shall be made to the county clerk. The ballots, including absentee ballots, shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the County Canvassing Board, the county clerk shall certify the election results to the Village Board. The canvass by the Canvassing Board shall have the same force and effect as if made by the Village Board.

(Neb. Rev. Stat. §32-559)

SECTION 1-607: PETITION CANDIDATES

A. Petitions for nomination of candidates for Village Board shall conform to the requirements of Neb. Rev. Stat. §32-628. Petitions shall state the office to be filled and the name and address of the candidate. A sample copy of the petition shall be

filed with the filing officer prior to circulation. Petitions for partisan office shall also indicate the party affiliation of the candidate. Petitions shall be signed by registered voters residing in the Village and shall be filed with the filing officer in the same manner as provided for candidate filing forms in Neb. Rev. Stat. §32-607. Petition signers and petition circulators shall conform to the requirements of Neb. Rev. Stat. §32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing the payment of the filing fee required. Such petitions shall be filed by September 1 in the year of the general election.

B. The filing officer shall verify the signatures according to Neb. Rev. Stat. §32-631. Within three days after the signatures on a petition for nomination have been verified pursuant to such section and the filing officer has determined that pursuant to Neb. Rev. Stat. §32-618 a sufficient number of registered voters signed the petitions, the filing officer shall notify the candidate so nominated by registered or certified mail and the candidate shall, within five days after the date of receiving such notification, file with such officer his or her acceptance of the nomination or his or her name will not be printed on the ballot.

C. A candidate placed on the ballot by petition shall be termed a candidate by petition. The words "By Petition" shall be printed upon the ballot after the name of each candidate by petition.

(Neb. Rev. Stat. §32-617)

SECTION 1-608: CAUCUS CANDIDATES

The Village Board may by ordinance call a caucus for the purpose of nominating candidates for offices to be filled in the village election. Such caucus shall be held at least ten days prior to the filing deadline for such election. Notice of such caucus must be published at least once in each of two consecutive weeks prior to said caucus in a newspaper of general circulation in the Village. The village clerk shall notify the person so nominated of his or her nomination and such notification shall take place not less than five days after the said caucus. A candidate so nominated shall not have his or her name placed upon the ballot unless, not more than ten days after the holding of such caucus, he or she shall have filed with the village clerk a written statement accepting the nomination of the caucus and shall have paid the filing fee if any, for the office for which he or she was nominated. (Neb. Rev. Stat. §17-601.01, 17-601.02)

SECTION 1-609: FILING FEE

A. Except as provided in subsection (C) or (D) of this section, a filing fee shall be paid to the village treasurer by or on behalf of each candidate prior to filing for office. The fee shall be placed in the general fund of the Village. No candidate filing forms shall be filed until the proper receipt showing payment of such filing fee is presented to the filing officer.

B. All declared write-in candidates shall pay the filing fees that are required for

the office at the time that they present the write-in affidavit to the filing officer. Any undeclared write-in candidate who is nominated or elected by write-in votes shall pay the filing fee required for the office within 10 days after the canvass of votes by the Canvassing Board and shall file the receipt with the person issuing the certificate of nomination or the certificate of election prior to the certificate being issued.

C. No filing fee shall be required on any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than \$500.00 per year.

D. No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office *in forma pauperis*. A pauper shall mean a person whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his or her requirements and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own. "Available resources" shall include every type of property or interest in property that an individual owns and may convert into cash except:

1. Real property used as a home;
2. Household goods of a moderate value used in the home; and
3. Assets up to a maximum value of \$3,000.00 which are used by a recipient in a planned effort directed towards self-support.

E. If any candidate dies prior to an election, the spouse of the candidate may file a claim for refund of the filing fee with the Village Board prior to the date of the election. Upon approval of the claim by the board, the filing fee shall be refunded.
(Neb. Rev. Stat. §32-608)

SECTION 1-610: BALLOTS

The county clerk shall provide printed ballots for every general village election and the expense of printing and delivering the ballots and cards of instruction shall be a charge upon the Village. (Neb. Rev. Stat. §32-805, 32-1202)

SECTION 1-611: EXIT POLLS

No person shall conduct any exit poll, public opinion poll or any other interview with voters seeking to determine voter preference on Election Day within 20 feet of the entrance to any polling place or, if inside the polling place or building, within 100 feet of any voting booth. (Neb. Rev. Stat. §32-1525)

SECTION 1-612: CERTIFICATE OF NOMINATION OR ELECTION

The election commissioner or county clerk shall, within 40 days after the election, prepare, sign, and deliver a certificate of nomination or a certificate of election to each person whom the County Board has declared to have received the highest vote

for each village office. No person shall be issued a certificate of nomination as a candidate of a political party unless such person has received at least 5% percent of the total vote cast for the office at the primary election. (Neb. Rev. Stat. §32-558, 32-1033)

SECTION 1-613: RECALL PROCEDURE

A. For purposes of this section, "filing clerk" means the election commissioner.

B. Any member of the Village Board may be removed from office by recall pursuant to Neb. Rev. Stat. §32-1301 to 32-1309.

C. The recall procedure and special election provisions of such sections shall apply to members of the Village Board who are elected by ward. Only registered voters of such member's ward may sign a recall petition or vote at the recall election. The recall election shall be held within the member's ward. When a member of the Village Board is nominated by ward in the primary election and elected at large in the general election, the recall provisions shall apply to the registered voters at the general election.

D. A petition demanding that the question of removing a member of the Village Board be submitted to the registered voters shall be signed by registered voters equal in number to at least 35% of the total vote cast for that office in the last general election, except that for an office for which more than one candidate is chosen, the petition shall be signed by registered voters equal in number to at least 35% of the number of votes cast for the person receiving the most votes for such office in the last general election. The signatures shall be affixed to petition papers and shall be considered part of the petition.

E. Petition circulators shall conform to the requirements of Neb. Rev. Stat. §32-630.

F. The petition papers shall be procured from the filing clerk. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the filing clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The affidavit shall state the name and office of the official sought to be removed, shall include in typewritten form in concise language of 60 words or less the reason or reasons for which recall is sought, and shall request that the filing clerk issue initial petition papers to the principal circulator for circulation. The filing clerk shall deliver a copy of the affidavit by certified mail to the official sought to be removed. If the official chooses, he or she may submit a defense statement in typewritten form in concise language of 60 words or less for inclusion on the petition. Any such defense statement shall be submitted to the filing clerk within 20 days after the official receives the copy of the affidavit. The filing clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within 30 days from the date of issuing the petitions.

G. The filing clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record kept in his or her office the name of the principal circulator or circulators to whom the papers were issued, the date of issuance, and the number of papers issued. The filing clerk shall certify on the papers the name of the principal circulator or circulators to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator or circulators who check out petitions from the filing clerk may distribute such petitions to persons who may act as circulators of such petitions.

H. Petition signers shall conform to the requirements of Neb. Rev. Stat. §32-629 and 32-630. Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question.

I. Each petition paper shall conform to the requirements of Neb. Rev. Stat. §32-1304.

J. The principal circulator or circulators shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the filing clerk within 30 days after the filing clerk issues the initial petition papers to the principal circulator or circulators.

K. Within 15 days after the filing of the petition, the filing clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. No signatures may be removed unless the filing clerk receives an affidavit signed by the person requesting his or her signature be removed before the petitions are filed with the filing clerk for signature verification. If the petition is found to be sufficient, the filing clerk shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the filing clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.

L. If the recall petition is found to be sufficient, the filing clerk shall notify the official whose removal is sought and the Village Board that sufficient signatures have been gathered. If the official does not resign within five days after receiving the notice, the board shall order an election to be held not less than 30 nor more than 45 days after the expiration of the five-day period, except that if any other election is to be held in the Village within 90 days of the expiration of the five-day period, the board shall provide for the holding of the removal election on the same day. After the board sets the date for the recall election, it shall be held regardless of whether the official whose removal is sought resigns before the recall election is held.

M. The form of the official ballot at a recall election shall conform to the requirements of Neb. Rev. Stat. §32-1307.

N. If a majority of the votes cast at a recall election are against the removal of the official named on the ballot or the election results in a tie, the official shall continue in office for the remainder of his or her term but may be subject to further recall attempts as provided in subsection (S) of this section.

O. If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the official is deemed removed, the removal shall result in a vacancy in the office, which shall be filled as otherwise provided in this section and state law.

P. If the election results show a margin of votes equal to 1% or less between the removal or retention of the official in question, the secretary of state or election commissioner shall order a recount of the votes cast unless the official named on the ballot files a written statement with the filing clerk that he or she does not want a recount.

Q. If there are vacancies in the offices of a majority or more of the members of the Village Board at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the secretary of state or election commissioner.

R. No official who is removed at a recall election or who resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the same Village Board during the remainder of his or her term of office.

S. No recall petition shall be filed against an elected official within 12 months after a recall election has failed to remove him or her from office or within six months after the beginning of his or her term of office or within six months prior to the incumbent filing deadline for the office.

(Neb. Rev. Stat. §32-1301 through 32-1309) (Am. by Ord. No. 327, 6/9/98)

Article 7 – Penal Provision

SECTION 1-701: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 2 – COMMISSIONS AND BOARDS

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CHAPTER 2 – COMMISSIONS AND BOARDS

Article 1 – Library Board

(Am. by Ord. No. 351, 12/13/01)

SECTION 2-101: LIBRARY; OPERATION AND FUNDING

The Village owns and manages the village library through the Library Board. The Village Board, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the library, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the Village that is subject to taxation. The revenue from the said tax shall be known as the Library Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the library. The Library Fund shall at all times be in the custody of the village treasurer. The board shall have the power and authority to appoint the librarian and to hire such other employees as it may deem necessary and may pass such other rules and regulations for the operation of the library as may be proper for its efficient operation. All actions by the Library Board shall be under the supervision and control of the Village Board. (Neb. Rev. Stat. §51-201, 51-202, 51-211)

SECTION 2-102: MEMBERS; TERMS

A. The Library Board shall consist of five members who shall be residents in the Village. However, two of such members may be residents of the area over which the Village is authorized to exercise extraterritorial zoning and subdivision regulations. Upon recommendation by the Library Board, said members shall be appointed by a majority vote of the Village Board and shall serve three-year terms of office. No member of the Village Board shall serve as a member of the Library Board while serving a term of office as a member of the Village Board. The members shall serve without compensation.

B. Members shall be limited to serving no more than two consecutive four-year terms except that a member may be reappointed if no other person is willing to serve, and persons who have served their maximum consecutive terms may once again become eligible after a two-year lapse. The length of each term shall be specifically stated by the Village Board at the time of initial appointment; provided, however, that each term shall commence on July 1 each year.

C. Vacancies in the membership shall be filled for the unexpired term in the same manner as the original appointment. All members may, after a public hearing before the Village Board, be removed by a majority vote of the Village Board for inefficiency, neglect of duty, malfeasance in office or other good and sufficient cause. (Neb. Rev. Stat. §51-202)

SECTION 2-103: OFFICERS; MEETINGS

The Library Board shall meet at such times as the Village Board may designate. At the time of the first meeting in July of each year, the members shall organize by selecting from their number a chairperson, vice-chairperson, and secretary. No member of the Library Board shall serve in the capacity of both chairperson and secretary. It shall be the duty of the chairperson to preside at all meetings and to report to the Village Board at its last meeting of the month the findings of the Library Board. It shall be the duty of vice-chairperson to perform the duties of the chairperson in his or her absence. It shall be the duty of the secretary to prepare an agenda for all regular and special meetings, to keep the full and correct minutes and records of all meetings and to file the same with the village clerk, where they shall be available for public inspection during office hours within ten working days or before the next board meeting, whichever is earlier. A majority of the board members shall constitute a quorum for the transaction of business. Special meetings may be held upon the call of the chairperson or any three board members. (Neb. Rev. Stat. §51-202)

SECTION 2-104: POWERS AND DUTIES

The Library Board shall have the power and authority to appoint the librarian and to hire such other employees as it may deem necessary and may pass such other rules and regulations for the operation of the library as may be proper for its efficient operation; however, the Village Board shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the Library Board. All actions by the Library Board shall be under the supervision and control of the Village Board. The Library Board shall be responsible for making such reports and performing such additional duties as the council may designate from time to time. (Neb. Rev. Stat. §51-205, 51-211)

SECTION 2-105: ANNUAL REPORT TO VILLAGE BOARD

The Library Board shall, on or before the second Monday in February in each year, make a report to the Village Board of the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Library Board may deem of general interest or as the Village Board may require. The report shall be verified by affidavit of the proper officers of the Library Board. (Neb. Rev. Stat. §51-213)

SECTION 2-106: LIBRARY; RULES AND REGULATIONS

The Library Board shall establish rules and regulations for the governing of the village library and for the preservation and efficient management thereof. By general rules it shall fix and impose penalties and forfeitures for injury to the library grounds, rooms, books, or other property or for failure to return a book. All fees, penalties and forfeitures may be collected in civil action in the event of failure, neglect or refusal to pay the said assessments. (Neb. Rev. Stat. §51-205, 51-214)

SECTION 2-107: LIBRARY; COST OF USE; VIOLATION OF RULES

Use of the public library shall be free for the inhabitants of the Village. The librarian may exclude from the use of the library and reading rooms any person who shall willfully violate or refuse to comply with the rules and regulations established for the government thereof. (Neb. Rev. Stat. §51-201, 51-212)

SECTION 2-108: LIBRARY; BOOK REMOVAL

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book from the library without the consent of the librarian or an authorized employee of the library. Any person removing a book from the library without properly checking it out shall be deemed guilty of an offense. (Neb. Rev. Stat. §51-211)

SECTION 2-109: LIBRARY; DAMAGED AND LOST MATERIALS

Any person who injures or fails to return any item checked out from the library shall forfeit and pay not less than the value of the item in addition to any replacement costs and penalty which the Library Board may assess. (Neb. Rev. Stat. §51-211)

SECTION 2-110: LIBRARY; UNWANTED BOOKS

The Library Board may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books in the Library. Records shall be kept of any such books so disposed of. (Neb. Rev. Stat. §51-207)

Article 2 – Planning Commission

(Neb. Rev. Stat. §19-924 through 19-929)
(Am. by Ord. Nos. 402, 11/30/10; 437, 3/10/15)

SECTION 2-201: MEMBERS

A. The Planning Commission shall consist of five members, who shall be residents of the Village. However, one of such members may be a resident of the area over which the Village is authorized to exercise extraterritorial zoning and subdivision regulation. Vacancies in the membership shall be filled for the unexpired terms in the same manner as the original appointments. Any member may, after a public hearing before the Village Board, be removed by a majority vote of the board members for inefficiency, neglect of duty, malfeasance in office or other good and sufficient case. No member of the Village Board shall serve as a member of the Planning Commission while serving a term of office as a member of the Village Board.

B. One alternate member may be appointed to the Planning Commission. The term of the alternate member shall be three years, and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the chairperson with the approval of a majority vote of the elected members of the Village Board. The alternate member may attend any meeting and may serve as a voting and participating member of the commission at any time when less than the full number of regular members are present and capable of voting
(Neb. Rev. Stat. §19-926) (Am. Ord. No. 495, 2/26/20)

SECTION 2-202: TERMS; COMPENSATION

Upon recommendation by the Planning Commission, said members shall be appointed by a majority vote of the Village Board and shall serve three-year terms of office. Members shall be limited to serving no more than two consecutive three-year terms, except that a member may be reappointed if no other person is willing to serve, and persons who have served their maximum consecutive terms may once again become eligible after a two-year lapse. The length of each person's term shall be specifically stated by the Village Board at the time of his or her initial appointment; provided, however, each term shall commence on the first day of July each year. The commission members shall serve without compensation.

SECTION 2-203: OFFICERS; MEETINGS

At the time of the Planning Commission's first meeting in July, the members shall organize by electing from their membership a chairperson, vice-chairperson and secretary. It shall be the duty of the chairperson to preside at all meetings and hearings and to report to the Village Board at its last meeting of the month the findings of the commission. It shall be the duty of the vice-chairperson to perform the duties of the

chairperson in his or her absence. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file the same with the village clerk, where they shall be available for public inspection within ten working days or before the next meeting, whichever is earlier, and to prepare an agenda for all regular and special meetings and file the agenda with the village clerk at least 24 hours in advance of the meeting. The village clerk shall post notice of all meetings at least five days prior to the meeting date in three prominent places. Warrants shall be drawn by a majority vote of the Village Board and warrants so drawn shall be paid by the village treasurer out of the general fund. The commission shall meet at least once each calendar quarter at such times as the Village Board may designate. Special meetings may be held upon the call of the chairperson or any three commission members. A majority of the members shall constitute a quorum for the transaction of business.

SECTION 2-204: DUTIES

It shall be the duty of the Planning Commission to make and adopt plans for the physical development of the Village, including any areas outside its boundaries which, in the commission's judgment, bear relation to the planning of the Village.

Article 3 – Board of Adjustment

SECTION 2-301: VILLAGE BOARD

The Greenwood Village Board of Trustees shall serve as the Board of Adjustment for the Village. (Neb. Rev. Stat. §19-912.01) (Ord. No. 436, 3/10/15)

Article 4 – Board of Health

SECTION 2-401: MEMBERS; TERMS

The Village Board shall appoint a Board of Health consisting of three members, including the chairperson of the Village Board, who shall serve as chairperson and secretary, and two other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the medical advisor. If the Village Board has appointed a village marshal, he may be appointed to the Board of Health and serve as quarantine officer. If there is no village marshal, the Cass County Sheriff may be appointed. The members of the board shall serve one-year terms of office, unless removed by the chairperson of the Board of Trustees with the advice and consent of the trustees. (Neb. Rev. Stat. §17-208)

SECTION 2-402: OFFICERS; MEETINGS

No member of the Board of Health shall hold more than one Board of Health position. The secretary shall keep full and correct minutes and records of all meetings and file the same with the village clerk, where they shall be available for public inspection during office hours. A majority of the board shall constitute a quorum for the purpose of doing business. The board shall meet at such times as the Village Board may designate. Special meetings may be held upon the call of the chairperson or any two members of the board.

SECTION 2-403: DUTIES

It shall be the duty of the Board of Health to enact rules and regulations, which shall have the full force and effect of law to safeguard the health of the people of the Village. The board shall enforce the rules and regulations and provide fines and punishments for any violations thereof. It may regulate, suppress, and prevent the occurrence of nuisances and shall actively enforce all laws of the State of Nebraska and ordinances of the Village relating to nuisances and matters of sanitation which affect the health and safety of the people. The board shall regularly inspect such premises and businesses as the Village Board may direct. The board shall be responsible for making such reports, prescribing such penalties, and performing such other duties as the Village Board may designate from time to time. All actions of the Board of Health shall be subject to the review and supervision of the Village Board. (Neb. Rev. Stat. §17-208)

SECTION 2-404: ENFORCEMENT OFFICIAL

The village marshal or Sheriff's Department shall be the chief health officer of the Village. It shall then be his duty to notify the Village Board and the Board of Health of health nuisances within the Village and its zoning jurisdiction. (Neb. Rev. Stat. §17-208)

Article 5 – Parks and Recreation Commission

(Neb. Rev. Stat. §17-952) (Am. by Ord. No. 389, 6/9/09)

SECTION 2-501: OPERATION AND FUNDING

A. The Village owns and operates the village parks and other recreational areas through the Parks and Recreation Commission. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the village parks, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Park Fund and shall remain in the custody of the village treasurer. The Park Fund is to pay for all advertising, ball program equipment and uniforms, repair and maintenance in the park and all operational expenses.

B. The revenue from donations and fundraisers shall be known as the Recreation Fund and shall remain in the custody of the village treasurer. The said fund shall be used to pay for all fundraising activities and events held by the commission.

C. The Parks and Recreation Commission shall not enter into a contract of any nature which involves an expenditure of funds unless the contract has been approved by resolution of the majority of the members of the Village Board prior to contractual agreement.

SECTION 2-502: MEMBERS; TERMS; COMPENSATION

A. The Parks and Recreation Commission shall consist of five members who shall be residents of the Village. Upon recommendation by the commission, said members shall be appointed by the chairperson with the consent of the Village Board and shall hold office for three years respectively. Members shall be limited to serving no more than two consecutive three-year terms, except that a member may be reappointed if no other person is willing to serve, and persons who have served their maximum consecutive terms may once again become eligible after a two-year lapse. The length of each term shall be specifically stated by the chairperson at the time of initial appointment; provided, however, each term shall commence on December 1 each year. No member of the Village Board shall serve as a member of the Parks and Recreation Commission while serving a term of office as a member of the Village Board.

B. Vacancies in the membership shall be filled for the unexpired term in the same manner as the original appointment to membership. Any member may, after a public hearing before the Village Board, be removed by a majority vote of the board for inefficiency, neglect of duty, malfeasance in office or other good and sufficient cause. Members shall serve without compensation.

(Am. Ord. No. 518, 10/13/21)

SECTION 2-503: OFFICERS; MEETINGS

At the time of the commission's first meeting in July, the members shall organize by electing from their membership a chairperson, vice-chairperson and secretary. No member shall hold more than one commission position. It shall be the duty of the chairperson to preside at all meetings and to report the findings of the commission to the Village Board at its last meeting of the month. It shall be the duty of the vice-chairperson to perform the duties of the chairperson in his or her absence. It shall be the duty of the secretary to prepare an agenda for all regular and special meetings and file it with the village clerk at least 24 hours in advance of the meeting, to keep the full and correct minutes and records of all meetings and to file the same with the village clerk, where they shall be available for public inspection within ten working days or before the next commission meeting, whichever is earlier. The commission shall meet at such times as the Village Board may designate. Special meetings may be held upon the call of the chairperson or any three commission members. A majority of the commission shall constitute a quorum.

SECTION 2-504: DUTIES

It shall be the duty of the Parks and Recreation Commission to direct and oversee the park and recreation facilities and to plan, initiate, organize and put into effect a program of development, including but not limited to the establishment of appropriate rules and regulations for their management, care, use and operation. All requests by the commission for village employees to perform work in the village parks shall be submitted to the Village Board. The commission shall be responsible for making such reports, including yearly budgets for both Park Fund and Recreation Fund, and performing such other duties as the Village Board may from time to time designate. All actions of the commission shall be subject to the review and control of the Village Board.

SECTION 2-505: PARKS; CLOSING HOURS

Village parks shall be closed to all persons except law enforcement officers from the hours of 11:00 P.M. to 6:00 A.M. Any person who shall violate or refuse to comply with the enforcement of this section shall be deemed guilty of an offense and may be prosecuted and/or fined.

Article 6 – Penal Provision

SECTION 2-601: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 3 – MISDEMEANORS

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CHAPTER 3 – MISDEMEANORS

Article 1 – General Misdemeanors

SECTION 3-101: RESISTING OR FAILING TO ASSIST OFFICER

It shall be unlawful for any person in this village to hinder, obstruct or resist any police officer in making any arrest or performing any duty of his or her office or to refuse or neglect to assist any such officer when called upon by him or her in making any arrest or conveying a prisoner to jail. (Neb. Rev. Stat. §28-903, 28-904)

SECTION 3-102: CRIMINAL TRESPASS

It shall be unlawful for any person, knowing that he is not licensed or privileged to do so, to:

A. Enter or secretly remain in any building or occupied structure or any separately secured or occupied portion thereof; or

B. Enter or remain in any place where notice against trespass is given by (1) actual communication to the actor; (2) posting in a manner prescribed by law or reasonably likely to come to the attention of intruders; or (3) fencing or other enclosure manifestly designed to exclude intruders.
(Neb. Rev. Stat. §28-520, 28-521)

SECTION 3-103: CRIMINAL MISCHIEF

It shall be unlawful for any person intentionally or recklessly to damage property of another; intentionally or recklessly tamper with property of another so as to endanger person or property; or intentionally or maliciously cause another to suffer pecuniary loss by deception or threat, provided that the value of the property involved is less than \$1,500.00. (Neb. Rev. Stat. §28-519)

SECTION 3-104: CONCEALED WEAPONS; EXCEPTION

Except as otherwise provided in this section, any person who carries a weapon or weapons concealed on or about his or her person such as a revolver, pistol, bowie knife, dirk or knife with a dirk blade attachment, brass or iron knuckles, or any other deadly weapon commits the offense of carrying a concealed weapon. This section shall not apply to a person who is the holder of a valid permit issued under the Concealed Handgun Permit Act if the concealed weapon which the offender is carrying is a handgun as defined in Neb. Rev. Stat. §69-2429. (Neb. Rev. Stat. §28-1202)

SECTION 3-105: DISCHARGE OF FIREARM

It shall be unlawful, except in the act of self-defense, for any person, except an officer of the law in the performance of his or her official duty, to fire or discharge any gun, pistol, or other fowling piece within the Village; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Village Board. (Neb. Rev. Stat. §17-556)

SECTION 3-106: DISCHARGE OF SLINGSHOT, PAINTBALL GUN, BLOW GUN, AIR RIFLE OR SIMILAR INSTRUMENT

It shall be unlawful, except in the act of self-defense, for any person to discharge a slingshot, paintball gun, blow gun, air rifle or other like instrument capable of launching a dangerous projectile therefrom. (Neb. Rev. Stat. §17-207)

SECTION 3-107: DISORDERLY CONDUCT

It shall be unlawful for any person to engage in conduct or behavior which disturbs the peace and good order of the Village by clamor or noise, intoxication, drunkenness, fighting, using of obscene or profane language in the streets or other public places, or is otherwise indecent or disorderly conduct or lewd or lascivious behavior. (Neb. Rev. Stat. §17-129, 17-556)

SECTION 3-108: STALKING

A. Any person who willfully harasses another person or a family or household member of such person with the intent to injure, terrify, threaten, or intimidate commits the offense of stalking.

B. For purposes of this section, the following definitions shall apply:

1. "Harass" means to engage in a knowing and willful course of conduct directed at a specific person which seriously terrifies, threatens, or intimidates the person and which serves no legitimate purpose;
2. "Course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose, including a series of acts of following, detaining, restraining the personal liberty of or stalking the person or telephoning, contacting, or otherwise communicating with the person;
3. "Family or household member" means a spouse or former spouse of the victim, children of the victim, a person presently residing with the victim or who has resided with the victim in the past, a person who had a child in common with the victim, other persons related to the victim by consanguinity or affinity, or any person presently involved in a dating relationship with the victim or who has been involved in a dating relationship with the victim. For purposes of this subdivision, "dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional or sexual involvement but does not include a casual relationship or an ordinary association between persons in a business or social context;

(Neb. Rev. Stat. §28-311.02, 28-311.03)

SECTION 3-109: PUBLIC INDECENCY

It shall be unlawful for any person 18 years of age or over to perform, procure or assist any other person to perform in a public place and where the conduct may reasonably be expected to be viewed by members of the public:

- A. An act of sexual penetration as defined by Neb. Rev. Stat. §28-318(5);

B. An exposure of the genitals of the body done with intent to affront or alarm any person; or

C. A lewd fondling or caressing of the body of any other person of the same or opposite sex. "Lewd" shall mean obscene or indecent; crude and offensive in a sexual way.

(Neb. Rev. Stat. §28-806)

SECTION 3-110: WINDOW PEEPING

It shall be unlawful for any person to go upon the premises of another and look or peep into any window, door or other opening in any building located thereon which is occupied as a place of abode.

SECTION 3-111: DISTURBING AN ASSEMBLY

It shall be unlawful for any person or persons to disturb, interrupt, or interfere with any lawful assembly of people, whether religious or otherwise, by loud and unnecessary noise, threatening behavior, or indecent and shocking behavior. (Neb. Rev. Stat. §17-556)

SECTION 3-112: LOUD MUSIC, RECORDINGS, RADIOS AND SIMILAR DEVICES; EXCEPTIONS

It shall be unlawful for any person to operate any radio, tape player, compact disc player, stereophonic sound system or similar device which reproduces or amplifies radio broadcasts or musical recordings in or upon any street, alley or other public place in such a manner as to be audible to other persons more than 50 feet from the source. Persons operating such devices while participating in licensed or permitted activities, such as parades, shall not be deemed in violation of this section. (Neb. Rev. Stat. §28-1322)

SECTION 3-113: CURFEW

A. It shall be unlawful for any minor under the age of 18 years of age to loiter, idle, wander, stroll, or play in or upon the public streets, avenues, highways, roads, alleys, parks, or other unsupervised places or to ride in or upon, drive, or otherwise operate any automobile, bicycle, or other vehicle in, upon, over, or through the streets, alleys, or other public places at the following times: Sunday through Thursday, 10:00 P.M. to 5:00 A.M. of the following day; and Friday and Saturday, 11:00 P.M. to 5:00 A.M. of the following day; except that the provisions of this section do not apply to a minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the said minor.

B. It is unlawful for the parent, guardian, or other adult person having the legal care and custody of a minor under 18 years of age to knowingly permit or allow such minor person to loiter, idle, wander, stroll, or play in or upon the public streets, avenues, highways, places of amusements and entertainment, roads, alleys, parks,

playgrounds, public places and public buildings, vacant lots, or other unsupervised places or to ride in or upon, drive, or otherwise operate any automobile, bicycle, or other vehicle in, upon, over, or through the streets, alleys, or other public places at the following times: Sunday through Thursday, 10:00 P.M. to 5:00 A.M. of the following day; and Friday and Saturday, 11:00 P.M. to 5:00 A.M. of the following day; except that the provisions of this section do not apply to a minor accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian, or other adult person having the care and custody of the said minor.

C. Any person who violates subsections (A) or (B) of this section shall be guilty of an offense and upon conviction shall be fined as provided in Section 3-601. Any person accused of any violation under this section may appear at the office of the clerk of the Cass County Court no later than 48 hours prior to the date set for arraignment and waive arraignment and the right to a hearing by payment of a fine and court costs as may be set forth by the Village Board. Said waiver fine schedule shall be set by the Village Board and placed on file in the office of the village clerk for public inspection.

(Am. by Ord. Nos. 323, 1/27/98; 325, 5/27/98)

SECTION 3-114: FAILURE TO CONTROL MINOR

It shall be unlawful for any parent or legal guardian of any person under the age of 18 years, by any act or omission or the threat of any act or omission, to contribute to or induce or endeavor to induce his or her child or ward to violate any state statute or any ordinance of the Village. Such parent or legal guardian shall have the duty to exercise reasonable care, supervision, protection, and control over his or her minor child or ward.

B. Any parent or legal guardian found to be in violation of this section, with the exception of a state or local governmental unit as guardian, shall be deemed to be guilty of an offense and subject to a civil penalty not to exceed \$100.00.

C. In addition to the penalty set forth in subsection (B), any parent or guardian found in violation of this section may be required to attend and complete an approved parenting class at the sole discretion of the chairperson or the chairperson's designee, who may also allow attendance and completion of such class as an alternative to the penalty in subsection (B). Such alternative shall only be available in cases involving a first or second violation of this section.

D. A parent or guardian found in violation of this section may appeal the penalty provided for herein by filing a written notice with the Village Board within 20 calendar days of the date upon which such parent or guardian received notice of the penalty.

SECTION 3-115: STREET GAMES

A. It shall be unlawful for any person to engage in any exercise or sport or to

push, coast or skate with roller blades, ice skates, inline skates, skateboards, scooters, or other kindred contrivances upon the village streets and sidewalks within the following areas within the corporate limits of the Village:

1. Main Street between and including the intersections with Broad and Walnut Streets.
2. Broad Street between and including the intersections with Third and Main Streets.
3. Walnut Street between and including the intersections with Third and Main Streets
4. Third Street between and including the intersections with Broad and Walnut Streets.

B. Nothing herein shall be construed to prohibit or prevent the Village Board from ordering certain streets, sidewalks, and public places in the Village from being blocked off from time to time for the purpose of providing a safe area to engage in such exercise and sport.

SECTION 3-116: APPLIANCES IN YARD

It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and accessible to children, whether on private or public property. (Neb. Rev. Stat. §18-1720)

SECTION 3-117: LITTERING

A. Any person who deposits, throws, discards, or otherwise disposes of any litter on any public or private property or in any waters commits the offense of littering unless:

1. Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or
2. The litter is placed in a receptacle or container installed on such property for such purpose.

B. "Litter" as used in this section means all rubbish, refuse, waste material, garbage, trash, debris or other foreign substances, solid or liquid, of every form, size, kind and description, but does not include the wastes or primary processes of farming or manufacturing.

C. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle or watercraft in violation of this section, the operator of such motor vehicle or

water craft commits the offense of littering.
(Neb. Rev. Stat. §17-123.01, 28-523)

SECTION 3-118: PARKS; INJURY TO PROPERTY; LITTERING

It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub; to damage or destroy any sodded or planted area; or injure or destroy any building, structure, equipment, fence, bench, table, or any other property of the village parks and recreational areas. No person shall litter the village parks or other public grounds.

Article 2 –Dogs and Cats

SECTION 3-201: DEFINITIONS

“Animal control authority” shall mean an entity authorized to enforce the animal control laws of the Village.

“Animal control officer” shall mean any individual employed, appointed, or authorized by an animal control authority for the purpose of aiding in the enforcement of this article or any other law or ordinance relating to the licensing, control or seizure and impoundment of animals and shall include any state or local law enforcement or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal

“Owner” shall mean any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog or cat; and specifically in reference to a collarless dog or cat, any person who shall harbor such animal for ten days or more shall be deemed the owner and possessor of such dog or cat and shall be deemed to be liable for all penalties prescribed in this chapter.

(Neb. Rev. Stat. §54-606, 71-4401)

SECTION 3-202: RABIES VACCINATION

Every dog or cat three months of age and older shall be vaccinated against rabies pursuant to Nebraska law. Puppies shall be vaccinated within 30 days after having reached three months of age. Unvaccinated dogs acquired or moved into the Village must be vaccinated within 30 days after purchase or arrival unless under three months of age as specified above. The provisions herein with respect to vaccination shall not apply to any dogs owned by a person temporarily residing within this village for less than 30 days, any dog brought into this village for show purposes, or any dog brought into this village for hunting purposes for a period of less than 30 days; such dogs shall be kept under the strict supervision of the owner. (Neb. Rev. Stat. §71-4402)

SECTION 3-203: RABIES CERTIFICATE; LICENSING; FEE

A. Any person who shall own, keep, or harbor a dog, cat over the age of three months within the Village shall license his or her dog or cat, or within 30 days after acquisition of the said dog or cat; acquire a license for each animal. Licenses shall expire on May 1 each year. Licenses in no event shall be issued for more than one year. Application shall be made upon a printed form provided by the Village, upon which the owner shall state his or her name and address and the name, breed, color and sex of each dog and/or cat owned and kept by him or her. A certificate stating that the dog or cat has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. If a discounted fee is charged for a spayed or neutered animal and the dog or cat has been spayed or neutered, a statement signed by a veterinarian verifying the spaying or neutering must be presented to receive the discounted fee.

B. Upon payment of the license as set by resolution of the Village Board, the village clerk shall issue to the owner of a dog or cat a license certificate and a metallic tag for each animal licensed. The Village shall, in addition to the license fee, collect from the licensee the fee required by state law for remittance to the State of Nebraska, provided the same is required by state law. From each fee collected, the clerk shall retain 3 cents and remit the balance to the state treasurer for credit to the Commercial Dog and Cat Operator Inspection Program Cash Fund. The 3 cents collected shall be credited to the general fund.

C. The metallic tag shall be properly attached to the collar or harness of every dog or cat so licensed and shall entitle the owner to keep the said animal until December 31 of the licensing period. Licenses shall not be transferable and no refund will be allowed in case of death, sale, other disposition of the licensed dog or cat.

D. Every service animal shall be licensed but no license tax shall be charged. Upon the retirement or discontinuance of the animal as a service animal, the owner shall be liable for the payment of a license tax as prescribed herein.

(Neb. Rev. Stat. §17-526, 54-603) (Am. Ord. No. 498, 7/29/20)

SECTION 3-204: LOST TAG

In the event that a licensing tag is lost and upon satisfactory evidence that the original tag was issued in accordance with the provisions herein, the village clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid. (Neb. Rev. Stat. §17-526)

SECTION 3-205: WRONGFUL LICENSING

It shall be unlawful for the owner, keeper, or harbinger of any dog or cat to permit or allow such dog or cat to wear any license, metallic tag or other village identification than that issued by the village clerk nor shall the owner, keeper, or harbinger wrongfully and knowingly license an unspayed female dog or cat with a license prescribed for a male or spayed female dog or cat. (Neb. Rev. Stat. §17-526)

SECTION 3-206: KENNELS

It shall be unlawful to own, keep, or harbor more than a total combination of animals of no more than three (i.e. three dogs, three cats, two dogs and one cat, or one dog and two cats) without obtaining a kennel license from the village clerk. Kennel operators shall confine each such dog or cat to a kennel or fenced area upon the owner's premises at all times. Kennel license fees are in lieu of individual dog and cat license fees and shall be in effect for one year from the date of issuance. Annual fees for a kennel license shall be set by the Village Board and filed in the office of the village clerk for public inspection.

SECTION 3-207: COLLAR OR HARNESS REQUIRED

All dogs and cats found running at large upon the streets and public grounds of the Village without a collar or harness are hereby declared a public nuisance and shall be impounded in the village animal shelter by the animal control officer. (Neb. Rev. Stat. §54-605)

SECTION 3-208: RUNNING AT LARGE

It shall be unlawful for the owner, keeper, or harbinger of any dog to permit or allow such dog to run at large. "Running at large" shall mean any dog found off the premises of the owner and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. (Neb. Rev. Stat. §17-526)

SECTION 3-209: DAMAGE, DEFECATION; LIABILITY OF OWNER

It shall be unlawful for any person to allow a dog or cat owned, kept, or harbored by him or her or under his or her charge or control to injure or destroy any real or personal property of any description belonging to another person or to defecate upon such property without immediate removal of the defecation. The owner or possessor of any such dog or cat, in addition to the usual judgment upon conviction, may be made liable to the person so injured in an amount equal to the value of the damage so sustained. (Neb. Rev. Stat. §54-601, 54-602, 18-1720) (Am. by Ord. No. 345, 5/30/00)

SECTION 3-210: BARKING, MEOWING, AND OFFENSIVE BEHAVIOR

It shall be unlawful for any person to own, keep, or harbor any dog or cat which by loud, continued, or frequent barking, meowing, howling, or yelping shall annoy or disturb any neighborhood or person or which habitually barks or meows at or chases pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the Village. Upon the written complaint of two or more affected persons from different households, filed within any 30-day period with the village clerk, that any dog or cat owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this section, an animal control officer shall investigate the complaint and, if in his or her opinion the situation warrants, shall notify the owner to silence and restrain such dog or cat. The provisions of this section shall not be construed to apply to the animal shelter. (Neb. Rev. Stat. §17-505, 17-526, 18-1720)

SECTION 3-211: FIGHTING

It shall be unlawful for any person, by agreement or otherwise, to set dogs and cats to fighting or by any gesture or word to encourage the same to fight. (Neb. Rev. Stat. §28-1014)

SECTION 3-212: KILLING AND POISONING

It shall be unlawful to administer or cause to be administered poison of any sort to a dog or cat; in any manner to injure, maim, or destroy or in any manner attempt to injure, maim, or destroy any dog or cat that is the property of another person; or place any poison or poisoned food where the same is accessible to a dog or cat; provided, this section shall not apply to animal control officers acting within their power and duty. (Neb. Rev. Stat. §28-1014)

SECTION 3-213: DANGEROUS DOGS; DEFINITIONS

"Dangerous dog" shall mean any dog that, according to the records of the animal control authority (A) has killed or inflicted injury on a human being that requires medi-

cal treatment; (B) has killed a domestic animal without provocation or (C) has been previously determined to be a potentially dangerous dog by an animal control authority and the owner has received notice of such determination and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals. A dog shall not be defined as a dangerous dog if the threat, any injury that is not a severe injury, or the damage was sustained by a person who (A) at the time was committing a willful trespass as defined in Neb. Rev. Stat. §20-203, 28-520, or 28-521 or any other tort upon the property of the owner of the dog; (B) was tormenting, abusing, or assaulting the dog; (C) has in the past been observed or reported to have tormented, abused, or assaulted the dog; or (D) was committing or attempting to commit a crime.

“Domestic animal” shall mean a cat, a dog, or livestock.

“Medical treatment” means treatment administered by a physician or other licensed health care professional that results in sutures or surgery or treatment for one or more broken bones.

“Potentially dangerous dog” means:

- A. Any dog that, when unprovoked: (1) inflicts an injury on a human being that does not require medical treatment, (2) injures a domestic animal, or (3) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or
- B. Any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

(Neb. Rev. Stat. §54-617)

SECTION 3-214: DANGEROUS DOGS; RESTRAINED

No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash. (Neb. Rev. Stat. §54-618)

SECTION 3-215: DANGEROUS DOGS; CONFINED; WARNING SIGN

While unattended on the owner's property, a dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least one foot. The pen or structure shall also protect the dog from the elements. The pen or structure shall be at least 10 feet from any property line of the owner. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property. Each warning sign shall be no less

than 10 inches by 12 inches and shall contain the words "Warning" and "Dangerous Animal" in high-contrast lettering at least 3 inches high on a black background. (Neb. Rev. Stat. §54-619)

SECTION 3-216: DANGEROUS DOGS; FAILURE TO COMPLY

Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this article. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of the confiscated dog or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated this article. In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner. (Neb. Rev. Stat. §54-620)

SECTION 3-217: DANGEROUS DOGS; ADDITIONAL REGULATIONS

Nothing in this article shall be construed to restrict or prohibit the Village Board from establishing and enforcing laws or ordinances at least as stringent as the provisions of this article. (Neb. Rev. Stat. §54-624)

SECTION 3-218: RABIES PROCLAMATION

It shall be the duty of the Village Board whenever in its opinion the danger to the public safety from rabid dogs or cats is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog or cat to muzzle the same or to confine it for a period of not less than 30 days or more than 90 days from the date of such proclamation or until such danger is past. The dogs or cats may be harbored by any good and sufficient means in a house, garage, or yard on the premises wherein the owner may reside. Upon issuance of the proclamation, it shall be the duty of all persons owning, keeping, or harboring any dog or cat to confine the same as herein provided. (Neb. Rev. Stat. §17-526)

SECTION 3-219: RABIES SUSPECTED; IMPOUNDMENT; CONFINEMENT BY OWNER

A. Any dog or cat suspected of being afflicted with rabies or any dog or cat not vaccinated in accordance with the provisions of this article which has bitten any person and caused an abrasion of the skin shall be seized and impounded under the supervision of the Board of Health for a period of not less than ten days. If upon examination by a veterinarian the dog or cat has no clinical signs of rabies at the end of such impoundment, it may be released to the owner or, in the case of an unlicensed dog or cat, it shall be disposed of in accordance with the provisions herein.

B. If the owner of the dog or cat has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten days, at which time the animal shall be examined by a licensed veterinarian. If no signs of rabies are observed, the dog or cat may be released from confinement. (Neb. Rev. Stat. §71-4406)

SECTION 3-220: INTERFERENCE WITH ANIMAL CONTROL

It shall be unlawful for any person to hinder, delay, or interfere with any animal con-

trol officer who is performing any duty enjoined upon him by the provisions of this article or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of the animal shelter, any ambulance, or other vehicle used for the collecting or conveying of dogs or cats to the shelter. (Neb. Rev. Stat. §28-906)

Article 3 – Animals Generally

SECTION 3-301: RUNNING AT LARGE

It shall be unlawful for the owner, keeper, or harbinger of any animal, or any person having the charge, custody, or control thereof to permit a horse, mule, cow, sheep, goat, swine, poultry, fowl, or other animal to be driven or run at large on any of the public ways and property or upon the property of another or to be tethered or staked out in such a manner so as to allow such animal to reach or pass into any public way. (Neb. Rev. Stat. §17-547)

SECTION 3-302: LIVESTOCK AND POULTRY PROHIBITED; EXCEPTIONS

No person shall keep or maintain any horse, mule, sheep, cow, goat, swine, or other livestock, any fur-bearing animal, or any poultry or fowl within the corporate limits of the Village, except that chickens, turkeys, geese, and rabbits may be kept or maintained as authorized in this article.

SECTION 3-303: CHICKENS, TURKEYS, GEESE, AND RABBITS; PERMIT REQUIRED

A. It shall be unlawful for any person to keep or have under his or her control within the limits of the Village any chickens, turkeys, geese, or rabbits without first having procured a permit so to do.

B. Application for a permit to keep any chickens, turkeys, geese, or rabbits shall be made to the Village Board in writing upon a form provided by the village clerk. The application shall contain the following information in addition to such other information as the board may require:

1. Name and residence of the applicant.
2. Location of premises where the chickens, turkeys, geese, or rabbits are to be kept.
3. Species of animals to be kept.
4. Number of animals to be kept.
5. Attached diagram or plat of premises, showing dimensions of the enclosure, corral, pen, and shelter and the distance from residence buildings, either on the same lot or on adjacent property.
6. A signed copy of this article acknowledging that it has been read and is understood.

C. Prior to the issuance of any permit for the keeping of chickens, turkeys, geese, or rabbits, the Village Board shall investigate the application for the permit and determine whether the premises conform to the requirements of this article and other ordinances of the Village with respect to zoning and building regulations, sanitation, and location of enclosures and shelters. No permit shall be approved by the Village Board until proper facilities are provided for the care and protection of the animals to be cared for on the premises and the location of the premises is deemed to be proper and suitable for the keeping of such animals.

D. Before a permit for a chicken, turkey, goose, or rabbit is issued, the applicant shall pay to the village clerk a fee for each premises upon which animals are to be kept. The fee shall be set by resolution by the Village Board and placed on file in the office of the village clerk for public inspection.

E. All permits issued herein shall expire on May 31 following the date of issuance, unless sooner revoked. No permit shall be assignable or transferable either as to permittee location or species of animal.

F. Any permit issued herein shall be subject to revocation or suspension by the Village Board for violation by the permittee of any of the provisions of this article or other ordinances of the Village with respect to the keeping of animals now in effect or hereafter enacted. Written notice will be given of non-compliance after seven days if the permittee fails to come into compliance. The Village Board or its designated representative shall remove the animals and store them at the owner's expense.

**SECTION 3-304: CHICKENS, TURKEYS, GEESE, AND RABBITS;
RESTRICTIONS AND REQUIREMENTS**

A. The maximum number of animals allowed to be kept by a person who has obtained a permit issued pursuant to Section 3-303 shall be:

Chickens (no roosters)	6
Turkeys	5
Geese	5
Rabbits	5

A weaning period shall be allowed for newborn animals, no longer than 2 months.

B. Each exercise area, corral, or pen for every chicken kept within the Village shall confine the animal to the designated area and be not less than 50 square feet for each such animal kept.

C. Sufficient and suitable shelter shall be provided for all chickens kept and such shelter shall comply in all respects with the building and zoning regulations of the Village. No enclosure, pen, or shelter structure for any such animal shall be nearer than 50 feet to any building or structure used for residence purposes, either when located on the same lot or plot of ground or on adjoining property.

D. All pens, enclosures, and shelter structures in which such animals are kept shall be maintained in a sanitary condition and the bedding, offal, manure, and waste materials accumulating from such animals shall be removed or disposed of in a sanitary manner at least once within every seven days. All such pens, enclosures, and shelter structures shall at all times be kept clean or disinfected so as to prevent the breeding of flies and other bacteria-carrying insects and the emission of deleterious and offensive odors.

E. It shall be the duty of the Village Board to enforce the provisions of this section.

(Am. Ord. No. 522, 11/10/21)

SECTION 3-305: RABIES; DISPOSITION OF ANIMALS AFFLICTED OR EXPOSED

Every animal which is found to have rabies by competent authority shall be at once destroyed. Every animal that has been exposed to such disease shall be at once confined by the owner of such animal under the direction of the Village Board in some secure place for such length of time as to show that such exposure has not given the animal such disease and so as to avoid all danger to life and health. The body of any animal that dies of such disease shall be disposed of by the owner in a method approved by the Village Board. This section applies to animals other than cats or dogs, which are addressed in Article 2.

SECTION 3-306: CAPTURE IMPOSSIBLE

The village police shall have the authority to kill any animals showing vicious tendencies or characteristics of rabies which make capture impossible because of the danger involved. (Neb. Rev. Stat. §54-624)

SECTION 3-307: DEAD ANIMALS; DUTY TO REMOVE; UNLAWFUL ACTS; EXCEPTIONS

A. If any animal dies in the possession of any person in the Village, it shall be the duty of such person to cause the same to be removed without the limits of the Village and buried or otherwise disposed of. Such burial or disposition shall be at a place prescribed by and under the direction of the Village Board. In case the owner or person having charge of any such animal neglects or refuses to remove such dead animal within 24 hours after its death, the agency authorized by the Village for the removal of dead animals shall remove the same or, if no such agency exists, then the Village Board shall cause the animal to be removed at the expense of such owner or person having charge of the same, such expenditure to be recovered in a civil action. Whenever the owner or other person having charge of any dead animal cannot be found, it shall be the duty of the agency authorized by the Village for the removal of dead animals to remove the animal at village expense or, if no such agency exists, then the Village Board shall cause such animal to be removed and buried at village expense.

B. It shall be unlawful for any person to deposit or bury in any of the streets or alleys or other places within the corporate limits of the Village or cause to be buried any carcass of any dead animal of any kind and it shall be unlawful for the owner or person having possession of any animal that dies to suffer the carcass of any such animal to remain within the corporate limits of the Village for more than 24 hours after the death of the animal. In no event shall such dead animal be used as food for other animals.

C. Nothing in this chapter shall prevent burial of any dog, cat, or other animal on the residential premises of the owner of such animal if it weighs less than 100

pounds and was a household pet. Any such animal shall be buried within 24 hours after its death and all parts of any such animal shall be covered by at least 2 feet of fine soil.

SECTION 3-308: STORAGE OF HIDES

No salted or green hides shall be stored in any warehouse or other building or other place within the Village so that odors arising from the hides annoy or disturb the occupants of premises in the vicinity thereof; and the maintaining of such hides in such condition shall of itself constitute a public nuisance.

Article 4 – Nuisances

(Am. by Ord. Nos. 492, 2/04/20; 496, 6/10/20)

SECTION 3-401: GENERALLY DEFINED

A nuisance consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

A. Injures or endangers the comfort, repose health, or safety of others;

B. Offends decency;

C. Is offensive to the senses;

D. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street or highway in the Village;

E. In any way renders other persons insecure in life or the use of property; or

F. Essentially interferes with the comfortable enjoyment of life and property, or tends to depreciate the value of the property of others.

(Neb. Rev. Stat. §18-1720)

SECTION 3-402: SPECIFICALLY DEFINED

The maintaining, using, placing, depositing, leaving or permitting of any of the following specific acts, omissions, places, conditions and things are hereby declared to be nuisances:

A. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish or fowl or any foul, decaying, or rotting substance.

B. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats or which are foul or malodorous.

C. Filthy, littered or trash-covered cellars, house yards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises.

D. Animal manure in any quantity which is not securely protected from flies and the elements or which is kept or handled in violation of any ordinance of the Village.

E. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the Village nor the dumping of non-

putrefying waste in a place and manner approved by the health officer.

F. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.

G. Trash, litter, rags, accumulations of barrels, crates packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, appliances, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, tires of any size, whether mounted on rims or by themselves, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply or which may be a fire danger.

H. Any unsafe or dangerous building or structure, as defined elsewhere in this code, or other unsightly building, billboard or other structure or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which buildings, billboards, or other structures are a fire hazard or a menace to the public health or safety.

I. All places used or maintained as junkyards or dumping grounds or for the wrecking and disassembling of automobiles, trucks, tractors or machinery of any kind or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors or machinery of any kind or of any of the parts thereof or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others.

J. Undrained parcels which hold or may hold stagnant water or other nuisance.

K. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure in which animals or fowl of any kind are confined or on which are stored tankage or any other animal or vegetable matter or on which any animal or vegetable matter, including grain, is being processed, when said places in which said animals are confined or said premises on which said vegetable or animal matter is located are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom to the annoyance of inhabitants of the Village or are maintained and kept in such a manner as to be injurious to the public health.

L. Maintenance of weeds, grasses or worthless vegetation of 12 inches or more in height, or 8 inches or more in height of weeds, grasses or worthless vegetation on any lot or piece of ground located within the corporate limits during any calendar year if, within the same calendar year, the Village has previously acted to remove weeds, grasses, or worthless vegetation exceeding 12 inches in height on the same lot or piece of ground and had to seek recovery of the costs and expenses of

such work from the owner. Weeds shall include but not be limited to bindweed (*Convolvulus arvensis*), puncture vine (*Tribulus terrestris*), leafy spurge (*Euphorbia esula*), Canada thistle (*Cirsium arvense*), perennial peppergrass (*Lepidium draba*), Russian knapweed (*Centaurea picris*), Johnson grass (*Sorghum halepense*), nodding or musk thistle, quack grass (*Agropyron repens*), perennial sow thistle (*Sonchus arvensis*), horse nettle (*Solanum carolinense*), bull thistle (*Cirsium lanceolatum*), buckthorn (*Rhamnus* sp.) (toun), hemp plant (*Cannabis sativa*), and ragweed (*Ambrosiaceae*).

M. Storage, accumulation, keeping, placing or allowing to remain trash, garbage, scrap and wrecked, worn-out, broken or inoperative or partially destroyed or disassembled personal or real property of any kind, including any junk or abandoned motor vehicles, tractors, trailers, machinery and equipment.

N. Any motor vehicle without a current state registration and not housed in a storage or other building, or any vehicle in violation of Chapter 4, Section 4-216 (Unlicensed or Inoperable Vehicles). "Vehicle" means a motor vehicle as defined by the Rules of the Road, an all-terrain vehicle, mini-bike, trailer or semitrailer.

O. Dead or diseased trees within the right of way of streets within the corporate limits or on private property, both in the corporate limits or the extraterritorial zoning jurisdiction of the Village.

P. Any condition which allows the perpetuation of insects and rodents.

Q. Debris from burned or damaged buildings, whether created by consensual burning or demolition or occurring due to fire or age.

R. All other things specifically designated as nuisances elsewhere in this code. (Neb. Rev. Stat. §18-1720)

SECTION 3-403: ABATEMENT SERVICES & NOTICE PROCEDURE FOR NUISANCES

A. Nuisance Officer. The Village may appoint an individual or organization to identify and enforce abatement of nuisances for the Village. Said individual or organization shall be identified as the "nuisance officer" and said appointment shall be identified by resolution of the Village.

B. Identifying Nuisances.

1. The Health Board, the Village Board, or the nuisance officer may identify alleged nuisances.
2. The village clerk may, upon direction of the Village Board, notify the nuisance officer of the suspected location and person(s) alleged to be in violation of any provision of this article and provide the address of such alleged nuisance.

3. The Village may request that the nuisance officer audit the Village for nuisances as defined by this code. The nuisance officer shall then view the property or area for any violations of this code with respect to nuisances. The nuisance officer shall not go upon private property for said audit unless granted permission by the resident/owner of the suspect property or upon attaining an inspection warrant.
4. The Health Board or the Village Board may prepare, or direct the preparation of, a report as to the identified nuisances in the absence of a nuisance officer.
5. For violations for maintenance of weeds, grasses or worthless vegetation as defined in Section 3-402(L), a village employee or appointee may identify said nuisances without the action of the Village Board, Health Board or nuisance officer.

C. Confirming, Documenting and Presenting Nuisances.

1. The nuisance officer shall identify and confirm that in his or her opinion, a nuisance exists as defined by this code.
2. Upon confirming that a nuisance appears to exist, the nuisance officer shall document said nuisance with photographs and other evidence pertinent to the situation. The officer will also obtain the legal description of the property and identify the current owners and, if possible, the occupants of the property upon which the nuisance exists.
3. The nuisance officer shall then present such information to the Village Board at a regular or special meeting for its confirmation that a nuisance exists.
4. For violations for maintenance of weeds, grasses or worthless vegetation as defined in Section 3-402(L), a village employee or appointee shall document said nuisance with photographs and other evidence pertinent to the situation.

SECTION 3-404: ENFORCEMENT; OPTIONS

A. A nuisance violation may be brought to the Village Board by the nuisance officer or the Board of Health or upon the Village Board's own action. The Village Board then may declare a nuisance violation by resolution. Violations of this code with respect to nuisances may be enforced by (1) municipal administrative procedures; (2) penal prosecutions through the courts; and/or (3) civil procedures in the courts. Any of these procedures or any combination of these procedures may be used to enforce the nuisance provisions of this code.

B. For violations for maintenance of weeds, grasses or worthless vegetation

as defined in Section 3-402(L), a village employee or staff shall have the authority to administratively declare the nuisance without passage of a resolution. The village clerk may pursue notice of enforcement.

SECTION 3-405: ENFORCEMENT; ADMINISTRATIVE PROCEDURES

The Village may proceed with abatement of a nuisance with or without court involvement after the following procedure is followed:

A. After a nuisance violation is declared by the Village Board, the clerk shall serve notice thereof upon the agent, owner, or occupant or, in case enforcement is by the nuisance officer, the said nuisance officer shall serve the notice.

B. The village clerk or the nuisance officer shall prepare and serve notice describing the found nuisance and stating the required date by which abatement and removal of the nuisance shall be accomplished. The notice shall also provide information as to how the interested parties may request a hearing before the Village Board as provided in subsection (D) herein.

C. The notice shall be given to each owner, the owner's duly authorized agent and any occupant by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, said notice shall be given by a single publication in a newspaper of general circulation in the Village or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. The date of service shall be by the later of certified mail receipt, personal service or publication/posting date. For violations for maintenance of weeds, grasses or worthless vegetation as defined in Section 3-402(L), notice may additionally be given to the owner and any occupant by first class mail, postage prepaid, with the envelope conspicuously marked as to its importance, to the last known address of the party. Deposit of first class mail to a post office or mail receptacle shall constitute the service date of the notice of violation.

D. The owner, the owner through an agent, and/or an occupant may request a hearing to appeal the decision by submitting the request in writing to the village clerk within five days after notice of violation is served. The requester shall provide his/her preferred method of communication for notice of hearing in the request.

E. If no request for a hearing is received in the required time period, the Village Board may cause a hearing to be held. This option is at the sole discretion of the board, to be used in exceptional cases.

F. If a hearing is requested, the village clerk shall fix a date for said hearing, to be held no later than 14 days from receipt of the request for the hearing. Notice of said hearing with the date and time shall be served upon the agent, owner, or occupant of the nuisance property by certified and regular mail (with the envelope conspicuously marked as to its importance in the case of regular mail).

G. The hearing shall be heard by a hearing officer appointed by the Village

Board. It shall be a "show cause" hearing in which the agent, owner, and/or occupant of the nuisance property (objecting party) shall provide evidence why the alleged condition should not be found to be a public nuisance and remedied. The hearing officer shall not be the nuisance officer.

H. At the hearing, the hearing officer shall mark and receive evidence which was presented when the finding of a nuisance was made, relevant evidence of the nuisance since that time, and evidence that the notices were properly given. The objecting party shall then provide his or her evidence. The rules of evidence are not required at said hearing but all evidence must be relevant to the particular nuisance being heard. Testimony shall be under oath as administered by the hearing officer or any person so designated by the hearing officer, and the person providing testimony is subject to the laws of perjury. Evidence may be submitted in writing by notarized affidavit. In the event the appealing party fails to appear at the hearing after being duly noticed, the finding of nuisance shall stand.

I. The hearing officer shall render a decision on the appeal within five business days after the conclusion of the hearing. If the appeal fails, the hearing officer may extend the date that the owner, agent or occupant shall abate the nuisance; but in no case shall the time exceed 60 days from the hearing date unless permitted specifically by resolution by the Village Board. If no extension is granted, then the Village may have the work done unless such decision is appealed to the District Court.

J. The findings of the hearing officer shall be served upon the objecting party by regular U.S. Mail (and as otherwise requested by said party) within five days of the findings. The findings of this hearing are final, provided that an interested party or parties may appeal such decision to the appropriate court for adjudication.

K. If no appeal is requested within five days of the original notice or if an appeal is unsuccessful and the nuisance officer or other village employee or appointee determines the nuisance is not remedied and abated within the time period designated, the Village may cause abatement of the nuisance.

L. If an interested party properly appeals the findings and orders of the hearing officer to an appropriate court within 30 days, the Village's actions shall be stayed until such time that the legal proceedings are completed or dismissed. In cases of appeal from an action of the Village declaring or condemning real property as a nuisance or as dangerous under the police powers of the Village, the owners of the adjoining property may intervene in the action at any time before trial.

SECTION 3-406: ENFORCEMENT; PENAL COURT ENFORCEMENT

If the nuisance is not abated within 15 days after the notice is served upon the owner, the owner's duly appointed agent, and the occupant, and the Village clerk has not received a request for hearing, the nuisance officer may request issuance of a citation for the code violation by the Village's law enforcement officer or submit a report for consideration of a complaint to be filed by the village attorney. The available penal-

ties shall be as set forth in the penal provisions of Article 6 of this chapter.

SECTION 3-407: ENFORCEMENT; CIVIL COURT PROCEDURE

The Village Board may request that the village attorney file a civil action for abatement of the nuisance or to request injunctive relief if the nuisance is not abated within 15 days after notice is served upon the owner, the owner's duly appointed agent and the occupant and the village clerk has not received a request for hearing.

SECTION 3-408: ENFORCEMENT; COST AND ASSESSMENT

A. The actual costs and expenses incurred by the Village of any such work conducted to abate the nuisance, whether through municipal personnel or through contract with a third party, shall be charged to the owner and/or occupant of the property.

B. Notice of the costs shall be submitted to the last known address of the owner, the owner's duly appointed agent, and the occupant as found in the county treasurer's office (owner) or municipal records.

C. If unpaid for two months after such work is done, the Village may either:

1. Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed; or
2. Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

SECTION 3-409: DANGEROUS BUILDINGS; DEFECTS

Any buildings or structures which have any or all of the following defects are hereby declared to be unsafe or dangerous buildings or structures and a public nuisance:

A. Those having walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

B. Those showing 33% or more of damage or deterioration of the supporting member or members, exclusive of the foundation.

C. Those with improperly distributed loads upon floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

D. Those damaged by fire, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants or the people of the Village.

E. Those which have become dilapidated; decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein.

F. Those having light, air and sanitation facilities which are inadequate to protect the health, safety, or the general welfare of human beings who live or may live therein.

G. Those having inadequate facilities for egress, including insufficient stairways, elevators, fire escapes or other means of assisting exit in the case of fire or panic.

H. Those having parts thereof which are attached in such a way that they may fall and injure persons or property.

I. Those that are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of the Village because of their condition.

J. Those having been inspected by a professional engineer appointed by the Village which are, after inspection, deemed to be in violation of any provision of local, state or federal rules and regulations or which are structurally unsafe or unsound as found by the inspection of the said engineer.

K. Those existing in violation of any provision of this article, any provision of the Fire Code, any provision of the county health rules and regulations or other applicable provisions of municipal ordinances, including but not limited to the building code adopted by the Village.

L. Those buildings, structures commenced and left unfinished with no active building permit in place.

SECTION 3-410: DANGEROUS BUILDINGS; BUILDING INSPECTOR

The building inspector, specially designated building inspector, his or her authorized representative, or a professional engineer shall, at the direction of the Village Board:

A. Inspect any building, wall or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in a dangerous or unsafe manner;

B. Inspect any building or structure within the jurisdictional area of the Village for the purpose of determining whether any conditions exist which render such place a dangerous unsafe building or structure within the terms of this article;

C. Report to the Village Board the results of the inspection;

D. Appear at all hearings and testify as to the condition of the unsafe or dangerous building or structure.

SECTION 3-411: DANGEROUS BUILDINGS; STANDARDS

In the event that it is determined that any building or structure is unsafe or dangerous, the following standards shall be followed in substance in determining whether the structure or building should be repaired, vacated, or demolished:

A. If the unsafe or dangerous building or structure can reasonably be repaired so that it will no longer exist in violation of any of the terms or provisions of this article, it shall be ordered to be repaired.

B. If the unsafe or dangerous building is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.

C. In any case where an unsafe or dangerous building or structure cannot be repaired so that it will no longer exist in violation of the terms or provisions of this article, it shall be demolished. In all cases where the unsafe or dangerous building is a fire hazard existing or erected in violation of the applicable fire codes and regulations or any other provision of a village ordinance or state statute, it shall be demolished.

SECTION 3-412: DANGEROUS BUILDINGS; UNLAWFUL MAINTENANCE

It is hereby determined unlawful to maintain a dangerous building within the corporate limits of the Village or within its zoning jurisdiction.

SECTION 3-413: DANGEROUS BUILDINGS; NUISANCE; PROCEDURE

If the building inspector, specifically designated building inspector or his or her representative or professional engineer finds that a building or structure is unsafe or dangerous and a nuisance, the Village Board then may declare by resolution a nuisance violation and the municipal clerk shall:

A. Notify the owner, occupant, lessee, mortgagee, agent or other persons having an interest in the building or structure that it has been found to be an unsafe or dangerous building. The notice will indicate whether the owner must vacate, repair or demolish the building or structure along with a notice to request a hearing in the same manner as is set forth in Section 3-405 (Administrative Procedures).

B. Set forth in the notice a description of the building or structure deemed unsafe or dangerous, accompanied by a statement of the particulars which make the building or structure unsafe or dangerous and an order requiring the same to be put in such condition as to comply with the terms of this article within such length of time as is reasonable, not exceeding 60 days.

C. Cause a sign to be placed on the building or structure found to be unsafe or dangerous on its exterior near the main entrance which shall set forth that the build-

ing or structure is unsafe or dangerous for occupancy and use and cause barricades to be erected around said area to keep the public clear of any dangerous condition.

D. File a copy of such determination or resolution in the office of the county register of deeds. No fee shall be charged for such recording or for release of such recording.

SECTION 3-414: DANGEROUS BUILDINGS; FAILURE TO COMPLY

In case any owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure shall fail, neglect, or refuse to comply with the notice by or on behalf of the Village to repair, rehabilitate or demolish and remove a building or structure which is unsafe or dangerous and a public nuisance, and fails to request a hearing on such determination, the Village may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Village Board, which is authorized to levy the cost as a special assessment against the property. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments under Nebraska statutes.

SECTION 3-415: DANGEROUS BUILDINGS; APPEAL

In the event that the owner, occupant, lessee, mortgagee, agent or other person having an interest in the building or structure disagrees with or disputes the information contained in the notice, such person shall notify the municipal clerk with a written request for hearing. The administrative and enforcement process set forth in Section 3-405 through 3-408 shall be followed and the village clerk shall cause the notices to be made as set forth therein.

SECTION 3-416: DANGEROUS BUILDINGS; IMMEDIATE HAZARD

In the event that a condition constitutes an immediate hazard to the life or safety of any persons and must be removed to protect their health or safety, the Board of Health, nuisance officer, maintenance staff, specially appointed building inspector or professional engineer designated by the Village Board shall report such facts to the board. Upon receipt of such report the Village, by and through the Village Board, may immediately contract for the immediate abatement of such condition, including the immediate demolition of unsafe and dangerous buildings, without requiring bids. The cost of such emergency abatement and demolition shall be levied, equalized and assessed in the manner of other special assessments.

SECTION 3-417: JURISDICTION

The jurisdiction of the Village Board shall extend to, and the territorial application of this article shall include, all territory adjacent to the limits of the Village within one mile thereof and all territory within the corporate limits.

Article 5 – Sexual Predators

SECTION 3-501: DEFINITIONS

For purposes of this ordinance:

“Child care facility” means a facility licensed pursuant to the Child Care Licensing Act;

“Reside” means to sleep, live, or dwell at a place, which may include more than one location and may be mobile or transitory;

“Residence” means a place where an individual sleeps, lives, or dwells, which may include more than one location, and may be mobile or transitory;

“School” means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;

“Sex offender” means an individual who has been convicted of a crime listed in Nebr. Rev. Stat. §29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and

“Sexual predator” means an individual required to register under the Sex Offender Registration Act, who has committed an aggravated offense as defined in Neb. Rev. Stat. §29-4001.01 and who has victimized a person 18 years of age or younger.
(Neb. Rev. Stat. §29-4016)

SECTION 3-502: RESIDENCY RESTRICTIONS

It is unlawful for any sexual predator to reside within 500 feet from a school or child care facility. For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility. (Neb. Rev. Stat. §29-4017)

SECTION 3-503: EXCEPTIONS

This ordinance shall not apply to a sexual predator who:

A. Resides within a prison or correctional or treatment facility operated by the state or a political subdivision;

B. Established a residence before July 1, 2006, and has not moved from that residence; or

C. Established a residence after July 1, 2006, and the school or child care facility triggering the restriction was established after the initial date of the sexual predator's residence at that location.
(Neb. Rev. Stat. §29-4017)

Article 6 – Penal Provisions

SECTION 3-601: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

SECTION 3-602: ABATEMENT OF NUISANCE

Whenever a nuisance exists as defined in this chapter, the Village may proceed by a suit in equity to enjoin and abate the same in the manner provided by law.

CHAPTER 4 – VEHICLES AND TRAFFIC

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CHAPTER 4 – VEHICLES AND TRAFFIC

Article 1 – Traffic Regulations

SECTION 4-101: DEFINITIONS

The words and phrases used in this chapter pertaining to motor vehicles and traffic regulations shall be construed as defined in Neb. Rev. Stat. Chapter 60, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning. (Neb. Rev. Stat. §60-606 through 60-676)

SECTION 4-102: RULES OF THE ROAD; INCORPORATED BY REFERENCE

The Nebraska Rules of the Road, together with all subsequent amendments thereto, as adopted by the State of Nebraska relating to traffic regulations, are incorporated by reference into this section and made a part of this article as though spread at large herein, except those provisions in conflict with this article when the Village Board has the authority to alter such regulations. (Neb. Rev. Stat. §60-683)

SECTION 4-103: EMERGENCY REGULATIONS

Law enforcement is hereby empowered to make and enforce temporary traffic regulations to cover emergencies.

SECTION 4-104: POLICE; ENFORCEMENT

The Cass County sheriff is hereby authorized, empowered, and ordered to exercise all powers, and duties, with relation to the management of street traffic and to direct, control, stop, restrict, regulate, and, when necessary, temporarily divert, or exclude, in the interest of public safety, health, and convenience the movement of pedestrian, animal, and vehicular traffic of every kind in streets, parks, and on bridges. The driver of any vehicle shall stop upon the signal of any police officer. (Neb. Rev. Stat. §60-683)

SECTION 4-105: POLICE; REFUSAL TO OBEY

It shall be unlawful for any person to refuse, or fail to comply with, any lawful order, signal, or direction of a police officer. (Neb. Rev. Stat. §60-680)

SECTION 4-106: POLICE; TRAFFIC OFFICERS

The Village Board or the village police may at any time detail officers, to be known as "traffic officers," at street intersections. All traffic officers shall be vested with the authority to regulate and control traffic at the intersections to which they are assigned. They shall direct the movement of traffic and prevent congestion and accidents. It shall be unlawful for any person to violate any order or signal of any such traffic officer, notwithstanding the directive of a stop sign or signal device which may have been placed at any such intersection. (Neb. Rev Stat. §60-680, 60-683)

SECTION 4-107: TRAFFIC LANES; DESIGNATION

The Village Board may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable. (Neb. Rev. Stat. §60-680)

SECTION 4-108: TRUCK ROUTES

The Village Board may, by resolution, designate certain streets in the Village that

trucks shall travel upon, and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise, and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through, or about the Village. The Village Board shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes. (Neb. Rev. Stat. §60-681)

SECTION 4-109: ENGINE BRAKING

It shall be unlawful for any person within the village limits to make or cause to be made loud or disturbing noises with any mechanical device operated by compressed air and used for purposes of assisted braking on any motor vehicle; provided, however, it shall be permitted to use engine brakes in an emergency situation.

SECTION 4-110: SIGNS, SIGNALS

The Village Board may, by resolution, provide for the placing of stop signs or other signs, signals, standards, or mechanical devices in any street or alley under the Village's jurisdiction for the purpose of regulating, or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect, or refuse to comply with such regulation, or prohibition. (Neb. Rev. Stat. §60-6,119 through 60-6,121, 60-680)

SECTION 4-111: STOP SIGNS, GENERALLY

Every person operating any vehicle shall, upon approaching any stop sign, cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operator shall stop at a marked stop line or, if there is no stop line, before entering the crosswalk; but if neither is indicated, then as near the right-of-way line of the intersecting roadway as possible. (Neb. Rev. Stat. §60-6,119 through 60-6,121, 60-680)

SECTION 4-112: SIGNS, TRAFFIC CONTROL OR SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH

It shall be unlawful for any person to willfully or maliciously deface, injure, remove, obstruct, knock down or interfere with any official traffic sign or signal, traffic control device, or traffic control surveillance device. (Neb. Rev. Stat. §60-6,129, 60-6,130)

SECTION 4-113: CROSSWALKS

The Village Board may, by resolution, establish and maintain, by appropriate devices, markers, or lines upon the street, crosswalks, at intersection s where there is particular danger to pedestrians crossing the street, and at such other places as they may deem necessary. (Neb. Rev. Stat. §60-680)

SECTION 4-114: SPEED LIMITS; DEPOT STREET/HIGHWAY US-6

A. No person shall operate a motor vehicle on any street, alley, or other place

at a rate of speed greater than 25 miles per hour within the residential district and 20 miles per hour within the business district and around the park, unless a different rate of speed is specifically permitted by ordinance.

B. The speed limit on Depot Street (Highway US-6) shall be 55 miles per hour from 1400 feet southwest of Church Road to Church Road and 45 miles per hour from Church Road to 475 feet northeast of North Street, all within the corporate limits. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted.

(Neb. Rev. Stat. §60-6,185, 60-6,186, 60-6,190) (Am. Ord. No. 500, 9/9/20)

SECTION 4-115: RIGHT OF WAY; GENERALLY

A. When two vehicles approach or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a law enforcement officer stationed at the intersection.

B. The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road or driveway shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. The driver of a vehicle entering a village street from a private road or drive shall yield the right of way to all vehicles approaching on such streets.

SECTION 4-116: RIGHT OF WAY; EMERGENCY VEHICLES

A. Upon the immediate approach of an authorized emergency vehicle which makes use of proper audible or visual signals:

1. The driver of any other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway or to either edge or curb of a one-way roadway, clear of any intersection, and shall stop and remain in such position until such emergency vehicle passes unless otherwise directed by any peace officer; and
2. Any pedestrian using such roadway shall yield the right-of-way until such emergency vehicle passes unless otherwise directed by any peace officer.

B. This section shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway.

(Neb. Rev. Stat. §60-6,151)

SECTION 4-117: RACING

No person shall drive any vehicle in any race, speed competition or contest, drag

race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration or for the purpose of making a speed record, and no person shall in any manner participate in any such race, competition, contest, test, or exhibition. (Neb. Rev. Stat. §60-6,195)

SECTION 4-118: DRIVING ABREAST

Two or more vehicles shall not be driven abreast except when passing or when traversing a multi-lane or one-way street; provided, motorcycles may be driven no more than two abreast in a single lane. (Neb. Rev. Stat. §60-6,139)

SECTION 4-119: RIDING OUTSIDE VEHICLE

No person shall permit any other person to ride on the running board, hood, top, or fenders of any motor vehicle nor shall any person ride on the running board, hood, top, or fenders of any motor vehicle. (Neb. Rev. Stat. §60-680)

SECTION 4-120: CLINGING TO MOTOR VEHICLE

No person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle shall attach himself or the said conveyance to any vehicle upon a roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person riding upon any bicycle, coaster, roller skates, sled, skis, or toy vehicle to cling or attach himself or his conveyance to such vehicle driven and operated by him. (Neb. Rev. Stat. §60-6,316)

SECTION 4-121: MUFFLER

Every motor vehicle operated within this Village shall be provided with a muffler in good working order to prevent excessive or unusual noise or smoke. No person shall modify or change the exhaust muffler, intake muffler or any other noise abatement device of a motor vehicle in a manner such that the noise emitted by the motor vehicle is increased above that emitted by the vehicle as originally manufactured. It shall be unlawful to use a "muffler cut-out" on any motor vehicle upon any streets; provided, the provisions of this section shall not apply to authorized emergency vehicles. (Neb. Rev. Stat. §60-6,286)

Article 2 – Parking

SECTION 4-201: GENERALLY

No person shall park any vehicle or approach the curb with a vehicle except when headed in the direction of the traffic. Vehicles when parked shall stand parallel with and adjacent to the curb or edge of the roadway in such manner as to have both right wheels within 12 inches of the curb or edge of the roadway and so as to leave at least 4 feet between the vehicle so parked and any other parked vehicles, except where the Village Board designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. (Neb. Rev. Stat. §60-680, 60-6,167)

SECTION 4-202: DESIGNATION OF PARALLEL OR ANGLE PARKING

The Village Board may, by resolution, designate any street, or portion thereof, where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb. (Neb. Rev. Stat. §60-680, 60-6,167)

SECTION 4-203: NO PARKING AREAS

The Village Board may by resolution set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited, or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way, or portion thereof, longer than a period of time necessary to load and unload freight or passengers. (Neb. Rev. Stat. §60-680)

SECTION 4-204: NO PARKING ON CERTAIN STREETS

It shall be unlawful for any person or persons to park or not to remove any motor vehicle, camper or trailer of any description from the following streets in the Village:

A. Main Street from Hwy 6 to West Street

B. Fourth Street to North Street on West Street

(Ord. No. 370, 7/12/05) (Am. by Ord. No. 373, 7/26/05)

SECTION 4-205: SNOW EMERGENCIES

A. It shall be unlawful for any person or persons to park or allow to remain any motor vehicle, camper, or trailer of any description on any village street from October 11 to May 1 each year from the hours of 1:30 a.m to 7:00 a.m. when there is accumulated snow, falling snow, sleet or freezing rain on the following streets in the Village:

1. Main Street from Highway 6 to Walnut Street;
2. Main Street from Highway 6 to West Street;
3. Broad Street from Main Street to Third Street;
4. Walnut Street from Main Street to Third Street.

B. Additionally, the chair of the Village Board or his or her designee shall have

the authority to declare a snow emergency. Whenever a snow emergency has been declared, the village chair or his or her designee shall alert the general public of the existence of the declared emergency by an announcement through local radio and television, notice through the village website, by posting in the three locations designated for notice in the Village, and may also use available electronic notice.

C. The declaration shall set forth the streets or parts thereof whereon the parking of vehicles will be prohibited and the hours during which the prohibition will be in effect. All vehicles parked on the designated streets shall be removed within one-half hour of the time of the beginning of the snow emergency. From the time of the commencement of the snow emergency until the time that the village chair or his or her designee terminates the snow emergency, it shall be unlawful for the owner or operator to permit a vehicle, camper or trailer to be parked upon the designated streets. The owner or operator of any vehicle found in violation of this prohibition shall be subject to a fine of \$50.00 and an administrative expense of \$50.00 (\$100.00 total) and have said property towed at the expense of the owner or operator pursuant to Section 4-221.

(Neb. Rev. Stat. §17-557) (Am. Ord. Nos. 321, 1/28/98; 368, 3/29/05; 370, 7/12/05, 373, 7/25/05; 510, 2/24/21)

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SECTION 4-206: OBSTRUCTING TRAFFIC

No person shall, except in case of an accident or emergency, stop any vehicle in any location where such stopping will obstruct any street intersection or entrance to an alley or public or private drive. (Neb. Rev. Stat. §60-680)

SECTION 4-207: OBSTRUCTING ALLEY

No vehicle while parked shall have any portion thereof projecting into any alley entrance. (Neb. Rev. Stat. §60-680)

SECTION 4-208: ALLEYS; LOADING AND UNLOADING

No vehicle shall be parked in any alley except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of one-half hour. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley. (Neb. Rev. Stat. §60-680)

SECTION 4-209: FIRE STATION AND HYDRANTS

No vehicle shall be parked within 15 feet in either direction of any fire hydrant nor within 20 feet of the driveway entrance to any fire station. Any vehicle found as an obstruction may be immediately removed by the fire chief or any member of the Fire Department at the risk, cost, and expense of the owner or claimant. (Neb. Rev. Stat. §60-6,166)

SECTION 4-210: DISPLAY OR REPAIR OF VEHICLE

It shall be unlawful for any person to park upon any street, alley, or public place within this Village any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle, or race the motor of same, while standing on the public streets or alleys of this Village, excepting in case of breakdown or other emergency requiring same. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. (Neb. Rev. Stat. §60-680)

SECTION 4-211: TIME LIMIT

The Village Board may by resolution entirely prohibit or fix a time limit for the parking and stopping of vehicles on any street, streets, or district designated by such resolution; and the parking or stopping of any vehicle in any such street, streets, or district, for a period of time longer than fixed in such resolution shall constitute a violation of this Article. (Neb. Rev. Stat. §60-680)

SECTION 4-212: MAXIMUM TIME LIMIT

The parking of a motor vehicle on a public street for over 24 consecutive hours is unlawful, except where a different maximum time limit is posted. (Neb. Rev. Stat. §60-680)

SECTION 4-213: RESIDENTIAL DISTRICT UNLOADING

It shall be unlawful for the operator of any vehicle with an overall length of more than 20 feet to stop or park any such vehicle on a street which the Village Board has designated to be within the "residential district," except to load or unload, and then only when unloading in an alley is impossible. Vehicles may stop or stand for a period of

time not to exceed what is reasonably necessary to load or unload. It shall be unlawful for the operator of any vehicle, regardless of crosswalk, to park in front of a private driveway or on a sidewalk without permission of the property owner. The Village Board may by resolution provide truck parking areas adjoining or adjacent to the residential district and when such parking areas are provided, it shall be the duty of all truck operators to use such parking areas for all parking purposes. (Neb. Rev. Stat. §60-680)

SECTION 4-214: HANDICAPPED OR DISABLED PERSONS

The Village may designate parking spaces, including access aisles, for the exclusive use of (A) handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to Neb. Rev. Stat. §60-3,113, (B) handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state, (C) such other handicapped or disabled persons or temporarily handicapped or disabled persons whose motor vehicles display a handicapped or disabled parking permit, and (D) such other motor vehicles which display a handicapped or disabled parking permit. Regulations governing the parking of handicapped or disabled persons shall be as provided in Neb. Rev. Stat. §18-1736 through 18-1741.07.

SECTION 4-215: REMOVAL OF ILLEGALLY PARKED VEHICLES

A. Whenever any police officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of the article, such individual may remove or have such vehicle removed or require the driver or other person in charge of the vehicle to move such vehicle to a position off the roadway of such street or alley or from such street or alley.

B. The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this section shall not apply to the contents of any vehicles.

(Neb. Rev. Stat. §60-6,165, 60-680)

SECTION 4-216: UNLICENSED OR INOPERABLE VEHICLES

No person in charge or control of any property within the Village, other than municipal property, whether as owner, tenant, occupant, lessee, or otherwise, shall allow a partially dismantled, inoperable, wrecked, junked, or discarded vehicle to remain on such property longer than 30 days. No unlicensed vehicle shall be permitted to remain on such property longer than 30 days. No unlicensed vehicle shall be permitted to remain on any private or public property for any length of time, provided that this section shall not apply to a vehicle in an enclosed building; to a vehicle on the premises of a business enterprise, operated in a lawful place and manner, when such vehicle is necessary to the lawful operation of the business; or to a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Village. Any vehicle allowed to remain on property in violation of this section shall constitute a

nuisance and shall be abated, and any person violating this section shall be guilty of an offense.

SECTION 4-217: VIOLATIONS BUREAU; COLLECTIONS, ACCOUNTING

A. For the purposes hereinafter provided, the Violations Bureau has been designated to collect penalties imposed by village ordinances for non-moving motor vehicle violations.

B. The village clerk shall act as the Violations Bureau and shall collect and account for all monies paid in accordance with the provisions of this article and issue receipts therefor, shall remit all monies collected under the provisions of this title to the village treasurer and shall keep records of all violators, showing the name, time, and date of violation and disposition.

(Neb. Rev. Stat. §18-1729)

SECTION 4-218: VIOLATIONS BUREAU; ISSUING CITATIONS

It shall be the duty of any authorized law enforcement officer to issue citations for non-moving vehicle violations which shall be processed originally through Violations Bureau upon finding:

A. Any motor vehicle in violation of a motor vehicle parking ordinance or of a duly established parking regulation of the Village;

B. Any motor vehicle stopped or parking in such a manner as to interfere with the lawful use of the street; or

C. Any motor vehicle stopped or parked in violation of this article.

SECTION 4-219: VIOLATIONS BUREAU; PAYMENT OF FINES AND COSTS

Any person accused of any non-moving motor vehicle violation of the municipal code may appear before the Violations Bureau and waive arraignment and right to a hearing by payment of the sum set by the Village Board for those complaints on file in the office of the village clerk. In each instance of such waiver of arraignment and right to a hearing, the person charged in the complaint shall pay, in addition to the amount specified above, an administrative cost as set by the Village Board and placed on file in the office of the village clerk for public inspection. (Neb. Rev. Stat. §29-423)

SECTION 4-220: VIOLATIONS BUREAU; MAILING NOTICE OF COMPLAINT

In the event that a person accused of a violation does not appear before the Violations Bureau within seven days after the date of the issuance of the citation, notice shall be mailed to the last known address of the registered owner of the vehicle found to be in violation of the ordinance or regulation, setting forth the date and the nature of the alleged offense, the disposition that can be made of the matter by appearing at the Violations Bureau within fifteen days of the issuance of the citation, and that upon expiration of the 15-day period such vehicle may be impounded pursuant to Section 4-221 below and a complaint may be filed pursuant to Section 4-222.

SECTION 4-221: VIOLATIONS BUREAU; IMPOUNDMENT

Impounded vehicles will be towed by a wrecker service. The cost of impoundment will constitute a lien against the vehicle, with the owner held liable for costs of towing and storage. Any impounded vehicle will be held until all penalties are paid, including any citation for violation at the time the vehicle is secured for towing. However, in the event such citation is dismissed by the county court, a full refund will be made for the cost of impoundment for that citation only.

SECTION 4-222: VIOLATIONS BUREAU; FILING OF COMPLAINT

The village attorney, when directed to do so by the Village Board and where in his or her judgment there is sufficient evidence to warrant the belief that a person is guilty and can be convicted of a violation of the parking ordinances, shall prepare a complaint, file it with Cass County Court and shall then attend and prosecute the violation.

Article 3 – Bicycles, Mopeds and Motorcycles

SECTION 4-301: BICYCLES; OPERATION

A. No bicycle shall be ridden faster than is reasonable and proper; but every bicycle shall be operated with reasonable regard to the safety of the operator and any other persons upon the streets and public highways.

B. No bicycle shall be permitted on any street or other public highway from one-half hour after sunset and one-half hour before sunrise without a headlight, visible under normal atmospheric conditions from the front thereof for not less than 500 feet indicating the approach or presence of the bicycle, firmly attached to such bicycle and properly lighted or without a yellow or red light reflector attached to and visible 500 feet from the rear thereof. The said headlight shall emit a clear white light.

C. No person shall ride or propel a bicycle upon any street or other public highway abreast of more than two other persons riding or propelling a bicycle.

D. Every person riding or propelling a bicycle upon any street or other public highway shall observe all traffic rules and regulations applicable thereto, including stopping at all stop signs, signal for all turns, ride at the right-hand side of the street or highway, pass to the left when passing overtaken vehicles and individuals that are slower moving, and shall pass vehicles to the right when meeting.

E. No person shall park a bicycle on any sidewalk unless a bicycle stand is located on said sidewalk.

(Neb. Rev. Stat. §60-6,315, 60-6,317, 60-6,318)

SECTION 4-302: MOPEDS; DEFINED

“Moped” shall mean a bicycle with fully operative pedals for propulsion by human power, an automatic transmission, and a motor with a cylinder capacity not exceeding 50 cubic centimeters, which produces no more than two brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than 30 miles per hour on level ground. Mopeds, their owners, and their operators shall be subject to Neb. Rev. Stat. Chapter 60, Article 4 but shall be exempt from the requirements of Neb. Rev. Stat. Chapter 60, Articles 1, 3, 5, and 17. (Neb. Rev. Stat. §60-6,309)

SECTION 4-303: MOPEDS; OPERATOR'S LICENSE REQUIRED

No person shall operate a moped upon the streets, alleys, or highways within the Village unless such person has a valid Class O operator's license or a valid school or learner's permit. (Neb. Rev. Stat. §60-6,310) (Am. by Ord. No. 336, 10/10/94)

SECTION 4-304: MOPEDS; TRAFFIC REGULATIONS APPLICABLE

Any person who rides a moped upon a roadway shall have all the rights and shall be subject to all of the duties applicable to the driver of a motor vehicle under the Nebraska Rules of the Road except for special moped regulations in the rules and except for those provisions of the rules which by their nature can have no application.

Such regulations applicable to mopeds shall apply whenever a moped is operated upon any street, alley, or highway within the Village or upon any path set aside by the Department of Roads or the Village for the use of mopeds. Notwithstanding any established maximum speed limits in excess of 25 miles per hour, no person shall operate any moped at a speed in excess of 30 miles per hour. (Neb. Rev. Stat. §60-6,311, 60-6,313) (Am. by Ord. No. 337, 10/10/94)

SECTION 4-305: MOPEDS; USE OF TRAFFIC LANES

A moped shall be entitled to full use of a traffic lane of any street or highway with an authorized speed limit of 45 miles per hour or less and no vehicle shall be operated in such a manner as to deprive any moped of the full use of such lane. This section shall not apply to mopeds or motorcycles operated two abreast in a single lane. No person shall operate a moped between lanes of traffic or between adjacent lines or rows of vehicles. Mopeds shall not be operated more than two abreast in a single lane. Any person who operates a moped on a roadway with an authorized speed limit of more than 45 miles per hour shall ride as near to the right side of the roadway as practicable and shall not ride more than single file. (Neb. Rev. Stat. §60-6,313)

SECTION 4-306: MOPEDS; EQUIPMENT

Any moped which carries a passenger shall be equipped with footrests for such passenger. No person shall operate any moped with handlebars more than 15 inches above the mounting point of the handlebars. (Neb. Rev. Stat. §60-6,312)

SECTION 4-307: MOPEDS; HELMET

A person shall not operate or be a passenger on a moped or motorcycle on any highway, as defined in state statutes, unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, visor, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's *Federal Motor Vehicle Safety Standard No. 218*, 49 C.F.R. 571.218, for motorcycle helmets. (Neb. Rev. Stat. §60-6,279)

SECTION 4-308: MOTORCYCLES; OPERATION

A. Any person who operates a motorcycle shall have all of the rights and shall be subject to all of the duties applicable to the driver of any other vehicle under this chapter.

B. Any person who operates a motorcycle shall ride only upon a permanent, regular seat attached thereto and shall not carry any other person nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent, regular seat if designed for two persons or upon another seat firmly attached to the motorcycle to

the rear or side of the operator.

C. Any person shall ride upon a motorcycle only while sitting astride the seat, facing forward.

D. No person shall operate a motorcycle while carrying any package, bundle or other article which prevents him or her from keeping both hands on the handlebars.

E. No operator shall carry any person nor shall any person ride in a position that will interfere with the operation or control of the motorcycle or the view of the operator.

F. A motorcycle shall be entitled to full use of a traffic lane of any highway and no vehicle shall be driven in such a manner as to deprive any motorcycle of the full use of such lane. This subsection shall not apply to motorcycles operated two abreast in a single lane.

G. The operator of a motorcycle shall not overtake and pass in the same lane occupied by the vehicle being overtaken.

H. No person shall operate a motorcycle between lanes of traffic or between adjacent lines or rows of vehicles.

I. Motorcycles shall not be operated more than two abreast in a single lane.

J. Subsections (G) and (H) of this section shall not apply to police officers in the performance of their official duties.

(Neb. Rev. Stat. §60-6,307, 60-6,308)

SECTION 4-309: MOTORCYCLES; LIGHTS

No person shall ride a motorcycle upon the streets, alleys or highways from one-half hour after sunset to one-half hour before sunrise unless the same shall be equipped with at least one and not more than two headlights, plainly visible from the front, and a light on the rear exhibiting a red light visible under normal atmospheric conditions from a distance of at least 500 feet to the rear thereof; provided, said lamps shall comply with the requirements and limitations of state statutes. (Neb. Rev. Stat. §60-6,219)

SECTION 4-310: MOTORCYCLES; HELMET

A person shall not operate or be a passenger on a motorcycle or moped on any highway, as defined in state statutes, unless such person is wearing a protective helmet as provided in Section 4-307.

Article 4 – Off-Road Vehicles

(Ord. No. 398, 6/29/10)

SECTION 4-401: GO-KARTS, MINI-BIKES, SNOWMOBILES; UNLAWFUL OPERATION

A. The use of all off-road designed vehicles which are not licensed under the laws of the State of Nebraska is prohibited upon the public streets of the Village. Examples of said vehicles are as follows:

1. Go-karts;
2. Mini-bikes, which shall mean two-wheel motor vehicles with total wheel and tire diameter of less than 14 inches or an engine-rated capacity of less than 45 cubic centimeters displacement; or any other two-wheel motor vehicles primarily designed by the manufacturer for off-road use only;
3. Snowmobiles;
4. All other vehicles banned as provided in the municipal code.

B. Said vehicles shall be permitted under the following circumstances:

1. In parades or special events specifically authorized by the Village Board.
2. Use by village employees or contractors in such capacity.

SECTION 4-402: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; PERMITS; VEHICLE AND OPERATOR REQUIREMENTS

Any person desiring to operate an all-terrain vehicle (ATV) or utility-type vehicle (UTV) upon the public streets of the Village, other than in parades which have been authorized by the Board of Trustees and which has not been specifically prohibited to be upon the public streets of the Village as herein indicated, shall first apply for a permit upon application forms furnished by the village clerk and receive from the clerk a permit for said operation of said ATV or UTV, the requirements and criteria for obtaining said permit to be as follows:

A. ATV requirements:

1. Width 50 inches or less;
2. Dry weight 1,200 pounds or less;
3. Travels on three or more non-highway tires;
4. Designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger;
5. Seat or saddle designed to be straddled by the operator;
6. Handlebars or other steering assembly for steering control;
7. Bicycle safety flag that extends not less than 5 feet above ground attached to the rear of the vehicle, triangular in shape with an area not less

- than 30 square inches and day-glow in color;
- 8. Lighted headlight and taillight at all times;
- 9. Brake system maintained in good operating condition;
- 10. Adequate muffler system in good working condition;
- 11. A municipal permit affixed on the vehicle as provided by municipal rules and regulations;
- 12. United States Forest Service-qualified spark arrester.

B. UTV requirements:

- 1. Width 74 inches or less;
- 2. Length not more than 180 inches, including the bumper;
- 3. Dry weight 2,000 pounds or less;
- 4. Travels on four or more non-highway tires;
- 5. Steering wheel and bench or bucket-type seating designed for at least two people to sit side-by-side;
- 6. Bicycle safety flag that extends not less than 5 feet above ground attached to the rear of such vehicle; the flag shall be triangular in shape with an area of not less than 30 square inches and shall be day-glow in color;
- 7. Lighted headlight and taillight at all times;
- 8. Brake system maintained in good operating condition;
- 9. Adequate muffler system in good working condition;
- 10. A municipal permit affixed on the vehicle as provided by municipal rules and regulations;
- 11. United States Forest Service-qualified spark arrester.

C. In the event the Nebraska Revised Statutes, describing the vehicles described herein, are modified or altered, the description contained herein shall be modified to follow said description change.

D. Applicant's requirements:

- 1. Must be a licensed driver in possession of a valid operator's license;
- 2. His or her license to operate a motor vehicle must not be currently suspended or revoked by the laws of the State of Nebraska for loss of points or driving under the influence of alcohol or other similar driving offenses, causing a revocation or suspension of said person's operator's license;
- 3. Must be able to obtain and submit proof of financial responsibility evidencing ability to respond in damages for liability (each applicant in the case of a family membership shall be identified on such proof), on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of said ATV or UTV (a) in the amount of \$25,000.00 because of bodily injury or (b)

death of one person in any one accident, (c) subject to such limit for one person in the amount of \$50,000.00 because of bodily injury or death of two or more persons in any one accident and, (d) in the amount of \$25,000.00 because of injury to or destruction of property of others in any one accident;

4. Must acknowledge that he or she shall abide by the terms and conditions of this ordinance;
5. Must require any operator of his or her vehicle to abide by the terms of this ordinance and by the terms of the Nebraska Revised Statutes pertaining to operation of such vehicles, and may be held liable for any infractions and subject to revocation of the permit;
6. Must submit a non-refundable application fee with the application for each unit. Such fee shall be as set by the Village Board and filed in the office of the village clerk. Applicant shall pay all other expenses and costs associated with his or her application.

(Am. by Ord. No. 407, 6/12/12)

SECTION 4-403: ALL-TERRAIN AND UTILITY-TYPE VEHICLES; PERMIT ISSUANCE; CONDITIONS

Upon satisfaction of the above conditions, the clerk may issue a permit for such off-road designed vehicle to be operated on the streets of the Village under the following rules and regulations:

- A. Said permit is valid for only one year, from January 1 to December 31 each year;
- B. Said permit as issued by the Village must be affixed and displayed in plain sight on the right rear of each unit;
- C. Applicant and operator shall operate such ATV or UTV subject to the following:
 1. All rules of the road, as found in Chapter 60 of the Nebraska Revised Statutes, not in conflict herewith.
 2. All ordinances of the Village, as found in the revised municipal code, not in conflict herewith.
 3. Said ATV or UTV shall not be operated in excess of the posted speed limit or municipal code (in no case to exceed 30 miles per hour) and all passengers must remain seated while the vehicle is in operation.
 4. Maintenance of proof of insurance or financial responsibility as provided above.

5. Must be able to show proof of financial responsibility coverage for the vehicle while in operation in an amount required for motor vehicles as required by state law. The person operating the vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such request.
6. Said ATV or UTV shall be operated within the corporate limits of the Village only between the hours of sunrise and sunset.
7. In crossing a highway, said crossing shall be made at an angle of approximately 90° to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; the vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway; the operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard; the crossing is made only at an intersection of such highway with another highway; and both the headlight and taillight of the vehicle are on when the crossing is made.

(Am. by Ord. No. 407, 6/12/12)

SECTION 4-404: GOLF CAR VEHICLES

A. The following definitions shall apply to this section:

1. "Golf car vehicle" means a vehicle that has at least four wheels, has a maximum level ground speed of less than 20 miles per hour, has a maximum payload capacity of 1,200 pounds, has a maximum gross vehicle weight of 2,500 pounds, has a maximum passenger capacity of not more than four persons, is designed and manufactured for operation on a golf course for sporting and recreational purposes, and is not being operated within the boundaries of a golf course.
2. "Street" or "highway" means a public way for the purposes of vehicular travel in a city and includes the entire area within the right-of-way; and
3. "Road" means a public way for the purposes of vehicular travel, including the entire area within the right-of-way.

B. Notwithstanding any other provision of this code to the contrary, golf car vehicles may be operated on streets and highways within the corporate limits of the Village only if the operator and the vehicle comply with the provisions of this section.

C. It shall be unlawful for any person to operate a golf car vehicle on the village streets or alleys until the owner has demonstrated proof of insurance to the Village and obtained a decal for the current year. The Village will issue a decal for the current year that must be affixed to a golf car vehicle in a conspicuous place. The Village will charge a fee for issuance of the decal, which shall be an annual permit from January 1 through December 31 each year. The owner shall have until May 1 of the

following year to renew the permit. During the first year that a permit is purchased, the fee will be prorated from the month that the permit is obtained through December at \$2.00 per month and a \$1.00 administrative fee. Any permit purchased by a person for the same golf car vehicle in a subsequent year shall not be prorated.

D. Golf car vehicles may be operated only between sunrise and sunset on streets with a posted speed limit of 35 miles per hour or less. The operator shall not operate such vehicle at a speed in excess of 20 miles per hour. The crossing of any controlled-access highway with more than two marked traffic lanes is not permitted. A golf car vehicle shall not be operated at any time on any state or federal highway but may be operated upon such a highway in order to cross a portion of the highway system which intersects a street only if:

1. The crossing is made at an angle of approximately 90° to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
2. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway; and
3. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard.

E. Any person operating a golf car vehicle as authorized herein shall have:

1. A valid Class O operator's license and
2. Proof of liability insurance coverage, held by the owner of the golf car vehicle, for the vehicle while in operation on a street or highway. The person operating the golf car vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five days of such a request. The liability insurance coverage shall be subject to limits, exclusive of interest and costs, as follows: \$25,000.00 because of bodily injury to or death of one person in any one accident and, subject to such limit for one person, \$50,000.00 because of bodily injury to or death of two or more persons in any one accident, and \$25,000.00 because of injury to or destruction of property of others in any one accident.

F. Golf car vehicles may be operated without complying with subsections (C), (D), and (E) of this section on village streets and highways in parades which have been authorized by the State or any of its departments, boards, commissions, or political subdivisions.

G. If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of a golf car vehicle involved in the accident shall give notice of the accident in the same

manner as provided in Neb. Rev. Stat. §60-699.

H. Every golf car vehicle, as defined herein, operated within the jurisdiction of the Village is hereby declared to be a motor vehicle and subject to all of the motor vehicle Rules of the Road and traffic laws as defined in either the Nebraska statutes or the Greenwood Village Code.

I. Penalties.

1. Any person who violates any provision of this section shall be guilty of a Class II misdemeanor and shall be subject to the penal provisions provided in this code.
2. Any person who violates any provision of this section within the 12-month period following that person's prior violation of any provision of this section shall be guilty of a Class I misdemeanor and shall be subject to the penal provisions provided in this code.
3. Each day that a violation of any section of this article continues shall constitute a separate and distinct offense and shall be punishable as such. The penalties herein provided shall be cumulative with and in addition to any penalty or forfeiture provided elsewhere in this article or by state statute.
4. Any violation of any other provision of the Greenwood Village Code or the Nebraska Rules of the Road under Chapter 60 of the Nebraska Revised Statutes may be punished under the penalty provisions of such chapter.

(Ord. No. 480, 11/14/18)

Article 5 – Abandoned Vehicles

SECTION 4-501: DEFINITIONS

A. A motor vehicle is an abandoned vehicle:

1. If left unattended, with no license plates or valid “In Transit” stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six hours on any public property;
2. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
3. If left unattended for more than 48 hours after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
4. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;
5. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or
6. If removed from private property by the Village pursuant to a municipal ordinance.

B. An all-terrain vehicle, a utility-type vehicle, or a mini-bike is an abandoned vehicle:

1. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
2. If left unattended for more than 48 hours after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
3. If left unattended for more than seven days on private property if left initially without permission of the owner or after permission of the owner is terminated;
4. If left for more than 30 days in the custody of a law enforcement agency after the agency has sent a letter to the last registered owner under Neb. Rev. Stat. §60-1903.01; or
5. If removed from private property by the Village pursuant to a municipal ordinance.

C. A mobile home is an abandoned vehicle if left in place on private property for more than 30 days after the Village, pursuant to an ordinance or resolution, has sent a certified letter to each of the last registered owners and posted a notice on the

mobile home, stating that the mobile home is subject to sale or auction or vesting of title as set forth in Neb. Rev. Stat. §60-1903.

D. For purposes of this section:

1. "Mobile home" means a movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit, and shall include a manufactured home as defined in Neb. Rev. Stat. §71-4603. "Mobile home" does not include a mobile home or manufactured home for which an affidavit of affixture has been recorded pursuant to Neb. Rev. Stat. §60-169;
2. "Public property" means any public right of way, street, highway, alley, or park or other state, county, or municipally owned property; and
3. "Private property" means any privately owned property which is not included within the definition of public property.

E. No motor vehicle subject to forfeiture under Neb. Rev. Stat. §28-431 shall be an abandoned vehicle under this section.

(Neb. Rev. Stat. §60-1901)

SECTION 4-502: ABANDONMENT OF VEHICLE PROHIBITED

No person shall cause any vehicle to be an abandoned vehicle as described in subdivision (A)(1), (2), (3), or (4) or (B)(1), (2), or (3) of Neb. Rev. Stat. §60-1901. (Neb. Rev. Stat. §60-1907)

SECTION 4-503: TITLE; VEST IN VILLAGE; WHEN

If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid "In Transit" stickers issued pursuant to Neb. Rev. Stat. §60-376 affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$250.00 or less, title shall immediately vest in the Village as provided in Neb. Rev. Stat. §60-1904. Any certificate of title issued under this section to the Village shall be issued at no cost. (Neb. Rev. Stat. §60-1902)

SECTION 4-504: VILLAGE; POWERS AND DUTIES

A. Except for vehicles governed by Neb. Rev. Stat. §60-1902, the Village shall make an inquiry concerning the last registered owner of such vehicle as follows:

1. Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or
2. Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.

B. The Village shall notify the last registered owner, if any, that the vehicle in

question has been determined to be an abandoned vehicle and that, if unclaimed, either (1) it will be sold or will be offered at public auction after five days from the date such notice was mailed or (2) title will vest in the Village 30 days after the date such notice was mailed. If the agency described in subdivision (A)(1) or (2) of this section also notifies the Village that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

C. Title to an abandoned vehicle, if unclaimed, shall vest in the Village (1) five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subdivision (B)(1) of this section, (2) 30 days after the date the notice is mailed if the Village will retain the vehicle, or (3) if the last registered owner cannot be ascertained, when notice of such fact is received.

D. After title to the abandoned vehicle vests pursuant to subsection (C) of this section, the Village may retain for use, sell, or auction the abandoned vehicle. If the Village has determined that the vehicle should be retained for use, the Village shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the Village intends to retain the abandoned vehicle for its use and that title will vest in the Village 30 days after the publication.

(Neb. Rev. Stat. §60-1903)

SECTION 4-505: CUSTODY; WHO ENTITLED

The Village shall be entitled to custody of an abandoned vehicle found within the corporate limits. (Neb. Rev. Stat. §60-1904)

SECTION 4-506: PROCEEDS OF SALE; DISPOSITION

Any proceeds from the sale of an abandoned vehicle less any expenses incurred by the Village shall be held by it without interest for the benefit of the owner or lienholders of such vehicle for a period of two years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the Village. (Neb. Rev. Stat. §60-1905)

SECTION 4-507: LIABILITY FOR REMOVAL

Neither the Village nor the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the Village or its contractual agent or as a result of any subsequent disposition. (Neb. Rev. Stat. §60-1906)

SECTION 4-508: DESTROY, DEFACE, OR REMOVE PARTS; UNLAWFUL; EXCEPTION; VIOLATION

No person other than one authorized by the Village shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this section shall be guilty of a Class V misdemeanor. (Neb. Rev. Stat. §60-1908)

SECTION 4-509: COSTS OF REMOVAL AND STORAGE

The last registered owner of an abandoned vehicle shall be liable to the Village for the costs of removal and storage of such vehicle. (Neb. Rev. Stat. §60-1909)

Article 6 – Penal Provision

SECTION 4-601: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 5 – BUSINESS REGULATIONS

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CHAPTER 5 – BUSINESS REGULATIONS

Article 1 – Alcoholic Beverages

SECTION 5-101: DEFINITIONS

All words and phrases herein used are to have the definitions applied thereto as defined in the Liquor Control Act of the State of Nebraska. (Neb. Rev. Stat. §53-103)

SECTION 5-102: ACQUISITION AND POSSESSION

It shall be unlawful for any person to purchase, receive, acquire, accept, or possess any alcoholic liquor acquired from any other person other than one duly licensed to handle alcoholic liquor under the Nebraska Liquor Control Act. Nothing in this section shall prevent (A) the possession of alcoholic liquor for the personal use of the possessor and his or her family and guests, as long as the quantity of alcoholic liquor transported, imported, brought, or shipped into the state does not exceed nine liters in any one calendar month; (B) the making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables, or grains or the products thereof by simple fermentation and without distillation, if made solely for the use of the maker and his or her family and guests; (C) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession, any hospital or other institution caring for sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in compounding of prescriptions of licensed physicians; (D) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church; (E) persons who are 16 years old or older from carrying alcoholic liquor from licensed establishments when they are accompanied by a person not a minor; (F) persons who are 16 years old or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment; (G) persons who are 16 years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment; or (H) persons who are 19 years old or older from serving or selling alcoholic liquor in the course of their employment. (Neb. Rev. Stat. §53-168.06, 53-175, 53-194.03)

SECTION 5-103: CONSUMPTION IN PUBLIC PLACES; LICENSE

A. Except when the Nebraska Liquor Control Commission has issued a license as provided in Neb. Rev. Stat. §53-186(2), it is unlawful for any person to consume alcoholic liquor upon property owned or controlled by the state or any governmental subdivision thereof unless authorized by the governing bodies having jurisdiction over such property. (Neb. Rev. Stat. §53-186(1))

B. It is unlawful for any person owning, operating, managing, or conducting any dance hall, restaurant, cafe, or club or any place open to the general public to permit or allow any person to consume alcoholic liquor upon the premises except as permitted by a license issued for such premises pursuant to the Nebraska Liquor Control Act. It is unlawful for any person to consume alcoholic liquor in a dance hall, restaurant, cafe, or club or any place open to the general public except as permitted by license issued for such premises pursuant to the act. This division does not apply to a retail licensee which lawfully engages in the catering of alcoholic beverages. (Neb. Rev. Stat. §53-186.01)

SECTION 5-104: VILLAGE POWERS AND DUTIES

A. The Village Board is authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, the business of all retail, craft brewery, or microdistillery licensees carried on within the corporate limits of the Village.

B. During the period of 45 days after the date of receiving from the Nebraska Liquor Control Commission an application for a new license to sell alcoholic liquor at retail or for a craft brewery or microdistillery license, the Village Board may make and submit to the commission recommendations relative to the granting or refusal to grant such license to the applicant.

C. The Village Board, with respect to licenses within the corporate limits of the Village, has the following powers, functions, and duties with respect to retail, craft brewery, and microdistillery licenses:

1. To cancel or revoke for cause retail, craft brewery, and microdistillery licenses to sell or dispense alcoholic liquor issued to persons for premises within its jurisdiction, subject to the right of appeal to the commission.
2. To enter or authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act to determine whether any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule, or regulation adopted by the Village Board has been or is being violated and at such time examine the premises of such licensee in connection with such determination.
3. To receive a signed complaint from any citizen within its jurisdiction that any provision of the act, any rule or regulation adopted and promulgated pursuant to the act, or any ordinance, resolution, rule or regulation relating to alcoholic liquor has been or is being violated and to act upon such complaints in the manner provided in the act.
4. To receive retail, craft brewery, and microdistillery license fees as provided in Neb. Rev. Stat. §53-124 and 53-124.01 and pay the same to the village treasurer after the license has been delivered to the applicant.
5. To examine or cause to be examined any applicant or any retail, craft brewery, or microdistillery licensee upon whom notice of cancellation or revocation has been served as provided in the act, to examine or cause to be examined the books and records of any applicant or licensee, and to hear testimony and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the Village Board may authorize its agent or attorney to act on its behalf.

6. To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in Section 5-124 (Citizen Complaints), it determines that the licensee has violated any of the provisions of act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted, adopted, and promulgated relating to alcoholic liquor. Such order of cancellation or revocation may be appealed to the commission within 30 days after the date of the order by filing a notice of appeal with the commission, which shall handle the appeal in the manner provided for hearing on an application in Neb. Rev. Stat. §53-133.
7. Upon receipt from the commission of the notice and copy of application as provided in Neb. Rev. Stat. §53-131, to fix a time and place for a hearing at which the Village Board shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of such hearing shall be published in a legal newspaper in or of general circulation in the Village one time not less than seven and not more than 14 days before the time of the hearing. Such notice shall include but not be limited to a statement that all persons desiring to give evidence before the Village Board in support of or in protest against the issuance of such license may do so at the time of the hearing.
8. The hearing shall be held not more than 45 days after the date of receipt of the notice from the commission, and after such hearing the Village Board shall cause to be recorded in the minute record of its proceedings a resolution recommending either issuance or refusal of such license. The village clerk shall mail to the commission by first class mail, postage prepaid, a copy of the resolution, which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the commission. If the commission refuses to issue such a license, the cost of publication of notice shall be paid by the commission from the security for costs.

D. When the Nebraska Liquor Control Commission mails or delivers to the village clerk a license issued or renewed by it, the clerk shall deliver the license to the licensee upon proof of payment of (1) the license fee if, by the terms of Neb. Rev. Stat. §53-124(5), the fee is payable to the village treasurer; (2) any fee for publication of notice of hearing before the Village Board upon the application for license; (3) the fee for publication of notice of renewal, if applicable, as provided in Neb. Rev. Stat. §53-135.01; and (4) occupation taxes, if any, imposed by the Village.

E. Notwithstanding any ordinance or charter power to the contrary, the Village shall not impose an occupation tax on the business of any person, firm, or corporation licensed under the Nebraska Liquor Control Act and doing business within the corporate limits of the Village in any sum which exceeds two times the amount of the license fee required to be paid under the Act to obtain such license.
(Neb. Rev. Stat. §53-131, 53-132, 53-134)

SECTION 5-105: LICENSE REQUIRED

It shall be unlawful for any person to manufacture for sale, sell, keep for sale, or to barter any alcoholic liquors within the Village unless said person shall have in full force and effect a license as provided by the Nebraska Liquor Control Act. (Neb. Rev. Stat. §53-168.06)

SECTION 5-106: LICENSEE REQUIREMENTS

It shall be unlawful for any person or persons to own an establishment that sells at retail any alcoholic beverages unless said person is a person of good character and reputation; is a citizen of the United States; has never been convicted of a felony or any Class I misdemeanor pursuant to Neb. Rev. Stat. Chapter 28, Article 3, 4, 7, 8, 10, 11, or 12, or any similar offense under a prior criminal statute or in another state; has never had a liquor license revoked for cause; and unless his or her premises for which a license is sought meet standards for fire safety as established by the state fire marshal. (Neb. Rev. Stat. §53-125)

SECTION 5-107: LOCATION

It shall be unlawful for any person or persons to own, maintain, manage, or hold open to the public any establishment for the purpose of selling at retail any alcoholic liquor within 150 feet of any church, school, hospital, or home for aged or indigent persons or veterans, their wives or children. This prohibition shall not apply to any location within such distance when the said establishment has been licensed by the Nebraska Liquor Control Commission at least two years, and to hotels offering restaurant service, regularly organized clubs, or to restaurants where the selling of alcoholic liquors is not the principal business carried on, if the said hotel, club, or restaurant were licensed and in operation prior to May 24, 1935. No alcoholic liquor, other than beer, shall be sold for consumption on the premises within 300 feet from the campus of any college within the Village. (Neb. Rev. Stat. §53-177)

SECTION 5-108: ACCESS TO DWELLINGS

Except in the case of hotels and clubs, no alcoholic liquor shall be sold at retail upon any premises having any access which leads from such premises to any other portion of the same building used for dwelling or lodging purposes and which is permitted to be used by the public. Nothing herein shall prevent any connection with such premises and such other portion of the building used only by the licensee, his family, or personal guests. (Neb. Rev. Stat. §53-178)

SECTION 5-109: SANITARY CONDITIONS

It shall be unlawful to open for public use any retail liquor establishment that is not in a clean and sanitary condition. Toilet facilities shall be adequate and convenient for customers and patrons and said licensed premises shall be subject to any health inspections the Village Board or law enforcement officers may make or cause to be made. All applications for liquor licenses shall be viewed in part from the standpoint of the sanitary conditions, and a report concerning the said sanitary conditions shall be made at all hearings concerning the application for or renewal of a liquor license.

(Neb. Rev. Stat. §53-118)

SECTION 5-110: LICENSE DISPLAYED

Every licensee under the Nebraska Liquor Control Act shall cause his or her license to be framed and hung in plain public view in a conspicuous place on the licensed premises. (Neb. Rev. Stat. §53-148)

SECTION 5-111: HOURS OF SALE

A. For the purposes of this section, "on sale" shall be defined as alcoholic beverages sold at retail by the drink for consumption on the premises of the licensed establishment; "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

B. It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the Village except during the hours provided herein:

Alcoholic Liquors (except Beer and Wine)	
<i>Monday through Saturday</i>	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 2:00 A.M.
<i>Sunday</i>	
Off Sale	12:00 noon to 1:00 A.M.
On Sale	12:00 noon to 2:00 A.M.

Beer and Wine	
<i>Daily</i>	
Off Sale	6:00 A.M. to 1:00 A.M.
On Sale	6:00 A.M. to 2:00 A.M.

C. Such limitations shall not apply after 12:00 noon on Sunday to a licensee which is a nonprofit corporation holding a Class C or Class 1 License.

D. It shall be unlawful on property licensed to sell alcoholic liquor at retail to allow alcoholic liquor in open containers to remain or be in possession or control of any person for purposes of consumption between 15 minutes after the closing hour applicable to the licensed premises and 6:00 A.M. on any day.

E. Nothing in this section shall be construed to prohibit licensed premises from being open for business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this section.

(Neb. Rev. Stat. §53-179) (Am. by Ord. No. 400, 6/29/10)

SECTION 5-112: KEG SALES; REGISTRATION; KEG IDENTIFICATION NUMBERS; PROHIBITED ACTS

A. When any person licensed to sell alcoholic liquor at retail sells beer for consumption off the premises in a container with a liquid capacity of five or more gallons

or 18 and ninety-two hundredths or more liters, the seller shall record the date of sale, the keg identification number, the purchaser's name and address, and the number of the purchaser's motor vehicle operator's license, state identification card, or military identification, if such military identification contains a picture of the purchaser, together with the purchaser's signature. Such record shall be on a form prescribed by the Liquor Control Commission and shall be kept by the licensee at the retail establishment where the purchase was made for not less than six months.

B. Such records kept pursuant to this section shall be available for inspection by any law enforcement officer during normal business hours or at any other reasonable time. Any person violating this section shall be guilty of Class III misdemeanor.

C. Licensees shall place a label bearing a keg identification number on each keg at the time of retail sale. Any person who unlawfully tampers with, alters, or removes the keg identification number from a beer container after such container has been taken from the licensed premises pursuant to a retail sale and before its return to such licensed premises or other place where returned kegs are accepted shall be guilty of a Class III misdemeanor.

(Neb. Rev. Stat. §53-167.02, 53-167.03)

SECTION 5-113: CATERING LICENSE

A. The holder of a Class C, Class D, or Class I license issued under Neb. Rev. Stat. §53-124(5) or a craft brewery license may obtain an annual catering license by filing an application and license fee with the Nebraska Liquor Control Commission. (Neb. Rev. Stat. §53-124.12(1))

B. Upon receipt from the commission of the notice and copy of the application as provided in Neb. Rev. Stat. §53-124.12, the Village Board shall process the application in the same manner as provided in Section 5-104 (Village Powers and Duties). (Neb. Rev. Stat. §53-124.12(3))

C. The Village Board, with respect to catering licensees within its liquor license jurisdiction, may cancel a catering license for cause for the remainder of the period for which such catering license is issued. Any person whose catering license is canceled may appeal to the district court. (Neb. Rev. Stat. §53-124.12(4))

SECTION 5-114: INSPECTIONS

The Liquor Control Commission and Village Board shall cause frequent inspections to be made on the premises of all retail licensees, and if it is found that any such licensee is violating any provision of the Nebraska Liquor Control Act or the rules and regulations of the commission adopted and promulgated under the act or is failing to observe in good faith the purposes of the act, the license may be suspended, canceled, or revoked after the licensee is given an opportunity to be heard in his or her defense. (Neb. Rev. Stat. §53-116.01)

SECTION 5-115: OWNER OF PREMISES

The owner of any premises used for the sale at retail of alcoholic beverages shall be

deemed guilty of a violation of these laws to the same extent as the said licensee if the owner shall knowingly permit the licensee to use the said licensed premises in violation of any municipal code section or Nebraska statute. (Neb. Rev. Stat. §53-1,101)

SECTION 5-116: EMPLOYER

The employer of any officer, director, manager, or employees working in a retail liquor establishment shall be held to be liable and guilty of any act or omission or violation of any law or ordinance if such act is committed or omission made with the authorization, knowledge or approval of the employer or licensee; and each such act or omission shall be deemed and held to be the act of the employer and will be punishable in the same manner as if the said act or omission had been committed by him or her personally. (Neb. Rev. Stat. §53-1,102)

SECTION 5-117: HIRING MINORS

It shall be unlawful for any person to hire a minor under the age of 19 years to serve or dispense alcoholic liquors, including beer, to said licensee's customers. (Neb. Rev. Stat. §53-102)

SECTION 5-118: MINOR'S PRESENCE

It shall be unlawful for any person or persons who own, manage, or lease an establishment selling alcoholic beverages at retail to allow any minor under the age of 18 years to frequent or otherwise remain in the said establishment unless the said minor is accompanied by a parent or legal guardian and unless said minor remains seated with and under the immediate control of the said parent or legal guardian. (Neb. Rev. Stat. §53-134.03)

SECTION 5-119: MINORS AND INCOMPETENTS

It shall be unlawful for any person or persons to sell, give away, dispose of, exchange, deliver, permit the sale of, gift, or to procure any such alcoholic liquors to or for any minor or to any person who is mentally incompetent. (Neb. Rev. Stat. §53-180)

SECTION 5-120: CREDIT SALES

No person shall sell or furnish alcoholic liquor at retail to any person on credit, on a passbook, on an order on a store, in exchange for any goods, wares, or merchandise, or in payment for any services rendered. If any person extends credit for any such purpose, the debt thereby attempted to be created shall not be recoverable at law. Nothing in this section shall prevent any club holding a Class C license from permitting checks or statements for alcoholic liquor to be signed by members or guests of members and charged to the accounts of the said members or guests in accordance with the bylaws of any such club, and nothing in this section shall prevent any hotel or restaurant holding a retail alcoholic beverage license from permitting checks or statements for liquor to be signed by regular guests residing in the said hotel and charged to the accounts of such guests. (Neb. Rev. Stat. §53-183)

SECTION 5-121: ORIGINAL PACKAGE

It shall be unlawful for any person or persons who own, manage, or lease any premises in which the sale of alcoholic beverages is licensed to have in their possession

for sale at retail any alcoholic liquor contained in casks or other containers except in the original package. Nothing in this section shall prohibit the refilling of original packages of alcoholic liquor for strictly private use and not for resale. (Neb. Rev. Stat. §53-184)

SECTION 5-122: CONDUCT PROHIBITED ON LICENSED PREMISES

No licensee in this village shall engage in, allow or suffer in or upon the licensed premises any disturbances, lewdness, immoral activities or displays, brawls or unnecessary noise or allow, permit or suffer the licensed premises to be used in such a manner as to create public censure or become a nuisance, public or private.

SECTION 5-123: AUTOMATIC LICENSE RENEWAL

A. An outstanding retail license may be automatically renewed by the commission without formal application upon payment of the renewal fee and license fee if payable to the commission. The payment shall be an affirmative representation and certification by the licensee that all answers contained in an application, if submitted, would be the same in all material respects as the answers contained in the last previous application. The commission may at any time require a licensee to submit an application and it shall at any time require a licensee to submit an application if requested in writing to do so by the Village Board.

B. If a licensee files an application form in triplicate original upon seeking renewal of his or her license, the application shall be processed as set forth in Neb. Rev. Stat. §53-131.

C. The village clerk shall cause to be published in a legal newspaper in or of general circulation in such village, one time between January 10 and January 30 of each year, individual notice of the right of automatic renewal of each retail liquor and beer license, except that notice of the right of automatic renewal of Class C licenses shall be published between the dates of July 10 and July 30 of each year in substantially the following form:

NOTICE OF RENEWAL OF RETAIL LIQUOR LICENSE

Notice is hereby given pursuant to Neb. Rev. Stat. §53-135.01 that a liquor license may be automatically renewed for one year from May 1, 20__, or November 1, 20__, for the following retail liquor licensee):

(Name of licensee)
(Address of licensed premises)

Notice is hereby given that written protests to the issuance of automatic renewal of license may be filed by any resident of the Village on or before February 10, 20__, or August 10, 20__, in the office of the village clerk and that in the event protests are filed by ten persons who are residents, hearing will be held to determine whether continuation of the license should be allowed.

(Name)
Village Clerk

D. Upon the conclusion of any hearing required by this section, the Village Board may request a licensee to submit an application as provided herein.

E. Any licensee may renew his, her, or its license at the expiration thereof in the manner set forth in Neb. Rev. Stat. §53-135 if the licensee is then qualified to receive a license and the premises for which such renewal license is sought are the same premises licensed under the license to be renewed and are suitable for such purpose. The renewal privilege provided for in this section shall not be construed as a vested right which shall in any case prevent the commission from decreasing the number of licenses to be issued within its jurisdiction.
(Neb. Rev. Stat. §53-135, 53-135.01)

SECTION 5-124: CITIZEN'S COMPLAINT

A. Any resident of the Village shall have the right to file a complaint with the Village Board stating that any retail licensee subject to the jurisdiction of the Village Board has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant to the act. Such complaint shall be in writing in the form prescribed by the Village Board and shall be signed and sworn by the party complaining. The complaint shall state the particular provision, rule or regulation believed to have been violated and the facts in detail upon which belief is based.

B. If the Village Board is satisfied that the complaint substantially charges a violation and that from the fact alleged there is reasonable cause for such belief, it shall set the matter for hearing within ten days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint. The complaint must in all cases be disposed of by the Village Board within 30 days from the date the complaint was filed by resolution thereof and said resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission as provided in Neb. Rev. Stat. §53-1,115.
(Neb. Rev. Stat. §53-134.04)

SECTION 5-125: FORM FOR CITIZEN'S COMPLAINT

The following form is hereby prescribed for the use of any resident of this village desiring to complain to the Village Board that any licensee is violating any provision of the Nebraska Liquor Control Act, regulations prescribed by the Nebraska Liquor Control Commission or any provision of this ordinance:

To the Village Board of the Village of Greenwood, Nebraska, the undersigned respectfully state:

A. That he or she is a resident of the Village of Greenwood, Nebraska.

B. That he or she believes that _____, the holder of a Class ____

license in the aforesaid village, has violated Section _____ of (check one or more):

- _____ the Nebraska Liquor Control Act.
 _____ the regulations prescribed by the Nebraska Liquor Control Commission.
 _____ the municipal code of the Village of Greenwood, Nebraska.

C. That the aforesaid belief is based on the following facts, to-wit:

 _____.

 (Name)

STATE OF NEBRASKA)
) ss.
 COUNTY OF CASS)

Subscribed in my presence and sworn to before me by _____ on
 this ____ day of _____, 20____. My commission expires _____.

 Notary Public

SECTION 5-126: COMPLAINT INITIATED BY BOARD

The Village Board may on its own motion, by resolution, fix the time and place for a hearing on whether or not a licensee has violated any section of the Nebraska Liquor Control Act, the regulations of the Nebraska Liquor Control Commission or this code, which resolution shall state the section or sections in question. Said resolution shall be served in the same manner and within the same time as the resolution mentioned in Section 5-124 of this code, and insofar as possible the procedure shall be the same as provided in that section. (Neb. Rev. Stat. §53-134)

SECTION 5-127: REVOCATION OF LICENSE

Whenever any licensee has been convicted by any court of a violation of the Nebraska Liquor Control Act, the licensee may, in addition to the penalties for such offense, incur a forfeiture of the license and all money that had been paid for the license. The Village Board may conditionally revoke the license subject to a final order of the Liquor Control Commission, or the commission may revoke the license in an original proceeding brought before it for that purpose. (Neb. Rev. Stat. §53-116.02)

SECTION 5-128: REMOVAL OF INTOXICATED PERSON FROM PUBLIC OR QUASI-PUBLIC PROPERTY

A. Any law enforcement officer with the power to arrest for traffic violations may take a person who is intoxicated and, in the judgment of the officer, dangerous

to himself, herself, or others or who is otherwise incapacitated from any public or quasi-public property. An officer removing an intoxicated person from public or quasi-public property shall make a reasonable effort to take such intoxicated person to his or her home or to place such person in any hospital, clinic, alcoholism center or with a medical doctor as may be necessary to preserve life or to prevent injury. Such effort at placement shall be deemed reasonable if the officer contacts those doctors or facilities which have previously represented a willingness to accept and treat such individuals and which regularly do accept such individuals. If such efforts are unsuccessful or are not feasible, the officer may then place such intoxicated person in civil protective custody, except that such custody shall be used only as long as necessary to preserve life or to prevent injury and under no circumstances longer than 24 hours. The placement of such person in civil protective custody shall be recorded at the facility or jail to which he or she is delivered and communicated to his or her family or next of kin, if they can be located, or to that person designated by the person taken into civil protective custody.

B. The law enforcement officer who acts in compliance with this section shall be deemed to be acting in the course of his or her official duty and shall not be criminally or civilly liable for such actions. The taking of an individual into civil protective custody under this section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime.

C. For purposes of this section, "public property" shall mean any public right-of-way, street, highway, alley, park, or other state, county, or village-owned property. "Quasi-public property" shall mean and include private or publicly-owned property utilized for proprietary or business uses which invites patronage by the public or which invites public ingress and egress.

(Neb. Rev. Stat. §53-1,121)

Article 2 – Peddlers and Solicitors

SECTION 5-201: REGISTRATION; ISSUANCE OF PERMIT

To prevent the sale of fraudulent, dangerous, and unhealthful goods and services, and to protect the public by maintaining records of the products sold and persons and companies responsible for such sales, all solicitors and peddlers shall, before doing business within the Village, make application for and be issued a permit. Application for said permit shall be made to the village clerk on a form provided by the Village and shall contain all the necessary information and documents required for the protection of the residents of the Village. Any person or persons granted a solicitors and peddlers permit shall pay a fee in such amount as has been set by the Village Board and placed on file at the office of the village clerk, and shall also be subject to any occupation taxes and other rules and regulations which the Village Board deems appropriate for the purposes stated in this section Any permit so granted shall be subject to revocation for good and sufficient cause by the village police. (Neb. Rev. Stat. §17-134, 17-525)

SECTION 5-202: HOURS OF SOLICITATION

It shall be unlawful for any solicitor, salesman, or peddler to solicit any individual between the hours of 6:00 P.M. and 8:00 A.M. unless he or she has a previous appointment with the resident or residents of the premises solicited. It shall be unlawful at any hour for a solicitor, salesman, or peddler to solicit without a proper permit on his or her person at all times. (Neb. Rev. Stat. §17-134)

SECTION 5-203: EXCEPTIONS

Nothing herein shall be construed to apply to any person or persons selling produce, to wholesale salesmen soliciting merchants directly, or to a representative of a local non-profit or charity organization soliciting on behalf of that organization.

Article 3 – Contractors and Subcontractors

SECTION 5-301: REGULATIONS

It shall be unlawful for any contractor or subcontractor to do any work in the Village until such contractor or sub-contractor has given a certificate of insurance in the amount of \$1,000,000.00 to the Village. The contractor or subcontractor shall at all times be subject to the inspection and approval of the Village Board or its designated representative, and it shall be further unlawful to cover or conceal willingly any defective or unsatisfactory work. (Ord. No. 377, 3/28/06)

Article 4 – Tobacco Sales

SECTION 5-401: LICENSE REQUIRED; PROHIBITED SALES

A. It shall be unlawful for any person, partnership, limited liability company, or corporation to sell, keep for sale, or give away in course of trade, any cigars, tobacco, cigarettes, or cigarette material to anyone without first obtaining a license as provided in this article. It shall also be unlawful for any person, partnership, limited liability company, or corporation to purchase or receive, for purposes of resale, any cigars, tobacco, cigarettes, or cigarette material if such person, partnership, limited liability company, or corporation is not the recipient of a valid tobacco license to retail such tobacco products at the time the same are purchased or received.

B. The sale of cigarettes or cigarette materials that contain perfumes or drugs in any form is prohibited. Only cigarettes and cigarette material containing pure white paper and pure tobacco shall be licensed.

(Neb. Rev. Stat. §28-1420, 28-1421)

SECTION 5-402: LICENSE; APPLICATION; CONTENTS; FEE

Every person, partnership, limited liability company, or corporation desiring a license to sell tobacco at retail shall file with the village clerk a written application on a forms provided by the Village, stating the name of the person, partnership, limited liability company, or corporation for whom the license is desired and the exact location of the place of business. Applicant shall also deposit with the application a license fee as set by the Village Board and placed on file in the office of the village clerk for public inspection. If the applicant is an individual, the application shall include the applicant's social security number. (Neb. Rev. Stat. §28-1422, 28-1423) (Am. by Ord. No. 340, 6/9/98)

SECTION 5-403: LICENSE ISSUANCE; TERM

Licenses for the sale of cigars, tobacco, cigarettes, and cigarette material to persons over the age of 18 years shall be issued to individuals, partnerships, limited liability companies, and corporations by the village clerk. The term for which such license shall run shall be from the date of filing such application and payment of such license fee as provided herein to and including December 31 of the calendar year in which application for such license is made. (Neb. Rev. Stat. §28-1421, 28-1423)

SECTION 5-404: RIGHTS OF LICENSEE

The license provided for in this article shall, when issued, authorize the sale of cigars, tobacco, cigarettes, and cigarette material by the licensee and employees to persons over the age of 18 years at the place of business described in such license for the term authorized, unless the same is forfeited as provided in Neb. Rev. Stat. §28-1425. (Neb. Rev. Stat. §28-1424)

Article 5 – Games of Chance and Lotteries

SECTION 5-501: LICENSE REQUIRED

It shall be unlawful for any person to engage in the occupation of conducting games of chance or lottery activities without first obtaining a license to do so. Every person desiring a license shall make application to the village clerk. Accompanying each application shall be:

A. A sworn statement by each designated supervising member that such member will be responsible for compliance with rules and regulations for each occasion of games of chance and/or lotteries which he or she supervises.

B. A sworn statement by the member designated as responsible for the proper utilization of gross receipts that no commission, fee, rent, profits, compensation, reward, or recompense will be paid to any person or organization not sanctioned by the laws of the State of Nebraska and the Village of Greenwood and that all profits will be spent for a lawful purpose.

(Neb. Rev. Stat. §9-501 to 9-513)

SECTION 5-502: DISPLAY OF LICENSE

Every license issued under the provisions of this article shall be conspicuously displayed at the place where the game of chance and/or lottery activity is conducted at all times during the conduct thereof. (Neb. Rev. Stat. §9-501 to 9-513)

SECTION 5-503: FEE

There shall be a license fee for engaging in the occupation of conducting games of chance and/or lotteries within the Village for each location at which such activity is conducted. Such fee shall be set by the Village Board and filed in the office of the village clerk for public inspection. (Neb. Rev. Stat. §9-501 to 9-513)

SECTION 5-504: EXEMPTION

Nonprofit organizations that desire to participate in games of chance and/or lotteries and are in compliance with the Nebraska Small Lottery and Raffle Act are exempt from the provisions of Sections 5-501 to 5-503. (Neb. Rev. Stat. §9-501 to 9-513)

SECTION 5-505: LOTTERY; OPERATION

A. The lottery operator with whom the Village Board contracts to conduct its lottery shall not operate the lottery at a sales outlet location other than the location of the lottery operator without prior approval of the sales outlet location by the Village Board. The said board shall approve or disapprove each sales outlet location and individual, sole proprietorship, partnership, limited liability company, or corporation which desires to conduct the lottery at its sales outlet location solely on the basis of the qualification standards prescribed in subsection (B) herein.

B. Any individual, sole proprietorship, partnership, limited liability company, or corporation which seeks to have its location approved as an authorized sales outlet location shall:

1. Obtain a retail liquor license for consumption on the premises pursuant to Neb. Rev. Stat. Chapter 53, Article 1;
2. Not have been convicted of, forfeited bond upon a charge of, or pleaded guilty or nolo contendere to any offense or crime, whether a felony or a misdemeanor, involving any gambling activity or fraud, theft, willful failure to make required payments or reports, or filing false reports with a governmental agency at any level;
3. Not have been convicted of, forfeited bond upon a charge of, or pleaded guilty or nolo contendere to any felony other than those described in subsection (B)(2) within the 10 years preceding the filing of the application;
4. Not have had a gaming license revoked or canceled under the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, or the Nebraska Pickle Card Lottery Act;
5. Be fit, willing, and able to properly provide the service proposed in conformance with all provisions and requirements of the Nebraska County and City Lottery Act and the rules and regulations adopted and promulgated pursuant to the act.

C. If the applicant seeking to have a location approved as an authorized sales outlet location is a partnership, limited liability company, or corporation, the qualification standards shall apply to every partner of such partnership, every member of such limited liability company, every officer of such corporation and every stockholder owning more than 10% of the stock of such corporation.

D. The Village shall notify the Department of Revenue of all approved lottery locations within 30 days of approval.

(Neb. Rev. Stat. §9-642.01) (Ord. No. 838, 1/29/08)

SECTION 5-506: LOTTERY; PARTICIPATION; RESTRICTIONS

A. No person under 19 years of age shall play or participate in any way in the lottery established and conducted by the Village.

B. No owner or officer of a lottery operator with whom the Village contracts to conduct its lottery shall play the lottery conducted by the Village. No owner or officer of an authorized sales outlet location for the Village shall play in the lottery conducted by the Village. No employee or agent of the Village, lottery operator, or authorized sales outlet location shall play the lottery of the Village for which he or she performs work during such time as he or she is actually working at such lottery or while on duty.

C. Nothing shall prohibit any member of the Village Board, a municipal official,

or the immediate family of such member or official from playing the lottery conducted by the Village as long as such person is 19 years of age or older.

D. No person or employee or agent of any person or the Village shall knowingly permit an individual under 19 years of age to play or participate in any way in the lottery conducted by the Village.

E. For purposes of this section, "immediate family" of a member of the Village Board or a municipal official shall mean a person who is related to the member or official by blood, marriage, or adoption and resides in the same household or a person who is claimed by the member or official, or the spouse of the member or official, as a dependent for federal income tax purposes.
(Neb. Rev. Stat. §9-646) (Am. by Ord. No. 339, 6/9/98)

Article 6 – Occupation Taxes

SECTION 5-601: LIQUOR

Notwithstanding any ordinance or charter power to the contrary, the Village shall not impose an occupation tax on the business of any person, firm, or corporation licensed under the Nebraska Liquor Control Act and doing business within the corporate limits of the Village in any sum which exceeds two times the amount of the license fee required to be paid under the Act to obtain such license. The occupation tax imposed shall be as set by the Village Board by resolution and filed in the office of the village clerk. The said tax shall be due at the time the license fee is due. (Neb. Rev. Stat. §53-132(4))

SECTION 5-602: FAILURE TO PAY

If any person, company, or corporation fails or neglects to pay the occupation taxes as provided in this article on the day they become due and payable, the Village shall then proceed by civil suit to collect the amount due. All delinquent taxes shall bear interest at the rate of 1% per month until paid. (Neb. Rev. Stat. §17-525)

Article 7 – Penal Provision

SECTION 5-701: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 6 – PUBLIC WAYS AND PROPERTY

ARTICLE 1 – MUNICIPAL PROPERTY

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CHAPTER 6 – PUBLIC WAYS AND PROPERTY

Article 1 – Municipal Property

SECTION 6-101: DEFINITIONS

The following definition shall be applied throughout this chapter. When no definition is specified, the normal dictionary usage of the word shall apply:

"Sidewalk space," as used herein, shall mean that portion of a street between curb lines and adjacent property lines.

SECTION 6-102: MAINTENANCE AND CONTROL

The Village Board shall have the care, supervision, and control of all public highways, bridges, streets, alleys, public squares, and commons within the Village and shall cause the same to be kept open, in repair, and free from nuisances. (Neb. Rev. Stat. §17-567)

SECTION 6-103: OBSTRUCTIONS

A. It shall be unlawful for any person, persons, firm, or corporation to obstruct or encumber by fences, gates, buildings, structures, or otherwise any of the streets, alleys, or sidewalks.

B. It shall be unlawful for any person to erect, maintain, or suffer to remain on any street or public sidewalk a stand, wagon, display, or other obstruction inconvenient to or inconsistent with the public use of the same.

C. Trees and shrubs growing upon the lot line partially on public ground and partially upon the abutting property or wholly upon the abutting property but so close to the lot line as to interfere with the use or construction of any public improvement or so that the roots thereof interfere with any utility wires or pipe shall be deemed an obstruction. It shall be the duty of owners and occupants to keep all such similar growth trimmed and pruned at all times.

D. Whenever any such growth is allowed contrary to the provisions of this section, the Village Board may pass a resolution ordering the owner or occupant to remove such obstructions within five days after having been served with a copy of said resolution stating that the Village will do so and will charge the costs thereof to the owner or occupant as a special assessment for improvements as herein provided or shall collect the same by civil suit brought in the name of the Village against the said owner or occupant.

E. Said growth may be removed by the Village at the expense of the owner of the property upon which the tree is located should the owner fail or neglect, after notice, to do so. In the event the property owner is a nonresident of the county in which the property lies, the Village shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time

such required notice was first published.
(Neb. Rev. Stat. §17-555, 17-557.01)

SECTION 6-104: OVERHANGING BRANCHES

A. The owner or occupant of any lot, piece, or parcel of ground abutting or adjacent to any street or sidewalk over which the branches of trees extend shall at all times keep the branches or limbs thereof trimmed to the height of at least 8 feet above the surface of said walk and at least 14 feet above the surface of said street.

B. Whenever the limbs or branches of any tree or trees extend over streets or sidewalks contrary to the provisions herein so as to interfere with the lighting of the street from street lights or with the convenience of the public using said street or sidewalk, the Village Board at any regular or special meeting may pass a resolution ordering the owner or occupant to cut or remove said obstructions within five days after having received a copy thereof stating that the Village will remove said branches and charge the costs to the owner or occupant as a special assessment for improvements as herein provided, if said resolution is not complied with.

C. In the event the property owner is a nonresident of the county in which the property lies, the Village shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

(Neb. Rev. Stat. §17-557.01)

SECTION 6-105: BARRICADES AND LIGHTS

Whenever any excavation on any public property, including without limitation, parking areas, sidewalks, curbs and streets, occurs within the zoning jurisdiction of the Village, the party responsible for the excavation shall provide adequate barricades around the excavation. (Neb. Rev. Stat. §17-505)

SECTION 6-106: EAVE AND GUTTER SPOUTS

It is hereby declared unlawful for any person to erect or maintain any dwelling house or business building within the limits of the Village where the said dwelling or building abuts on any sidewalk or street without providing proper guttering and eave spouts to receive the wastewaters that collect on the said sidewalks and streets. All eave spouts erected on any dwelling house or business building shall be constructed to drain into the alleys, or shall be buried beneath the sidewalks and drain into the streets where it is found to be impossible to drain said eave spouts into the alley.

SECTION 6-107: DAMAGE

It shall be unlawful for any person to willfully, maliciously, or carelessly injure, change, deface, or destroy any street, sidewalk, building, ditch, drain, or grade within the corporate limits. No person shall cause or permit any offensive or corrosive material to be discharged or thrown out upon any street, sidewalk, alley, or public ground.

SECTION 6-108: CUTTING CURB; PERMIT, DEPOSIT AND BOND REQUIRED

A. It shall be unlawful for any person to cut into any paving, curb, or sidewalk for the purpose of constructing a driveway or any other purpose whatsoever without first having obtained a written permit from the Village Board therefor. It shall also be unlawful for any person to construct a driveway where no curb cutting is required without having first obtained a permit following the procedures set out above. For driveway installation, see Article 4 of this chapter.

B. Before any permit is issued by the Village Board the applicant for such permit shall deposit with the village treasurer a sum set by resolution of the board for all paving, curb or sidewalk to be cut. Such sum shall be set on a per-square-foot cost of construction basis. The deposit shall be retained by the Village for the purpose of replacing the paving, curb, or sidewalk in the event the work is done by the Village. In the event the Village elects to require the applicant to replace the paving, curb, or sidewalk, the deposit shall be retained by the Village until the work is completed to the satisfaction of the street commissioner or the committee of the Village Board on streets and alleys. In addition to making the deposit, the applicant shall, before any permit is issued, execute a bond to the Village with a good and sufficient surety or sureties to be approved by the Village Board in a sum set by resolution.

C. Upon approval by the Village Board, the applicant shall be required to build said driveway and complete said curb cut to the Village's specifications, including size and type of materials. When the applicant is ready to close the opening made, he shall inform the street commissioner, who shall supervise and inspect the materials used and work done in closing the opening.

(Neb. Rev. Stat. §17-567)

SECTION 6-109: HEAVY EQUIPMENT

A. It shall hereafter be unlawful for any person or persons to move or operate heavy equipment across any curb, gutter, bridge, culvert, sidewalk, crosswalk or crossing on any unpaved street without first having protected such structure with heavy plank sufficient in strength to warrant against the breakage or damage of the same. Hereafter, it shall be unlawful to drive, move, operate or convey over or across any paved street a vehicle, machine or implement with sharp discs or sharp wheels that bear upon said pavement; with wheels having cutting edges; or with wheels having lugs, protruding parts or bolts thereon that extend beyond a plain tire so as to cut, mark, mar, indent or otherwise injure or damage any pavement, gutter or curb.

B. Where heavy vehicles, structures, and machines move along paved or unpaved streets, the Village Board is hereby authorized and empowered to choose the route over which such moving will be permitted and allowed.

C. It shall be permissible (1) for school buses and emergency vehicles to use metal or metal-type studs any time of the year; (2) to use farm machinery with tires having protuberances which will not damage the streets; and (3) to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to slide or skid.

(Neb. Rev. Stat. §60-6,250)

SECTION 6-110: REAL PROPERTY; ACQUISITION; AUTHORIZATION

When acquiring an interest in real property by purchase or eminent domain, the Village shall do so only after the Village Board has authorized the acquisition by action taken in a public meeting after notice and public hearing. (Neb. Rev. Stat. §16-1755)

SECTION 6-111: REAL PROPERTY; ACQUISITION; APPRAISAL

The Village shall not purchase, lease-purchase, or acquire for consideration real property having an estimated value of \$100,000.00 or more unless an appraisal of such property has been performed by a certified real estate appraiser. (Neb. Rev. Stat. §13-403)

SECTION 6-112: REAL PROPERTY; ACQUISITION; CONSTRUCTION; ELECTIONS, WHEN REQUIRED

A. The Village is authorized and empowered to purchase, accept by gift or devise, purchase real estate upon which to erect and erect a building or buildings for an auditorium, fire station, village building or community house for housing village enterprises and social and recreation purposes and other public buildings and maintain, manage and operate the same for the benefit of the inhabitants of the Village.

B. Except as provided below, before any such purchase can be made or any building erected, the question shall be submitted to the electors of the Village at a general election or at an election duly called for that purpose or as set forth in Neb. Rev. Stat. §17-954 and be adopted by a majority of the electors voting on such question.

C. If the funds to be used to finance the purchase or construction of a building pursuant to this section are available other than through a bond issue, then either:

1. Notice of the proposed purchase or construction shall be published in a newspaper of general circulation in the Village and no election shall be required to approve the purchase or construction unless within 30 days after the publication of the notice a remonstrance against the purchase or construction is signed by registered voters of the Village equal in number to 15% of the registered voters of the Village voting at the last regular election held therein and is filed with the Village Board. If the date for filing the remonstrance falls upon a Saturday, Sunday or legal holiday, the signatures shall be considered timely if filed or postmarked on or before the next business day. If a remonstrance with the neces-

sary number of qualified signatures is timely filed, the question shall be submitted to the voters of the Village at a general election or a special election duly called for that purpose. If the purchase or construction is not approved, the property involved shall not then nor within one year following the election be purchased or constructed; or

2. The Village Board may proceed without providing the notice and right of remonstrance required in subsection (C)(1) if the property can be purchased below the fair market value as determined by an appraisal, there is a willing seller, and the purchase price is less than \$25,000.00. The purchase shall be approved by the Village Board after notice and public hearing as provided in Neb. Rev. Stat. §16-1755.

(Neb. Rev. Stat. §17-953, 17-953.01)

SECTION 6-113: REAL PROPERTY; SALE AND CONVEYANCE

A. Except as provided this section, the power of the Village to convey any real property owned by it, including land used for park purposes and public squares, except real property used in the operation of public utilities, shall be exercised by resolution, directing the sale at public auction or by sealed bid of such real property and the manner and terms thereof, except that such real property shall not be sold at public auction or by sealed bid when:

1. Such property is being sold in compliance with the requirements of federal or state grants or programs;
2. Such property is being conveyed to another public agency; or
3. Such property consists of streets and alleys.

B. The Village Board may establish a minimum price for such real and personal property at which bidding shall begin or shall serve as a minimum for a sealed bid.

C. After the passage of the resolution directing the sale, notice of all proposed sales of real property described above and the terms thereof shall be published once each week for three consecutive weeks in a legal newspaper published in or of general circulation in the Village.

D. If within 30 days after the third publication of the notice a remonstrance against such sale is signed by registered voters of the Village equal in number to 30% of the registered voters of the Village voting at the last regular municipal election held therein and is filed with the Village Board, such property shall not then nor within one year thereafter be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the 30-day period, but the filing shall be considered timely if filed or postmarked on or before the next business day.

E. Upon the receipt of the remonstrance, the Village Board, with the aid and assistance of the election commissioner, shall determine the validity and sufficiency of signatures on the remonstrance. The Village Board shall deliver the remonstrance to the election commissioner by hand carrier, by use of law enforcement officials, or

by certified mail, return receipt requested. Upon receipt of the remonstrance, the election commissioner shall issue to the Village Board a written receipt that the remonstrance is in his or her custody. The election commissioner shall compare the signature of each person signing the remonstrance with the voter registration records to determine if each signer was a registered voter on or before the date on which the remonstrance was filed with the Village Board. The election commissioner shall also compare the signer's printed name, street and number or voting precinct, and municipal or post office address with the voter registration records to determine whether the signer was a registered voter. The signature and address shall be presumed to be valid only if the election commissioner determines that the printed name, street and number or voting precinct, and municipal or post office address matches the registration records and that the registration was received on or before the date on which the remonstrance was filed with the Village Board. The determinations of the election commissioner may be rebutted by any credible evidence which the Village Board finds sufficient. The express purpose of the comparison of names and addresses with the voter registration records, in addition to helping to determine the validity of the remonstrance, the sufficiency of the remonstrance, and the qualifications of the signer, shall be to prevent fraud, deception, and misrepresentation in the remonstrance process.

F. Upon completion of the comparison of names and addresses with the voter registration records, the election commissioner shall prepare in writing a certification under seal setting forth the name and address of each signer found not to be a registered voter and the signature page number and line number where the name is found, and if the reason for the invalidity of the signature or address is other than the nonregistration of the signer, the election commissioner shall set forth the reason for the invalidity of the signature. If the election commissioner determines that a signer has affixed his or her signature more than once to the remonstrance and that only one person is registered by that name, the election commissioner shall prepare in writing a certification under seal setting forth the name of the duplicate signature and shall count only the earliest dated signature.

G. The election commissioner shall certify to the Village Board the number of valid signatures necessary to constitute a valid remonstrance. He or she shall deliver the remonstrance and the certifications to the Village Board within 40 days after the receipt of the remonstrance from the board. The delivery shall be by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Not more than 20 signatures on one signature page shall be counted. The Village Board shall, within 30 days after the receipt of the remonstrance and certifications from the election commissioner, hold a public hearing to review the remonstrance and certifications and receive testimony regarding them. The Village Board shall, following the hearing, vote on whether or not the remonstrance is valid and shall uphold the remonstrance if sufficient valid signatures have been received.

H. Real estate now owned or hereafter owned by the Village may be conveyed without consideration to the State of Nebraska for state armory sites or, if acquired

for state armory sites, such property shall be conveyed strictly in accordance with the conditions of Neb. Rev. Stat. §16-1001 to 16-1006.

I. Following passage of the resolution directing a sale, publishing of the notice of the proposed sale, and passing of the 30-day right-of-remonstrance period, the property shall then be sold. Such sale shall be confirmed by passage of an ordinance stating the name of the purchaser and terms of the sale. The village clerk shall, upon passage of such ordinance, certify the name of the purchaser to the register of deeds of the county in which the property is located.

J. Subsections (A) to (I) of this section shall not apply to the sale of real and personal property if the authorizing resolution directs the sale of an item or items of real and personal property having a total fair market value of less than \$5,000.00. Following passage of the resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the Village for a period of not less than seven days prior to the sale of the property. The notice shall give a general description of the property offered for sale and state the terms and conditions of sale. Confirmation of the sale by passage of an ordinance may be required.
(Neb. Rev. Stat. §17-503, 17-503.01) (Am. by Ord. No. 338, 6/9/98)

SECTION 6-114: PERSONAL PROPERTY; SALE AND CONVEYANCE

In order to sell personal property owned by the Village, the Village Board shall adopt a resolution directing the sale and the manner and terms of the sale. Following passage of the resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the Village for a period of not less than seven days prior to the sale of the property. If the fair market value of the property is greater than \$5,000.00, notice of the sale shall also be published once in a legal newspaper in or of general circulation in such village at least seven days prior to the sale of the property. The notice shall give a general description of the property offered for sale and state the terms and conditions of sale. When such personal property is being sold in compliance with the requirements of federal or state grants or programs or conveyed to another public agency, the notice procedure set forth above may be dispensed with. (Neb. Rev. Stat. §17-503.02)

SECTION 6-115: SPECIAL IMPROVEMENT DISTRICT; ASSESSMENT AND CREATION PROCEDURE

A. The Village Board may by ordinance create a special improvement district for the purpose of replacing, reconstructing, or repairing an existing water line, sewer line, or any other such improvement.

B. Except as provided in Neb. Rev. Stat §19-2428 to 19-2431, the board shall have power to assess, to the extent of such benefits, the costs of such improvements upon the properties found especially benefited thereby, whether or not such properties were previously assessed for the same general purpose. In creating such special improvement district, the Village Board shall follow procedures applicable to the creation and assessment of the same type of improvement district as otherwise provided by law.

(Neb. Rev. Stat. §16-1751)

SECTION 6-116: DEFERRAL FROM SPECIAL ASSESSMENTS

A. Whenever the Village Board creates an improvement district which includes land adjacent to the Village that is within an agricultural use zone and is used exclusively for agricultural use, the owners of record title of such adjacent land may apply for a deferral from special assessments. For purposes of this section, the terms “agricultural use” and “agricultural use zone” shall have the meaning specified in Neb. Rev. Stat. §77-1343.

B. Any owner of record title eligible for the deferral granted by this section shall, to secure such assessment, make application to the Village Board within 90 days after creation of an improvement district as specified in Section 6-115. Any owner of record title who makes application for the deferral provided by this section shall notify the register of deeds of such application in writing prior to approval by the Village Board. The board shall approve the application of any owner of record title upon determination that the property is within an agricultural use zone and is used exclusively for agricultural use and the owner has met the requirements of this section.

C. The deferral provided for in this section shall be terminated upon any of the following events:

1. Notification by the owner of record title to the Village Board to remove such deferral;
2. Sale or transfer to a new owner who does not make a new application within 60 days of the sale or transfer, except as provided in subdivision (3) of this section.
3. Transfer by reason of death of a former owner to a new owner who does not make application within 125 days of the transfer;
4. The land is no longer being used as agricultural land; or
5. Change of zoning to other than an agricultural zone.

D. Whenever property which has received a deferral pursuant to this section becomes disqualified for such deferral, the owner of record title of such property shall pay to the Village an amount equal to:

1. The total amount of special assessments which would have been assessed against such property, to the extent of special benefits, had such deferral not been granted; and
2. Interest upon the special assessments not paid each year at the rate of 6% from the dates at which such assessments would have been paya-

ble if no deferral had been granted.

E. In cases where the deferral provided by this section is terminated as a result of a sale or transfer described in subsection (C)(2) or (3), the lien for assessments and interest shall attach as of the day preceding such sale or transfer.

(Neb. Rev. Stat. §19-2428 thru 19-2431)

Article 2 – Streets

SECTION 6-201: NAMES AND NUMBERS

The Village Board may at any time by ordinance rename any street or provide a name for any new street. Buildings used for residence or business purposes and located along such streets shall retain such numbers as the Village Board may require. It shall be the duty of the street commissioner, upon the erection of any new building or buildings, to assign the proper numbers to said building or buildings and give notice to the owner(s) and occupant(s) of the same.

SECTION 6-202: WIDENING OR OPENING

The Village Board shall have the power to open or widen any street, alley, or lane within the limits of the Village; to create, open, and improve any new street, alley, or lane; provided, all damages sustained shall be ascertained in such manner as shall be provided by ordinance. (Neb. Rev. Stat. §17-558, 17-559, 76-704 through 76-724)

SECTION 6-203: CROSSINGS

The Village Board may order and cause street, avenue and alley crossings to be constructed under the supervision of the street commissioner and the same shall be constructed of such materials as the board shall deem necessary. When a petition for the construction of any such crossing is filed by an interested resident in the office of the village clerk, he or she shall refer such application to the street commissioner, who shall investigate and recommend to the board allowance or rejection as final action on such application.

SECTION 6-204: EXCAVATION

It shall be unlawful for any person to make an excavation in any street or streets for any purpose whatsoever unless a written permit is issued by the street commissioner authorizing such excavations. (Neb. Rev. Stat. §17-567)

SECTION 6-205: DRIVING STAKES

It shall be unlawful for any person to drive any peg or stake of any kind into the pavement in any street or alley without first procuring the written consent of street commissioner. (Neb. Rev. Stat. §17-567)

SECTION 6-206: MIXING CONCRETE

It shall be unlawful for any person to mix any concrete or plastering material directly on the street pavement for any reason whatsoever. (Neb. Rev. Stat. §17-567)

SECTION 6-207: HARMFUL LIQUIDS

It shall be unlawful for any person to place or permit to leak in the gutter of any street any waste gasoline, kerosene, or high lubricating oils, which damage or act as a solvent upon said streets. (Neb. Rev. Stat. §17-567)

SECTION 6-208: DRIVEWAY APPROACHES

A. The street commissioner may require the owner of property served by a driveway approach constructed or maintained upon the street right-of-way to repair or

replace any such driveway approach which is cracked, broken, or otherwise deteriorated to the extent that it is causing or is likely to cause damage to or interfere with any street structure including pavement or sidewalks.

B. The village clerk shall give the property owner notice by registered letter or certified mail, directed to the last-known address of such owner or the agent of such owner, directing the repair or replacement of such driveway approach. If within 30 days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the street commissioner may cause such work to be done and assess the cost upon the property served by such approach.

(Neb. Rev. Stat. §16-1748)

SECTION 6-209: UTILITY POLES, WIRES, MAINS

A. Poles, wires, gas mains, pipelines and other appurtenances of public service companies shall be located or erected over, upon or under the streets, alleys and common grounds after a proper written application shall have been made to the village clerk and permission in writing shall have been given by the Village Board. When requested by the board, public service companies heretofore or hereafter granted right of way for the erection and maintenance of poles, conduits, gas mains, pipe lines and wires for the purpose of transacting their business upon, under or over the streets, alleys and public grounds shall at all times erect, locate or relocate their appurtenances to such places and in such manner as shall be designated by said board.

B. Such appurtenances shall be removed or relocated by said companies at their own expense when requested to do so by the Village Board. Whenever it becomes necessary for the board to request such relocation for public safety and convenience, it shall order said relocation by resolution and the village clerk shall notify any company or companies affected. Said companies shall, within 24 hours after receiving notice, at their own expense cause the said appurtenances to be removed or relocated. The Village Board shall designate another location where said appurtenances may be reset or placed. All appurtenances shall be reset, placed or erected in such manner that they will not interfere with the water system, sewer system or poles, wires or mains of any public utility located on the same street or alley or with travel or buildings constructed or hereafter to be constructed. Whenever possible, all said appurtenances shall be confined to the alleys of the Village.

SECTION 6-210: CULVERTS UNDER DRIVEWAYS TRAVERSING DRAINAGE DITCHES; RIGHTS OF WAY

A. Prior to the installation of any culverts in the rights-of-way in the Village, application shall be made to the village clerk on a form provided, identifying the location of the proposed culvert, the dimensions of the proposed driveway, including length and width, the number of lanes for the proposed driveway, the amount of fill proposed to be used to support the driveway, and the proposed size and materials to be used for the culvert. In order to lessen the possibility of the driveway creating a flooding situation to the detriment of the streets and public ways of the Village, all applications shall be submitted to the Village Board for review and analysis. If the board de-

termines that the proposed culvert is inadequate in either size or building materials so as to prevent and avoid hazards to the traveling public and menace to travel by the caving, sliding, washing, or other impediments to village streets or is inadequate to prevent flooding of private property, the board shall require that the applicant install a proper sized culvert to be constructed of proper materials. Culvert pipe installed beneath driveways abutting on municipal streets shall have a minimum inside diameter of 18 inches, minimum length of 20 feet for a single lane driveway or 30 feet for a double lane driveway with a maximum of 35 feet, and minimum grade shall be 1/8 inch per foot of culvert length, unless the Village Board determines differently. Acceptable culvert pipe matter shall be as follows:

1. Reinforced concrete pipe conforming to the most recent revision of ASTM designation C76, C506, or C507, for reinforced concrete pipe, minimum strength Class III. Installation shall be in accordance with manufacturer's recommendations.
2. Galvanized corrugated steel pipe conforming to the most recent revision of AASHTO specification M-36. Minimum pipe wall shall be 16 gauge 0.064 inches. Joints shall be made with connecting bands as supplied by the pipe manufacturer. Installation shall be in accordance with the manufacturer's recommendation.

B. Once approved by the Village Board, the property owner shall purchase and have delivered to his or her property the proper sized culvert made of the approved materials. In order to make certain that the village streets are not subject to being undermined by runoff or that other property is not subject to being flooded from the village right-of-way ditches, the Village shall install said culvert at its expense. The property owner is responsible for maintaining and cleaning out the culvert.

(Am. by Ord. No. 317, 9/9/97)

SECTION 6-211: PETITION FOR IMPROVEMENTS

Whenever a petition signed by the owners of record title representing more than 60% of the front footage of the property directly abutting upon the street, streets, alley, alleys, public way, or the public grounds proposed to be improved shall be presented and filed with the village clerk, petitioning therefor, the Village Board shall by ordinance create a paving, graveling, or other improvement district or districts, shall cause such work to be done or such improvement to be made, shall contract therefor, and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street, streets, alley, or alleys especially benefited thereby in such district in proportion to such benefits to pay the cost of such improvement. The board shall have the discretion to deny the formation of the proposed district when the area has not previously been improved with a water system, sewer system, and grading of streets. If the board should deny a requested improvement district formation, it shall state the grounds for such denial in a written letter to interested parties. (Neb. Rev. Stat §17-510)

SECTION 6-212: IMPROVEMENT DISTRICTS; OBJECTIONS

A. Whenever the Village Board deems it necessary to make any improvements allowed by statute which are to be funded by a levy of special assessment on the property especially benefited, the board shall by ordinance create a paving, graveling, or other improvement district and, after the passage, approval, and publication or posting of such ordinance, shall publish notice of the creation of any such district for six days in a legal newspaper of the Village, if a daily newspaper, or for two consecutive weeks if a weekly newspaper. If no legal newspaper is published in the Village, the publication shall be in a legal newspaper of general circulation in the Village.

B. If the owners of the record title representing more than 50% of the front footage of the property directly abutting on the street or alley to be improved file with the village clerk within 20 days after the first publication of such notice written objections to the creation of such district, such improvement shall not be made as provided in such ordinance but the ordinance shall be repealed. If objections are not filed against the district in the time and manner prescribed in this section, the Village Board shall immediately cause such work to be done or such improvement to be made, shall contract for the work or improvement, and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street or alley especially benefited in such district in proportion to such benefits to pay the cost of such improvement.

(Neb. Rev. Stat. §17-511)

SECTION 6-213: IMPROVEMENT OF MAIN THOROUGHFARES

The Village Board shall have the power by three-fourths vote to create by ordinance a paving, graveling or other improvement district and to order such work done upon any federal or state highway in the Village or upon a street or route designated by the board as a main thoroughfare that connects on both ends to either a federal or state highway or a county road. The Village Board shall contract therefor and shall have the power to assess, to the extent of special benefits, the costs of such improvements upon the properties found especially benefited thereby. (Neb. Rev. Stat. §17-512)

SECTION 6-214: IMPROVEMENT OF STREETS ON CORPORATE LIMITS

The Village Board shall have the power to improve any street or part thereof which divides the village corporate area and the area adjoining the Village. When creating an improvement district including land adjacent to the Village, the board shall have power to assess, to the extent of special benefits, the costs of such improvements upon the properties found especially benefited thereby. (Neb. Rev. Stat. §17-509)

SECTION 6-215: CONSTRUCTION ASSESSMENT

A. To defray the costs and expenses of street improvements as may be authorized by law, the Village Board shall have power and authority to levy and collect special taxes and assessments upon the lots and pieces of ground adjacent to, abutting upon, or especially benefiting from the street, avenue, alley, or sidewalk in whole or in part opened, widened, curbed, curbed and guttered, graded, paved, repaired, graveled, macadamized, parked, extended, constructed, or otherwise improved or repaired. The Village Board, sitting as the Board of Equalization, shall review all such

improvements in accordance with the procedure provided by law.

B. All special assessments shall be made by the Village Board at a regular or special meeting by resolution, taking into account the benefits derived or injuries sustained in consequence of such improvements and the amount charged against same. The vote shall be recorded in the minutes. Notice of the time of holding such meeting and the purpose for which it is to be held shall be published in a legal newspaper published or of general circulation in the Village at least four weeks before the same shall be held. In lieu of such aforementioned notice, personal service may be had upon the persons owning or occupying the property to be assessed.

C. Such assessments shall be known as "special assessments for improvements" and with the cost of notice shall be levied and collected as a special tax in addition to the taxes for general revenue purposes, subject to the same penalties and collected in like manner as other village taxes, and shall be certified to the county clerk by the village clerk forthwith after the date of levy for collection by the county treasurer unless otherwise specified. After it shall have become delinquent, said assessment shall draw interest at the legal interest rate per annum.

D. In the event the property owner is a nonresident of the county in which the property lies, the Village shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

(Neb. Rev. Stat. §17-511, 17-524, 19-2428 through 19-2431, 45-104.01)

SECTION 6-216: CONSTRUCTION NOTICE

The street commissioner shall notify the owners in fee simple of real estate abutting a street, alley, or a part thereof which is to be put under contract for paving or repaving. Notice shall also be given to all gas, electric service, and telephone companies. Notice shall also be given to all consumers of gas, water, and sewer services which will be discontinued during such construction. Said notice shall be published one time in a legal newspaper of general circulation in the Village at least 20 days prior to the beginning of such construction by the party undertaking such construction and said notice shall state at what date connections must be made and excavation completed. All gas, water, sewer, and underground connections must be made prior to the paving or repaving of the street under construction. After expiration of such time, permits for excavation will not be issued nor will excavation be allowed until after the completion of the paving in said street or alley and the formal final acceptance thereof by the proper officials of the Village.

SECTION 6-217: VACATING PUBLIC WAYS; PROCEDURE

Whenever the Village Board decides that it would be in the best interests of the Village to vacate a street, avenue, alley, lane, or similar public way, it shall comply with the following procedure:

A. *Notice.* Notice shall be given to all abutting property owners either by first

class mail to their last known address or, if there is no known address, then by publishing the notice in a newspaper that is of general circulation in the Village. The content of the notice shall advise the abutting property owners that the Village Board will consider vacating such street, avenue, alley, lane, or similar public way at its next regular meeting or, if a special meeting is scheduled for such discussion, then the date, time, and place of such meeting.

B. *Consent/Waiver.* The Village Board may have all the abutting property owners sign a form stating that they consent to the action being taken by the board and waive their right of access. The signing of such form shall have no effect on claims for special damages by the abutting property owners but shall create the presumption that the board's action was proper. If the abutting property owners do not sign the consent/waiver form, the Village Board may still proceed with vacating the street, avenue, alley, lane, or similar public way under the authority granted by Neb. Rev. Stat. §17-558 and 17-559.

C. *Ordinance.* The Village Board shall pass an ordinance that includes essentially the following provisions:

1. A declaration that the action is expedient for the public good or in the best interests of the Village.
2. A statement that the Village will have an easement for maintaining all utilities.
3. A method or procedure for ascertaining special damages to abutting property owners.

D. The clerk shall file a copy of the ordinance with the county register of deeds to ensure that abutting property owners can gain title to their share of the vacated street, avenue, alley, lane, or similar public way and so that such land will be drawn to the attention of the county assessor.

(Neb. Rev. Stat. §17-558, 17-559)

SECTION 6-218: VACATING PUBLIC WAYS; DEFINITIONS; ASCERTAINING DAMAGES

A. In reference to vacating of public ways, "special damages" shall mean only those losses, damages or injuries which a property owner suffers that are peculiar, special or unique to his or her property and which result from the vacating of such street, avenue, alley, lane or similar public way by the Village Board.

B. "Special damages" shall not mean those losses, damages or injuries suffered by a property owner that are in common with the rest of the Village or public at large, even though those losses, damages or injuries suffered by the property owner are greater in degree than the rest of the Village or public at large.

C. The chairperson, with approval of the Village Board, shall appoint three, five or seven disinterested residents of the Village to a special commission to ascertain

the amount of special damages that the abutting property owners are entitled to receive and which resulted from the vacating of such street, avenue, alley, lane or similar public way. Only special damages, as herein defined, shall be awarded to the abutting property owners.

D. In determining the amount of compensation to award the abutting property owners as special damages, the aforementioned commission shall use the following rule:

The abutting property owner is entitled to recover as compensation the difference between the value of such property immediately before and immediately after the vacating of such street, avenue, alley, lane or similar public way. However, if no difference in value exists, the abutting property owner is entitled to no compensation.

(Neb. Rev. Stat. §17-558, 17-559)

SECTION 6-219: VACATING PUBLIC WAYS; TITLE

A. Upon the vacation of any street or alley or any part thereof by the Village, the title of such property shall vest in the owner of the abutting property and become part of such property, one-half on each side thereof, except that the Village may reserve title to such property in the ordinance vacating such street or alley. If title is retained by the Village, such property may be sold, conveyed, exchanged or leased upon such terms and conditions as shall be deemed in the best interest of the Village.

B. In the event the Village does not elect to reserve title in the vacated portion of such street or alley, the title to said property nonetheless shall be subject to the following:

1. There is reserved to the Village the right to maintain, operate, repair, and renew public utilities existing at the time title to the property is vacated there; and
2. There is reserved to the Village, any public utilities, and any cable television systems the right to maintain, repair, renew, and operate water mains, gas mains, pole lines, conduits, electrical transmission lines, sound and signal transmission lines, and other similar services and equipment and appurtenances, including lateral connections or branch lines, above, on, or below the surface of the ground that are existing as valid easements at the time title to the property is vacated for the purposes of serving the general public or the abutting properties and to enter upon the premises to accomplish such purposes at any and all reasonable times.

(Neb. Rev. Stat. §17-558)

Article 3 – Sidewalks

SECTION 6-301: GENERAL AUTHORITY

The Village shall have the power to prevent and remove all encroachments, including snow, ice, and other similar obstructions upon all sidewalks and other village property. (Neb. Rev. Stat. §17-557, 17-558)

SECTION 6-302: DUTY TO KEEP CLEAN

It shall be unlawful for the occupant of any lot or lots or the owner of any vacant lot or lots within the corporate limits to allow snow, sleet, mud, ice, or other substance to accumulate on the sidewalks or to permit any snow, sleet, ice, mud, or other substance to remain upon said sidewalk. All sidewalks within the business district shall be cleaned within five hours after the cessation of a storm unless the storm or fall of snow shall have taken place during the night, in which case the sidewalk shall be cleaned before 8:30 A.M. the following day; provided, sidewalks within the residential areas of the Village shall be cleaned within 24 hours after the cessation of the storm. (Neb. Rev. Stat. §17-557)

SECTION 6-303: MAINTENANCE AND REPAIR

A. Every owner of any lot, lots or piece of land within the corporate limits shall at all times keep and maintain the sidewalk along and contiguous to said parcels of land in good and proper repair and in a condition reasonably safe for travel for all travelers thereon. In the event that the owner of any lot, lots or lands abutting on any street, avenue, or part thereof shall fail to construct or repair any sidewalk in front of his or her lot, lots, or lands within the time and in the manner as directed and required herein after having received due notice to do so, he or she shall be liable for all damages or injury occasioned by reason of the defective or dangerous condition of any sidewalk and the Village Board shall have power to cause any such sidewalks to be constructed or repaired and assess the costs thereof against such property.

B. The street commissioner may require sidewalks of the Village to be repaired. Notice to the owners of property upon which such sidewalks in disrepair are located shall require within 48 hours from issuance of notice said owners to make arrangements to have the sidewalk repaired. Said repairs shall be completed within 21 days after issuance of said notice.

C. No special assessment shall be levied against the property unless said owner shall neglect or refuse to repair within the time prescribed. In the event that such owner fails to make repairs, the Village shall cause the repairs to be made and assess the property owner the expense of such repairs.

D. In the event the property owner is a nonresident of the county in which the property lies, the Village shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

(Neb. Rev. Stat. §17-522, 17-557.01)

SECTION 6-304: CONSTRUCTION BY OWNER; APPLICATION, PERMIT

A. Any person desiring to construct or cause to be constructed any sidewalk shall do so only as herein provided. It shall be unlawful for any person to construct any sidewalk without first having obtained a permit.

B. Said owner shall make application in writing for a permit and file such application in the office of the village clerk. The permit shall give a description of the lot or piece of land along which the sidewalk is to be constructed. The street commissioner shall issue the desired permit unless good cause shall appear why said permit should be denied; provided, if it is desired to construct the sidewalk at any other than the regularly prescribed location, grade, or elevation, the street commissioner shall submit the application to the Village Board, which shall determine whether the permit should be granted or denied.

C. It shall be unlawful for any person to construct or cause to be constructed said sidewalk at any other location, grade, or elevation than so designated by the Village. All sidewalks shall be built and constructed on the established grade or elevation and if there is no established grade, then on the grade or elevation indicated by the street commissioner.

SECTION 6-305: CONSTRUCTION BY VILLAGE

A. The Village Board may by resolution order the construction of a sidewalk on any lot or piece of ground within the Village. Notice of the board's intention to construct said sidewalk shall be given by the village clerk by publication of notice one time in a legal newspaper of general circulation in the Village.

B. A copy of said notice shall be personally served upon the occupant in possession of such property or, when personal service is not possible, said notice shall be posted upon such premises ten days prior to the commencement of construction. The notice required in this section shall be prepared by the village attorney in accordance with the provisions of this section. Such service shall include a form of return evidencing personal service or posting as herein required.

C. Said notice shall notify the owner of the premises of the passage of the resolution ordering him or her to construct or cause to be constructed a sidewalk within 30 days after the date of publication and further, that if he or she falls to construct the sidewalk or cause the same to be done within the time allowed, the Village will cause the sidewalk to be constructed and the cost thereof shall be levied and assessed as a special tax against the premises; provided, the notice shall contain the official estimate of the cost of said construction and no special assessment in excess of such estimate shall be assessed against the property.

D. In the event the property owner is a nonresident of the county in which the property lies, the Village shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of cer-

tified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

(Neb. Rev. Stat. §17-522, 17-523)

SECTION 6-306: CONSTRUCTION BY PETITION OR AGREEMENT

A. If the owners of the record title representing more than 60% of the front footage of the directly abutting property subject to assessment for sidewalk improvements petition the Village Board to make the same, the board shall proceed in all things as though such construction had been ordered by it. Upon the petition of any freeholder who is an abutting owner in fee simple of property subject to assessment for sidewalk improvements, the Village Board may order permanent sidewalks built in accordance with this article upon the freeholder making, executing, and delivering to the Village an agreement to the effect that the petitioning freeholder will pay the engineering service fee and all other incidental construction costs until paid shall be a perpetual lien upon the real estate along which the freeholder desires such sidewalk to be constructed and that the petitioner gives and grants to the Village the right to assess and levy the costs of such construction against the freeholder's real estate abutting the sidewalk improvement and promises to pay such costs with interest. The total cost of such improvement shall be levied, allocated, financed, and specially assessed as provided by law. In the event the property owner is a nonresident of the county in which the property lies, the Village shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

B. Upon the petition of an abutting owner in fee simple of property subject to assessment for sidewalk improvements, the Board of Trustees may order permanent sidewalks built in accordance with this article upon the making, executing and delivering to the Village an agreement by the owner that he or she (A) will pay the engineering service fees and the cost of the construction of the sidewalk; (B) grants the Village the right to assess and levy the costs of such construction against his or her real estate abutting the sidewalk improvement; (C) promises to pay such costs with interest; and (D) agrees that such costs of construction, until paid, shall be a perpetual lien upon the real estate abutting the sidewalk to be constructed. The total cost of such improvement shall be levied, allocated, financed and specially assessed as provided by law.

(Neb. Rev. Stat. §17-510)

Article 4 – Construction of Private Drives

SECTION 6-401: APPLICATION

Before any person, firm or corporation constructs a private drive onto any public street or alley, an application shall first be made to the Village Board for a permit for such construction as provided in Section 6-108 (Cutting Curb). Such application shall be acted upon by the Board at a special or regular meeting.

SECTION 6-402: SPECIFICATIONS

Private drives shall not exceed 24 feet in width and shall not be constructed within ten feet of adjacent lot lines unless such adjacent lots are owned by the applicant, unless specifically permitted by the building official or Village Board.

SECTION 6-403: APPLICATION REQUIREMENTS

All driveway applications shall contain the following information:

- A. The addition, block and lot which the driveway is to serve;
- B. The location of the proposed driveway with reference to adjacent lot lines;
- C. The width of the driveway and type of street surface to which the driveway will connect.

SECTION 6-404: APPROVAL OF VILLAGE BOARD

In the event that the building official or Village Board determines that such application is in due and proper form and that the same complies with this article, the official or the board shall approve construction of such requested driveway and note such approval in writing.

Article 5 – Penal Provision

SECTION 6-501: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and on conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

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CHAPTER 7 – PUBLIC UTILITIES

Article 1 – Utilities Generally

SECTION 7-101: MUNICIPAL POWERS; RATE SETTING

The Village currently owns and operates a water supply and distribution system, sanitary sewer disposal and treatment system and electrical system. The Village has the right and power to tax assets and collect from its residents such tax, rent or rates for the use and benefit of the water used or supplied to them by the water system and electricity used or supplied by the electrical system. The Village Board is authorized to establish by ordinance such rates for water, sewer and electrical service as may be deemed fair and reasonable. All such rates, taxes or rent shall be on file in the office of the village clerk for public inspection. Said rates, taxes or rent shall be a lien upon the premises or real estate for which the same is used or supplied and such taxes, rents or rates shall be paid and collected and such lien enforced in such manner as the board shall by ordinance direct and provide. (Neb. Rev. Stat. §17-538)

SECTION 7-102: BILLING AND COLLECTIONS; DELINQUENCY

A. Charges for water, sewer and electrical services shall be billed jointly on a monthly basis. Utility bills shall be mailed on or about the 1st day of each month and shall be due and payable by the 15th day of each month, Bills not paid by the 15th day of each month shall be deemed to be delinquent and shall have a penalty charge added thereto in the amount of 10% of the outstanding charges for water, sewer, and electrical services. (Am. Ord. No. 486, 6/12/19)

B. All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the utilities superintendent to shut off the water at the stop box, in which case he or she shall not be liable thereafter for water rental until the water is turned on again.

C. All electrical consumers shall be liable for the minimum rate provided by resolution unless and until the consumer shall by written order direct the utilities superintendent to shut off the electricity, in which case he or she shall not be liable thereafter for electrical service until the electricity is turned on again.

D. The Village may discontinue service pursuant to Section 7-103 upon deeming a customer to be delinquent as herein defined. Once discontinued, service shall not be recommended except upon payment in full of all delinquent charges and upon further payment of a reconnection fee in such amount as has been set by the Village Board and placed on file at the office of the village clerk. The Village may also take any action authorized by law to effect collection of the delinquent charges. Before reconnection, testing of water at the site of disconnected or otherwise inactive service is required pursuant to Section 7-213.

(Neb. Rev. Stat. §17-542, 17-902, 17-925.01, 18-416, 19-1404) (Ord. No. 360, 10/28/03)

SECTION 7-103: DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE

A. The Village shall not discontinue utility service to any domestic subscriber for nonpayment of any past-due account unless the Village first gives written notice

by mail to any subscriber whose service is proposed to be terminated at least seven days prior to termination, weekends and holidays excluded.

B. Prior to the discontinuance of service to any domestic subscriber by the Village, the domestic subscriber, upon request, shall be provided a conference with the Village Board. The board has established procedures to resolve utility bills when a conference is requested by a domestic subscriber. These procedures, three copies of which are on file in the office of the village clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part of this section as though set out in full. A copy of such procedures shall be furnished upon the request of any domestic subscriber. The Village Board shall notify the domestic subscriber of the time, place, and date scheduled for such conference.

C. This section shall not apply to any disconnections or interruptions of services made necessary by the Village for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public.

(Neb. Rev. Stat. §70- 1603, 70-1604)

SECTION 7-104: LIEN

In addition to all other remedies, if a customer shall for any reason remain indebted to the Village for utilities service furnished, such amount due, together with any rents and charges in arrears shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The village clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are 60 days or more delinquent in the payment of the utilities rent. It shall be the duty of the village clerk to report to the Village Board from time to time a list of all unpaid accounts due for utilities service, together with a description of the premises served. Each report shall be examined and if approved by the board, shall be certified by the village clerk to the county clerk to be collected as a special tax in the manner provided by law. (Neb. Rev. Stat. §17-538, 17-925.01, 18-503)

SECTION 7-105: DIVERSION OF SERVICES; METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE

A. Any person who connects any instrument, device, or contrivance with any wire supplying or intended to supply electricity or electric current or connects any pipe or conduit supplying water, without the knowledge and consent of the Village, in such manner that any portion thereof may be supplied to any instrument by or at which electricity, electric current, or water may be consumed without passing through the meter provided for measuring or registering the amount or quantity passing through it, and any person who knowingly uses or knowingly permits the use of electricity, electric current, or water obtained in the above mentioned unauthorized ways, shall be deemed guilty of an offense.

B. Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interferes with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or quantity of electricity

or water passing through it, without the knowledge and consent of the Village shall be deemed guilty of an offense.

C. When electrical or water service has been disconnected pursuant to Neb. Rev. Stat. §70-1601 to 70-1615, or 7-103 of this code, any person who reconnects such service without the knowledge and consent of the Village shall be deemed guilty of an offense.

D. Proof of the existence of any wire, pipe, or conduit connection or reconnection or of any injury, alteration, or obstruction of a meter, as provided in this section shall be taken as prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, or obstruction is proved to exist.

(Neb. Rev. Stat. §86-329 through 86-331)

SECTION 7-106: DIVERSION OF SERVICES; PENALTY

A. The Village may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets or attempts (1) bypassing, (2) tampering or (3) unauthorized metering when such act results in damages to a village utility. The Village may bring a civil action for damages pursuant to this section against any person receiving the benefit of utility service through means of bypassing, tampering or unauthorized metering.

B. In any civil action brought pursuant to this section, the Village shall be entitled, upon proof of willful or intentional bypassing, tampering or unauthorized metering, to recover as damages:

1. The amount of actual damage or loss if such amount may be reasonably calculated; or
2. Liquidation damages of \$750.00 if the amount of actual damage or loss cannot be reasonably calculated.

C. In addition to damage or loss under subdivision (B) (1) or (2), the Village may recover all reasonable expenses and costs incurred on account of the bypassing, tampering or unauthorized metering including but not limited to disconnection, reconnection, service calls, equipment, costs of the suit and reasonable attorney's fees in cases within the scope of Neb. Rev. Stat. §25-1801.

D. There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering or unauthorized metering if the tenant or occupant (1) had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and (2) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

E. There shall be a rebuttable presumption that a customer at any premises

where bypassing, tampering or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering or unauthorized metering was proven to exist.

F. The remedies provided by this section shall be deemed to be supplemental and additional to powers conferred by existing laws, and the remedies provided in this section are in addition to and not in limitation of any other civil or criminal statutory or common law remedies.

(Neb. Rev. Stat. §25-21,276, 25-21,277)

SECTION 7-107: EXCAVATIONS

A. Backfilling and compaction of excavations shall follow as closely after the construction as possible. All excavations shall be backfilled with approved material up to the original surface of the ground unless otherwise approved. No backfill shall be made with material containing stone, large clods, frozen earth or debris of any kind.

B. Backfilling shall not be done in freezing weather, except by permission of the engineer nor shall any fill be made where the material already in the trench is frozen. If construction proceeds at any time when frozen material is encountered and frozen material is placed in the trench line, all such trenches shall be compacted in the spring after frost conditions are no longer present. This compaction of the trench shall include the removal of all material to a depth of 12 inches (300 mm) below the depth of the frozen material and the replacement and compaction of the trench to the proper grade with suitable material. Care shall be exercised in backfilling so as not to damage any finished work. The backfill shall be brought up evenly on both sides of the utility or structure.

C. Jetting or hydro-flushing of the backfill shall not be permitted. Care shall be taken to ensure that the utility is properly bedded with material of an approved density. The initial 12 inches (300 mm) of backfill above the top of the pipe shall be carefully placed to protect the pipe bedding from further backfilling operations. The backfill material shall be compacted to a minimum density of 95% of the maximum dry density of the material as determined by AASHTO Method T-99 in the top 4 feet below the existing street grade or surface. The balance of the backfill material shall be compacted to at least 92% of the maximum dry density of the material as determined by AASHTO Method T-99. The moisture content of the soils shall be 2% below the optimum moisture content or above, as determined by the above test.

D. The backfill compaction applies to the 95% rule only if excavations are done on streets, alleys, roadways, driveways or any other traffic way that is public property in the Village.

E. All streets, roadways, alleys or any other traffic areas will have the same type of road surface put back at proper street or roadway level to meet or exceed the original surface.

F. Backfill on ditchways or any other public property not a street or used primarily by vehicle traffic can be backfilled at 80% compaction rate. Any areas of these types must be graded to ensure proper water drainage and should be reseeded with grass or put back in the same landscape appearance that it was found or in a better state of landscaped condition than it was found.

G. Any such persons doing work or causing work to be done for them can be fined for not restoring an excavation site on public property back into the condition that it was originally found and for not complying with the rules of this section.

H. The Village, its employees or persons who are contracted for the Village to do work shall comply with these rules as well with the understanding that some contracted jobs may require a longer time frame to complete and put conditions back to original shape before excavation.

I. Any excavations that are listed in this section will be done in a timely manner so as not to interrupt normal traffic flow or use of roadways as an extent to cause major duress to the resident users of the street, roadway, alley or traffic thoroughfare. "A timely manner" shall mean no more than two weeks or ten working days except in adverse weather conditions that do not allow for the work to be done in this time frame. If for any reason this cannot be done, the person who is having the work performed shall contact the village clerk to communicate about the delay and request an extension of the time to complete the backfill at the site of excavation.

J. Any excavation made on public rights of way or any other type not used for vehicle travel can be pushed closed temporarily instead of backfilled by the rules in the event that the backfill material is frozen and unable to be tamped back in. The village clerk will be advised if this needs to be done until the weather allows for proper completion. After said area thaws, then it will be backfilled properly with any sloping and seeding that may be required to put the site back to normal condition. No measurement or direct payment will be made for any backfill or compaction required as part of the work. The costs of backfill and compaction will be considered subsidiary to other items for which direct payment is made.

K. The type of excavation can be as listed herein and could also be any other types not listed but where excavation of the earth was necessary to complete a job:

1. Bury drainage pipes;
2. Bury sewer pipes;
3. Bury water pipes;
4. Bury telephone lines;
5. Bury gas lines;
6. Bury electrical lines.

L. Any person who does not comply after adequate notice by the village clerk to complete the excavation will be billed for any and all costs to put the public proper-

ty of both types back to the original condition in which they were found. Also said person will be billed for any clerical or legal fees that might occur while in the process of having such person complete his or her excavation site. If said person does not pay within six months after the bill was sent, there will be a lien on said property on which the excavation was done or the bill will be turned over to a collection agency.

M. Adequate notice from the Village shall consist of a verbal notice by either the village clerk, a board member, maintenance man or representative to complete the job in five business days. If not completed, a second notice will be given in written form. If not then completed, the Village may complete the excavation by whatever methods that the Village Board or its representatives decide to complete the site of the excavation that was in violation of this section .

N. Any person who shall violate or refuse to comply with this section shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$100.00 for each offense. A new violation shall be deemed to have committed every 48 hours of such failure to comply.

(Am. by Ord. No. 344, 5/30/00)

Article 2 – Water Department

SECTION 7-201: OPERATION AND FUNDING

The Village owns and operates the Water Department through the utilities superintendent. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the Water Department, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the village treasurer. The utilities superintendent shall have the direct management and control of the Water Department and shall faithfully carry out the duties of the office. The utilities superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department subject to the supervision and review of the board. The Village Board shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the village clerk for public inspection during office hours. (Neb. Rev. Stat. §17-531, 17-534, 19-1305)

SECTION 7-202: DEFINITIONS

The following definitions shall be applied throughout this Article. Where no definition is specified, the normal dictionary usage of the word shall apply.

"Consumer" or "customer" shall be the owner of the private property, or in the case that a person or entity other than the owner has made application and holds a separate contract for service with the Village, then, the person with whom the Village has a contract for service with.

"Main" is hereby defined to be any pipe other than a supply or service pipe that is used for the purpose of carrying water to, and dispersing the same in the Village.

"Right of way" is any property owned by any political subdivision.

"Separate premises" is hereby defined to be more than one consumer procuring water from the same service or supply pipe. The second premises may be a separate dwelling, apartment, building or structure used for a separate business.

"Service" is defined as any pipe connected to the village main used to deliver water to an individual consumer.

"Service pipe" is defined to be any pipe extending from the shut-off, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premises where the water is to be dispersed.

"Supply pipe" is hereby defined to be any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer's premises where the shut-off, stop box, or curb cock is located.

(Am. by Ord. No. 386, 3/10/09)

SECTION 7-203: MANDATORY HOOKUP

All persons whose property abuts a main that is now or may be hereafter be laid shall be required, upon notice by the Village Board, to hook up with the village water system. (Neb. Rev. Stat. §17-537)

SECTION 7-204: CONSUMER'S APPLICATION; SERVICE DEPOSIT; SERVICE TO NONRESIDENTS

A. Every person or persons desiring a supply of water must make application therefor to the utilities superintendent. The utilities superintendent may require any applicant to make a service deposit in such amount as has been set by the Village Board and placed on file at the office of the village clerk. Water may not be supplied to any house or private service pipe except upon the order of the utilities superintendent.

B. The Water Department shall not supply water service to any person outside the corporate limits without special permission from the Village Board; provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the Village to provide water service to nonresidents.

(Neb. Rev. Stat. §17-537, 19-2701)

SECTION 7-205: WATER CONTRACT; NOT TRANSFERABLE

A. The Village, through its Water Department, shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The Village may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a commercial main is now or may hereafter be laid.

B. The rules, regulations, and water rates hereinafter named in this article, shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the Village, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the utilities superintendent may cut off or disconnect the water service from the building or premises or place of such violation. No further connection for water service to said building, premises, or place shall again be made except by order of said superintendent or his agent.

C. Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall sell, dispose of, or move from the premises where service is furnished, or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the utilities superintendent, who shall cause the water

service to be shut off at the said premises. If the consumer should fail to give such notice, he or she shall be charged for water monthly until the superintendent is otherwise advised of such circumstances.

(Neb. Rev. Stat. §17-537)

SECTION 7-206: MINIMUM STANDARD FOR WATER MAINS

It is hereby found and determined by the Village Board that a minimum standard for water mains is needed to ensure adequate operation of the village water distribution system for the purpose of providing adequate fire flows and providing adequate volume to its distribution customers. In accordance with the ten-state standards and the village civil engineer, there shall be no water distribution mains placed on the water distribution system less than 6 inches in diameter. The pipe material shall consist of PVC and/or ductile iron no less than SDR 18 or, in material terminology, C-900. The minimum standard shall apply to all construction upon the existing village water distribution system and any future extension of the system. (Ord. No. 356, 1/28/03)

SECTION 7-207: INSTALLATION PROCEDURE; LEAD PROHIBITED

A. All installations or repairs of pipes require two inspections by the utilities superintendent. The first inspection shall be made when connections or repairs are completed and before the pipes are covered. The second inspection shall be made after the dirt work is completed and the service is restored. It is the customer's responsibility to notify the utilities superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the utilities superintendent; provided that the said rules, regulations, and specifications have been reviewed and approved by the Village Board. See Section 7-107.

B. Any pipe, solders or flux used in the installation or repair of any residential or nonresidential facility which is connected to the public water supply system shall be lead free. For purposes of this section, "lead free" shall mean (A) solders and flux, not more than .2% lead, and (B) pipe and pipe fittings, not more than 8% lead.

(Neb. Rev. Stat. §17-537, 71-5301)

SECTION 7-208: WATER METERS REQUIRED

A. Each water consumer's premises shall be equipped with a water meter and it shall be unlawful for any person to obtain unmetered water from the village water system without the consent of the Village. The Water Department shall not supply water service to any consumer whose premises are not metered in accordance with the provisions of this section.

B. Water meters and related parts and equipment shall be installed at the expense of the owner of the premises.

C. The Water Department is authorized to enter a premises for the purpose of doing all things reasonably necessary to install, repair, inspect, replace or read a water meter and related parts and equipment. The Department shall provide at least 24 hours advance notice of entry upon any premises for the purposes set out in this or-

dinance. Notice shall be given by leaving a written notice of the proposed entry at the premises to be entered. No other notice is required and in the event of an emergency, notice is not required.

D. Water service shall be discontinued to any premises not in compliance with any provision of this section. Discontinued water service shall be resumed to a premises only upon compliance with all the provisions of this section.
(Ord. No. 358, 8/12/03)

SECTION 7-209: PLUMBER; CERTIFICATE OF INSURANCE

It shall be unlawful for any plumber or pipefitter to do any work upon any of the pipes or appurtenances of the system of waterworks until such plumber or pipefitter has given a certificate of insurance in the amount of \$1,000,000.00 to the Village. All plumbing shall be done in the manner required by the Village Board. The said plumber shall at all times be subject to the inspection and approval of the utilities superintendent, and it shall be further unlawful to cover or conceal willfully any defective or unsatisfactory plumbing work. (Neb. Rev. Stat. §17-537) (Am. by Ord. No. 318, 1/27/98)

SECTION 7-210: INSTALLATION EXPENSE; TAP FEE

A. The owner of the property shall be required to pay a tap fee prior to beginning installation for all lines of 1 inch or less. Such fee shall be set by the Village Board and filed in the office of the village clerk for public inspection.

B. The Village will provide a meter, MIU unit, tapping saddle, corporation stop, curb stop, three flare x poly barb fittings, curb stop box, curb stop rod, and locate wire. The Village will excavate to the water main and expose the main and then install the saddle and tap the main. The property owner's plumber will be responsible for the installation of the meter and the service to the house from the stop box to the point of dispersement. After the meter is installed, the Village will do an inspection. The Village will return the street, alley, and sidewalk to good condition.

C. The tap fee will include a remote meter and curb stop, except for those taps with a line larger than 1 inch with the additional costs to be paid by the property owner. The Village prior to installation shall approve curb stops and meters for lines larger than 1 inch.

D. It shall be unlawful for any consumer to install a meter pit in new construction.

E. Multiple-family dwellings will require individual curb stops and meters.
(Neb. Rev. Stat. §17-537, 17-542) (Am. by Ord. Nos. 361, 2/5/04; 372, 7/26/05)

SECTION 7-211: CLASSIFICATION

The Village Board may classify the customers of the water system for the purpose of water rates, provided that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers.

SECTION 7-212: WATER BILLS

Procedures for billing, collections and delinquent accounts are set forth in Section 7-102.

SECTION 7-213: RECONNECTION TESTING REQUIRED

A. Any customer or potential customer of the village water system shall contact the village clerk's office to arrange for the testing of water at the individual customer's location in the event the service has been disconnected or inactive for more than 180 consecutive days, prior to a connection being activated or reconnected to the water system.

B. Upon contacting the village clerk, a time shall be arranged to activate the customer's service line for the purpose of cleaning, inspecting, and sampling at the Village's discretion. The water system personnel or a designee shall take a water sample from the customer's premises and have it tested at the Nebraska state lab for possible coliform or E. coli presence in the sample. The customer's water service shall remain disconnected from the water distribution system until passage of both tests.

C. The cost of the water sample shall be paid by the customer requesting service from the Village. The customer's water service shall not be connected until the cost of all testing has been paid for in full and any other application fees have been paid to the village clerk.

D. In the event the customer's service does not meet standards and/or does not pass the fecal coliform test, the customer at his or her expense shall correct the problem immediately. The customer can request assistance from village water personnel but the Village is not obligated to assist with privately owned services, plumbing, or their appliances.

(Ord. No. 385, 2/24/09)

SECTION 7-214: REPAIRS AND MAINTENANCE

A. The consumer shall repair and replace, as the case may be, all supply pipe between the right of way line and the stop box on the his or her property, as well as all service pipe from the stop box to the place of dispersement. The Village shall be responsible for the maintenance of all water mains and privately owned water services connected to the water distribution system located in publicly owned right of way.

B. Upon learning there is a leak, failure, or maintenance problem with any water main and or privately owned water services connected to water distribution system, village personnel or a designee shall make arrangements to mitigate whatever problem needs to be addressed. Village personnel or a designee shall contact the Nebraska One Call system prior to any excavation anywhere within the State of Nebraska.

C. In the event the leak, failure or maintenance problem is located outside of the public right of way, then the cost shall be that of the consumer, and the full cost of repair shall be his or her responsibility. In the event the leak, failure or maintenance problem is located within the public right of way, the cost of the repair shall be paid by the Village unless the repair was caused by an intentional act or negligence of an entity other than the Village. In the event the repair is needed as the result of action by another party, the cost shall be borne by the person causing the damage or the need for the repair.

D. Should the negligent party be the owner and or consumer of the service in need of repair or maintenance, the owner shall pay the full cost of said repair within 30 days of the repair. If the owner or consumer fails to pay within 30 days of the final repair, the water service shall be disconnected until full payment has been received. (Neb. Rev. Stat. 17-537) (Ord. No. 386, 3/10/09)

SECTION 7-215: BACKFLOW PREVENTION

A. It shall be unlawful for any customer or other person to cause, allow, or create any physical connection between the water distribution system and any pipes, pumps, hydrants, tanks, steam condensate returns, engine jackets, heat exchangers, other water supplies or any other connection whereby potentially unsafe or contaminating materials may be discharged or drawn into the system.

B. At least one time every five years, customers of the Water Department shall be required to assess and report potential backflow and backsiphonage hazards to the Village on a form supplied by the Village. The customer shall at his or her own expense take any steps necessary for the protection of public health and safety as determined by the Village Board.

C. At its discretion, the Village Board may conduct, or have conducted, an inspection of a customer's plumbing system. If such inspection discloses any hazard to the public health and safety, the board may have installed a device or devices that will remedy the problem. The cost of installation of such device or devices shall be charged to the owner of the premises upon which installed.

D. Service shall be discontinued to the premises of any owner or occupant who refuses or fails to comply with the provisions of this subsection; however, such owner or occupant shall, upon request, be provided a conference with the Board of Trustees prior to discontinuation. Such conference shall be conducted in accordance with the written procedure adopted by the board, a copy of which may be obtained from the village clerk's office.

SECTION 7-216: FLUORIDE PROHIBITED

Fluoride shall not be added to the water supply of the Village.

SECTION 7-217: SINGLE PREMISES; PROHIBITED ACTS

No consumer shall supply water to other families or allow them to take water from his or her premises nor after water is supplied into a building shall any person make or

employ a plumber or other person to make a tap or connection with the pipe upon the premises for alteration, extension, or attachment without the written permission of the utilities superintendent. (Neb. Rev. Stat. §17-537)

SECTION 7-218: DESTRUCTION OF PROPERTY

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Water Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above-mentioned property without the written permission of the utilities superintendent.

SECTION 7-219: FIRE HYDRANTS

All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants and it shall be unlawful for any person other than members of the Fire Department under the orders of the fire chief or the assistant fire chief or employees of the Water Department to open or attempt to open any of the hydrants and draw water from the same or in any manner to interfere with the hydrants.

SECTION 7-220: POLLUTION

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Water Department. (Neb. Rev. Stat. §17-536)

SECTION 7-221: RIGHT OF ENTRY FOR INSPECTION

The utilities superintendent shall have free access at any reasonable time to all parts of each premises and building to or in which water is delivered for the purpose of examining the pipes, fixtures, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water. (Neb. Rev. Stat. §17-537)

SECTION 7-222: RESTRICTED USE

The utilities superintendent may order a reduction in the use of water or shut off the water on any premises in the event of a water shortage due to fire or other good and sufficient cause. The Village shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the Village has no control. (Neb. Rev. Stat. §17-537)

SECTION 7-223: WATER EMERGENCY; PURPOSE

The purpose of this section is to adopt a plan for the declaration of a water supply watch, warning or emergency. This includes the implementation of voluntary or mandatory water conservation measures throughout the Village in the event that a watch, warning or emergency is declared. This plan shall be known as the Village Water Saving Plan. (Ord. No. 378, 8/8/06)

SECTION 7-224: WATER EMERGENCY; STAGES OF WATER USE

The following stages of water use are hereby established for users of water on the

village water system: The conservation stages are listed below:

A. Stage 1: Water used for outdoor watering; public or private, for gardens, lawns, trees, shrubs, plants, parks, playing fields, swimming pools or other recreational areas; or the washing of any motor vehicles, boats, trailers, or the exterior of any building or structure.

B. Stage 2: Water used for any commercial, industrial, or agricultural process; except water actually necessary to maintain the health and personal hygiene of bona fide employees while such employees are engaged in the performance of their duties at their place of employment.

C. Stage 3: Domestic usage, other than that included in either Stage 1 or Stage 2.

D. Stage 4: Water necessary only to sustain human life and the lives of domestic pets and maintain standards of hygiene and sanitation.

(Ord. No. 378, 8/8/06)

SECTION 7-225: WATER EMERGENCY; DEFINITIONS

“Consumer” shall mean the customer of record using water for any purpose from the village distribution system and for which either a regular charge is made or, in the case of coin sales, a cash charge is made at the site of delivery.

“Drawdown” shall mean the distance between the static water level and the pumping water level.

“Plan” refers to the Village Water Saving Plan.

“Pumping water level” shall mean the level of water in a well when the pump is pumping.

“Static water level” shall mean the level of water in a well when the pump is not pumping.

“Triggers” shall mean significant events that occur that require action under the different stages of this plan.

“Waste of water” includes but is not limited to: (A) permitting water to escape down a gutter, ditch or other surface drain; (B) failure to repair a controllable water leak due to defective plumbing; and (C) other waste as determined by the water system operator and affirmed by the Village Board.

“Water” shall mean water available to the Village by virtue of its water rights introduced by the Village into its water distribution system, including water offered for sale at any coin-operated site.

“Water system capacity” shall mean master water meters on each well must be read daily. Daily consumption is calculated by subtracting the previous day's reading from the current day and added together for each well. Water system demand is determined by dividing the daily consumption by the same population number used in determining the water system capacity. This value is expressed in gallons per capita per day (gpcd).

“Water system production” shall mean for the purposes of this plan, water system capacity is determined by aggregate production of all wells in gallons per minute times 60 minutes in an hour times 24 hours per day divided by the population the system serves. This value is expressed in gallons per capita per day (gpcd). The water system operator shall determine the water system capacity on a weekly (or daily) basis from the months of May through October.

(Ord. No. 378, 8/8/06)

SECTION 7-226: WATER EMERGENCY; STAGE 1: WATER WATCH

A. *Triggers.* This stage is triggered by any one of the following conditions:

1. Groundwater levels have fallen 3 feet below the normal seasonal level.
2. Demand for one day is in excess of 300,000 gallons per day.
3. Drought conditions exist.

B. *Goals.* The goals are to heighten awareness of the public on water conditions and to maintain the integrity of the water supply system.

C. *Education Actions.*

1. The Village will post notices in prominent places describing present conditions and indicating the water supply outlook for the upcoming season.
2. The triggers necessitating the Stage 1: Water Watch will be made available to the public along with a definition of the terms.

D. *Management Actions.*

1. The village wells will be cleaned and flushed to maintain them at their most efficient condition.
2. Leaks will be repaired within 48 hours of detection.
3. The Village will curtail its Stage 1 water usage.

E. *Regulation Action.* It will be requested that the public voluntarily curtail the use of water as defined in Stage 1.

F. *Declaration of a Water Watch.* Whenever the Village Board finds that conditions exist as described in the plan under Stage 1: Water Watch, Triggers, it shall be

empowered to declare, by resolution, that a Stage 1: Water Watch exists and implement the steps outlined under this section. The resolution declaring the existence and end of a Stage 1: Water Watch shall be effective upon posting in three prominent places throughout the community where village notices are generally posted.

(Ord. No. 378, 8/8/06)

SECTION 7-227: WATER EMERGENCY; STAGE 2: WATER WARNING

A. *Triggers.* This stage is triggered by any one of the following conditions:

1. Groundwater levels have fallen five feet below the normal seasonal level.
2. Demand for one day is in excess of 450,000 gallons.
3. Loss of water tower and or well.

B. *Goals.* The goals of this stage are to reduce peak demands by 20% percent and to reduce overall weekly consumption by 10%.

C. *Education Actions.*

1. The Village will post notices in prominent places describing present conditions and indicating the water supply outlook for the upcoming week.
2. The triggers necessitating the Stage 2: Water Warning will be made available to the public along with an explanation of terms.
3. Water conservation articles will be posted in public notice areas.

D. *Management Actions.*

1. The Village will continue to monitor water supplies on a daily basis.
2. Leaks will be repaired within 24 hours of detection.
3. The Village will terminate its usage of water classified in Stage 1 and Stage 2.

E. *Regulation Actions.*

1. An odd/even lawn watering system will be imposed on village residents. Residents with odd-numbered addresses will water on odd days; residents with even-numbered addresses will water on even days. If usage is not reduced, further time restrictions will be imposed.
2. Waste of water will be prohibited.
3. No lawn watering or car washing during this stage
4. No private swimming pools shall be filled. Pools that were filled before Stage 2: Water Warning went into effect may have water added to make up losses through evaporation or splashing. Water lost through draining or through leaks in the pool may not be made up during Stage 2: Water Warning.

F. *Declaration of a Water Warning.* Whenever the Village Board finds that

conditions exist as described in the plan under Stage 2: Water Warning, Triggers, it shall be empowered to declare by resolution that a Stage 2: Water Warning exists and implement the steps outlined under this section. The resolution declaring the existence and end of a Stage 2: Water Warning shall be effective upon posting in three prominent places throughout the community where village notices are generally posted.

(Ord. No. 378, 8/8/06)

SECTION 7-228: WATER EMERGENCY; STAGE 3: WATER EMERGENCY

A. *Triggers.* This stage is triggered by any one of the following conditions:

1. Groundwater levels have fallen 10 feet below the normal seasonal level.
2. Demand for one day is in excess of 700,000 gallons.
3. Loss of well and/or water tower.

B. *Goals.* The goals of this stage are to reduce peak demands by 50% and to reduce overall weekly consumption by 25% and maintain the integrity of the system.

C. *Education Actions.*

1. The Village will post notices daily in prominent places describing present conditions and indicating the water supply outlook for the next day.
2. The triggers necessitating the Stage 3: Water Emergency will be made available to the public along with an explanation of terms.
3. Previous days' summaries of water levels, usage and storage will be made available to the public upon request.
4. The Village will hold public meetings to discuss the emergency, the status of the village water supply and further actions which need to be taken.

D. *Management Actions.*

1. The village water supplies will be monitored daily.
2. Leaks will be repaired within 24 hours of detection.
3. The Village will seek additional emergency supplies from other users or from state or federal government.
4. The Village will notify the Cass County Emergency Management Agency and advise it of the status of the system.
5. The water superintendent will make reports to the Village Board at least once a day when a Stage 3: Water Emergency is in effect.

E. *Regulation Actions.*

1. Use of water in Classes 1, 2, and 3 is prohibited.
2. Waste of water will be prohibited.
3. Outdoor water use will be banned.
4. Waste of water will be prohibited.

F. Declaration of a Water Emergency. Whenever the Village Board finds that conditions exist as described in this plan under Stage 3: Water Emergency, Triggers, it shall be empowered to declare by resolution that a Stage 3: Water Emergency exists and implement the steps outlined under this plan. The resolution declaring the existence and end of a Stage 3: Water Emergency shall be effective upon posting in three prominent places throughout the community where village notices are generally posted. In the event of a system failure, the village chairperson shall have the authority to declare a Stage 3: Water Emergency.

(Ord. No. 378, 8/8/06)

SECTION 7-229: WATER EMERGENCY; FIRST VIOLATION

The village chairperson or a trustee acting on his or her behalf may issue a written warning to any consumer whose actions violate Stage 2: Water Warning and Stage 3: Water Emergency. Such warning shall advise the consumer that a second violation at the same premises within a six-month period shall result in the issuance of an administrative notice of violation for which a penalty of doubling the water rate to such premises shall be imposed for six months. (Ord. No. 378, 8/8/06)

SECTION 7-230: WATER EMERGENCY; SECOND AND SUBSEQUENT VIOLATIONS

The chairperson or a trustee acting on his or her behalf shall issue a written administrative notice of violation to any consumer violating Stage 2: Water Warning or Stage 3: Water Emergency for a second time. Such notice shall advise the consumer that his or her water rate to the premises shall be doubled for the next six months and that a subsequent violation at the same premises within a six-month period of time shall result in doubling of the water rate to such premises for nine additional months. The consumer shall further be notified that he or she has a right to appeal the issuance of the administrative notice of violation by filing a notice of appeal with the village clerk within ten days of the issuance of the notice. Such appeal shall be heard at the next regular or special meeting of the Village Board. The action shall be final if no appeal is filed within the ten-day period. (Ord. No. 378, 8/8/06)

SECTION 7-231: WATER EMERGENCY; EMERGENCY TERMINATION

Nothing in this section shall limit the ability of the Village Board from terminating the supply of water to any or all customers upon the determination of said officials that emergency termination of water service is required to protect the health and safety of the public. (Ord. No. 378, 8/8/06)

SECTION 7-232: WATER EMERGENCY; VIOLATION; PENALTY

Any person, firm or corporation who shall violate or refuse to comply with any of the provisions of this section shall be deemed guilty of an offense and upon conviction thereof shall be fined not less than \$100.00 and not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (Ord. No. 378, 8/8/06)

SECTION 7-233: WELLS AND OTHER FACILITIES; PERMIT REQUIRED;

**DISTANCE FROM MUNICIPAL WATER SOURCES;
VIOLATION; ABATEMENT**

A. From and after the effective date of this section it shall be unlawful for any person, corporation, or other legal entity to drill, install, or operate any of the following facilities within the corporate limits of the Village without first having obtained a permit from the Village Board: Potable water well; any other well; sewage lagoon; absorption or disposal field for water; cesspool; dumping grounds; feedlot; livestock; livestock corral; chemical product storage facility; petroleum product storage facility; pit toilet; sanitary landfill; septic tank; sewage treatment plant; sewage wet well.

B. In order to obtain a permit, the owner of the property on which the proposed facility is to be located shall make application on the form provided by the utilities superintendent. The application shall be presented to the Village Board at any regular meeting or special meeting. After reviewing the application, the board shall approve or deny the permit.

C. Under no circumstances shall the Village Board approve any permit to drill or operate any of the following facilities within the indicated number of feet from the village water wells:

Water well	1,000 feet
Sewage lagoon	1,000 feet
Land application of municipal/industrial waste material	1,000 feet
Feedlot or feedlot runoff	1,000 feet
Underground disposal system (septic system, etc.)	500 feet
Corral	500 feet
Pit toilet, vault toilet	500 feet
Wastewater holding tank	500 feet
Sanitary landfill/dump	500 feet
Chemical or petroleum product storage	500 feet
Sewage treatment plant	500 feet
Sewage wet well	500 feet
Sanitary sewer connection	100 feet
Sanitary sewer manhole	100 feet
Sanitary sewer line	50 feet

D. Any nonconforming uses existing on the effective date of this section are exempted.

E. If any of the facilities described in this section are drilled, installed, or operated without first having obtained a permit from the Village Board or within the designated number of feet from the municipal water supply, such facilities shall be deemed a nuisance and the board shall abate such facility as a public nuisance pursuant to Chapter 3, Article 4 (Nuisances).

Article 3 – Sewer Department

SECTION 7-301: OPERATION AND FUNDING

A. The Village owns and operates the village sewer system. The Village Board, for the purpose of defraying the cost of the operation, maintenance and replacement (OM&R) of the system, may establish a user charge system based on actual use and revise the charges, if necessary, to accomplish the following:

1. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;
2. Generate adequate revenues to pay the costs of OM&R;
3. Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

B. The revenue from the said user charge system based on actual use shall be known as the Sewer Maintenance Fund. The utilities superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the Village Board.

(Neb. Rev. Stat. §17-149, 17-925.01)

SECTION 7-302: DEFINITIONS

The following definitions shall be applied throughout this article. Where no definition is specified, the normal dictionary usage of the word shall apply.

"Building drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning 5 feet outside the inner face of the building wall.

"Building sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

"Combined sewer" shall mean a sewer receiving both surface runoff and sewage.

"Natural outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

"Person" shall mean any individual, firm, company, association, society, corporation, or group.

"Public sewer" shall mean a sewer in which all owners of abutting properties have equal rights and which is controlled by public authority.

"Sanitary sewer" shall mean a sewer which carries sewage and to which storm, sur-

face, and ground waters are not intentionally admitted.

"Sewage" shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

"Sewage treatment plant" shall mean any arrangement of devices and structures used for treating sewage.

"Sewer" shall mean a pipe or conduit for carrying sewage.

"Sewer system" shall mean and include all facilities for collecting, pumping, treating, and disposing of sewage.

"Shall" is mandatory; "may" is permissive.

"Storm drain" (sometimes termed "storm sewer") shall mean a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

"Watercourse" shall mean a channel in which a flow of water occurs, for the passage of water either continuously or intermittently.

SECTION 7-303: UNLAWFUL DEPOSIT OF WASTES

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Village, within one mile of the corporate limits thereof, or in any area under the jurisdiction of said Village, any human or animal excrement, garbage, or other objectionable waste.

SECTION 7-304: UNLAWFUL DISCHARGE OF UNTREATED SEWAGE

A. It shall be unlawful to discharge to any natural outlet within the Village, or within one mile of the corporate limits thereof, or in any area under the jurisdiction of said Village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this article.

B. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage except as provided in Section 7-321.

SECTION 7-305: MANDATORY HOOKUP

A. The owner of all houses, buildings, or property used for human employment, recreation, or other purposes, situated within the Village and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Village, is hereby required at his or her expense to install suitable toilet facilities therein and to connect such facilities di-

rectly with the proper public sewer in accordance with the provisions of this article.

B. In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse to make such connection within a period of 10 days after notice has been given to him or her to do so by registered mail or by publication in a newspaper in or of general circulation in the Village, the Village Board shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments.

SECTION 7-306: APPLICATION FOR PERMIT; SERVICE DEPOSIT

Any person wishing to connect with the sewer system shall make an application therefor to the village clerk. The Village Board may require any applicant to make a service deposit in such amount as it deems necessary. Sewer service may not be supplied to any house or building except upon the written order of the utilities superintendent. (Neb. Rev. Stat. §18-503)

SECTION 7-307: SEWER CONTRACT; NOT TRANSFERABLE; SERVICE TO NONRESIDENTS

A. The Village through the Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The Village may also furnish sewer service to persons whose premises are situated outside the corporate limits of the Village as and when, according to law, the Village Board may see fit to do so; provided, the entire cost of pipe and other installation charges shall be paid by such consumers. Nothing herein shall be construed to obligate the Village to provide sewer service to nonresidents.

B. The rules, regulations, and sewer rental rates provided herein shall be considered a part of every application made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the Village to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the utilities superintendent may cut off or disconnect the water service from the building or premises of such violation. No further connection for water service to said building or premises shall again be made save or except by order of the utilities superintendent.

C. Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premises where service is furnished or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the utilities superintendent, who shall cause the water service to be shut off from the said premises. If the customer should fail to give notice, he or she shall be

charged for that period of time until the superintendent is otherwise advised of such circumstances.

(Neb. Rev. Stat. §17-901, 17-902, 18-503)

SECTION 7-308: INSTALLATION; PERMIT REQUIRED

A. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the utilities superintendent.

B. There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case, the owner or his or her agent shall make application on a special form furnished by the Village. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the utilities superintendent. A permit and inspection fee for each class of building sewer permit shall be paid to the Village at the time the application is filed, in such amount that has been set by resolution of the Village Board and placed on file in the office of the village clerk.

SECTION 7-309: INSTALLATION; EXPENSE; TAP FEE

A. The owner of the property shall be required to pay a tap fee prior to beginning installation of lines. Such fee shall be set by the Village Board and placed on file in the office of the village clerk.

B. The Village will excavate to the sewer main and expose the main; the Village will then install the saddle and tap the main and supply 4 inch PVC heavy-wall sewer pipe. The property owner's plumber will be responsible for the installation of the sewer line from the property line to the house and after the sewer line is installed, the Village will do an inspection. The Village will return the street, alley, and sidewalk to good condition.

(Neb. Rev. Stat. §19-2701) (Am. by Ord. No. 374, 7/26/05)

SECTION 7-310: INSTALLATION; PROCEDURE

A. All installations or repairs of pipes require two inspections by the utilities superintendent. The first inspection shall be made when connections or repairs are complete and before the pipe is covered. The second inspection shall be made after the dirt work is completed and the service restored. It is the customer's responsibility to notify the utilities superintendent at the time the work is ready for each inspection. The applicant for the building sewer permit shall notify the utilities superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Village Board or its representative.

B. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the utilities superintendent; provided, the said rules, regulations, and specifications have been reviewed and approved by the Village Board. See Section 7-107.

SECTION 7-311: CONSTRUCTION CODES

A. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. *Manual of Practice No. 9* shall apply.

B. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

C. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Village, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. *Manual of Practice No. 9*. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the utilities superintendent before installation.

SECTION 7-312: TWO PREMISES, SINGLE CONNECTION

A separate and independent building sewer shall be provided for every building. Except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer but the Village does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

SECTION 7-313: USE OF EXISTING SEWERS

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the utilities superintendent, to meet all requirements of this section.

SECTION 7-314: RATES; CLASSIFICATION

A. Customers of the Sewer Department shall be charged a flat rate based on water usage for the use of sewer service. Rates shall be set by the Village Board by ordinance and shall be on file at the office of the village clerk, available for public inspection during office hours.

B. The Village Board may classify for the purpose of rental fees the customers of the Village Sewer Department; provided, such classifications are reasonable and

do not discriminate unlawfully against any consumer or group of consumers.
(Neb. Rev. Stat. §17-925.02, 18-509)

SECTION 7-315: USER CHARGE REVIEW

The Village Board shall review, at least annually, the user charge system and revise the charges, if necessary, to accomplish the following:

A. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;

B. Generate adequate revenues to pay the costs of OM&R;

C. Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

SECTION 7-316: USER NOTIFICATION

Each user will be notified at least annually, along with a regular bill, of the rate and that portion of the user charges ad valorem taxes which are attributable to wastewater treatment.

SECTION 7-317: SEWER BILLS

Procedures for billing, collection and delinquent accounts are set forth in Section 7-102.

SECTION 7-318: REPAIRS AND MAINTENANCE

The Village shall repair or replace all pipe constituting major sewer mains. It shall be the responsibility of the customer to repair or replace all other sewer pipe and appurtenances from the main to and including the customer's property. All replacements and repairs made by the customer shall be done in the manner and with the materials approved by the utilities superintendent; provided, the same have been previously approved by the Village Board.

SECTION 7-319: DESTRUCTION OF PROPERTY

No person or persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

SECTION 7-320: PRIVATE SEWAGE DISPOSAL

A. Where a public sanitary or combined sewer is not available under the provisions herein, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this section.

B. At such time as a public sewer becomes available to property served by a private wastewater disposal system, a direct connection shall be made to the public sewer within 60 days in compliance with this section and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled

with suitable material.

C. The type, capacities, location and layout of a private sewage disposal system shall comply with the Nebraska Department of Environmental Quality Title 124 *Rules and Regulations for the Design, Operation and Maintenance of Septic Tank Systems*.

D. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the Village.

E. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the health officer.

SECTION 7-321: PROHIBITED DISCHARGES

A. No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial waters to any sanitary sewer.

B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers or to a natural outlet approved by the utilities superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the utilities superintendent, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the Village for such costs. The costs shall be determined by the utilities superintendent.

C. Specific prohibitions, options for handling hazardous discharges, compliance procedures and penalties for violations shall be as provided by the requirements of applicable regulations, laws, codes, and ordinances including 40 C.F.R., Part 403.

Article 4 – Electric System

SECTION 7-401: OWNERSHIP

The Village owns and operates the village electric system. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the system, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Electric Fund and shall remain in the custody of the village treasurer. The utilities superintendent shall have the direct management and control of the electric system and shall faithfully carry out the duties of the office. He shall have the authority to adopt rules and regulations for the safe and efficient management of the electric system, subject to the supervision and review of the Village Board. (Neb. Rev. Stat. §17-902 through 17-904, 17-906, 17-909)

SECTION 7-402: CONSUMER'S APPLICATION; SERVICE TO NONRESIDENTS

Every person or persons desiring electric service must make application therefor to the village clerk. Any applicant may be required to make a service deposit in such amount as has been set by the Village Board and on file at the office of the village clerk. Electricity may not be supplied to any house or building except upon the written order of the utilities superintendent. The electric system shall not supply to any person outside the corporate limits electric service without special permission from the Village Board; provided, the entire cost of wire, installation, and other expenses shall be paid by the consumer. Nothing herein shall be construed to obligate the Village to supply electric service to nonresidents. (Neb. Rev. Stat. §17-902, 19-2701)

SECTION 7-403: ELECTRICAL CONTRACT; NOT TRANSFERABLE

A. The Village through its Electric Department shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to such other persons within or without its corporate limits as and when, according to law, the Village Board may see fit to do so. The rules, regulations, and rates for electric service provided in this article shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract between every consumer now served by the Electric Department.

B. Without further formality, the making of application on the part of any applicant or the use or consumption of electric energy by present customers and the furnishing of electric service to said applicant or customer shall constitute a contract between applicant or customer and the Village, to which both parties are bound. If such customer should violate any of the provisions of said contract or any reasonable rules and regulations that the Village Board may hereafter adopt, the utilities superintendent shall cut off or disconnect the electric service from the building or place of such violation and no further connection of electric service for such building or place shall again be made save or except by order of the superintendent or his agent.

C. Contracts for electric service are not transferable. Any person wishing to

change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premises where service is furnished or if the said premises are destroyed by fire or other casualty, he or she shall at once inform the utilities superintendent, who shall cause the electric service to be shut off from the said premises. If the customer should fail to give notice, he or she shall be charged for that period of time until the superintendent is otherwise advised of such circumstances.

(Neb. Rev. Stat. §17-902, 19-1404)

SECTION 7-404: LICENSED ELECTRICIAN

A. Under no circumstances shall connections be made between the wires of the electric distribution system of this village and the meter of the consumer, except by an employee of the Village or a licensed electrician authorized to do so by the utilities superintendent.

B. The consumer may have wiring done by any competent licensed electrician from the meter to the points of distribution. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the utilities superintendent and building inspector; provided, that such rules, regulations, and specifications have been reviewed and approved by Village Board.

(Neb. Rev. Stat. §17-902, 19-1404)

SECTION 7-405: INSTALLATION EXPENSE

A. Upon receipt of an application for new electric service or upgrade of service from a customer (residential or commercial), a connection fee shall be paid by the applicant as shall be adopted from time to time by the Village Board and placed on file for public inspection at the office of the village clerk.

B. The expense of installation and equipment up to the electric meter loop, including the meter, shall be paid by the Village. The expense of installation and wiring from and including the meter loop to the points of distribution shall be the responsibility of the customer. Maintenance and replacement expense shall be apportioned in the same manner.

C. Underground installation of electric service shall be required in all new subdivisions and where feasible in any other areas, as designated by the Village. The customer shall pay the entire cost of underground installation except for the meter from the point of tie-in at the secondary distribution system to the point of distribution at the residence or commercial building.

D. In the event an upgrade in electric service is elected by the Village at a time other than application of new or upgraded service by the customer, said service shall be at the expense of the Village.

E. This section shall not operate to prohibit the Village and the consumer from entering into any agreement concerning the allocation of the expenses of the installa-

tion of an electric system in the Village; provided, the Village and the customer shall not enter into any agreement regarding the allocation of the expenses of the installation of an electric system in the Village unless two-thirds of the Village Board votes in favor of entering into such an agreement.

(Neb. Rev. Stat. §17-902) (Am. by Ord. No. 406, 4/10/12)

SECTION 7-406: METERS

All electric meters shall be read at least one time each month during which electric service is used. In the event a meter is broken or otherwise fails to register accurately the use of electricity by any consumer, the six-month average of the season one year previous to such breakage shall be used for billing purposes. (Neb. Rev. Stat. §19-1404)

SECTION 7-407: ELECTRICITY BILLS

Procedures for billing, collection and delinquent accounts are set forth in Section 7-102.

SECTION 7-408: SERVICE DEPOSIT FUND

The service deposit required for electric service and set by the Village Board shall be promptly paid upon demand by all customers of the electric system. From the said deposit shall be deducted all delinquent electric charges. The service deposit shall be collected by the village clerk and immediately turned over to the village treasurer, who shall keep the said fees in a trust fund for the customers of the electric system. Said fund shall be put out at interest separate and apart from other funds. Interest arising therefrom shall be expended solely for the repair of equipment and property of the electric system. (Neb. Rev. Stat. §19-1404)

SECTION 7-409: RESTRICTED USE

The electric system does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment, and machinery to do so. The utilities superintendent has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The Village shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers but shall not be liable for damages resulting from interruption of service due to causes over which the Village has no control and the Village expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. (Neb. Rev. Stat. §17-902, 19-1404)

SECTION 7-410: BUILDING MOVING

Should any house or building moving occur or be necessary and it becomes necessary in said work to remove or disturb any of the property or wires of the electric system, the same should not be done except upon written permission received from the utilities superintendent, who shall then order paid in advance the actual cost of moving the said wires and such cost shall be paid by the applicant prior to the moving of the building or house. All expense of removing, changing, and replacing the said wires or apparatus of the electric system shall be paid out of the deposit made prior to moving and any surplus remaining after all expenses are paid shall be returned to the applicant; provided, if in the course of moving the said building or house it be-

comes apparent that additional expense will be incurred, such additional deposit as deemed necessary may be demanded. (Neb. Rev. Stat. §19-1404)

SECTION 7-411: METER TESTING

Each customer who requests that his or her electric meter be checked for accuracy shall be assessed a charge to reimburse the Village for the actual cost of such testing. If the meter proves to be registering inaccurately, resulting in an overcharge to the customer, the dollar assessment shall be returned to the customer. Said assessment shall be set by the Village Board and filed in the office of the village clerk.

SECTION 7-412: POSTING SIGNS

It shall be unlawful for any person to post, tack, or fasten to the poles, structures, fixtures, or equipment of the electric system any sign, poster, advertisement, or banner without written permission from the utilities superintendent. (Neb. Rev. Stat. §19-1404)

SECTION 7-413: TRIMMING TREES

Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the electric system shall, before doing the said work, give reasonable written notice to the utilities superintendent and shall follow any and all rules and regulations which he may prescribe for doing such work. It shall be unlawful for any person felling or removing such trees or branches to disrupt or damage the lines without first giving proper notice and receiving permission in writing to do so. Whenever it becomes necessary to protect the lines or property of the electric system, the Village Board shall have the power to order cut and remove any overhanging branches, or limbs of trees so that the lines will be free and safe.

SECTION 7-414: INSPECTIONS

The utilities superintendent shall have free access at any reasonable time to each premises and building to or in which electricity is supplied; provided, in the event of an emergency, such inspections may take place at any time. (Neb. Rev. Stat. §17-902)

SECTION 7-415: DESTRUCTION OF PROPERTY

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the electric system. (Neb. Rev. Stat. §28-512)

Article 5 – Solid Waste

SECTION 7-501: DEFINITIONS

The following definitions shall be applied throughout this article. Where no definition is specified, the normal dictionary usage of the word shall apply.

"Garbage" shall mean rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit, or vegetable.

"Hazardous waste" shall mean any waste designated or defined as a hazardous waste by N.A.C. Title 128, *Rules and Regulations Governing Hazardous Waste Management in Nebraska*, which for purposes of general definition is a solid waste which, because of quantity, concentration, or physical, chemical or infectious characteristics may: (A) cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

"Refuse" shall mean putrescible and non-putrescible solid wastes, except body wastes, and include garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, industrial wastes, and other such wastes.

"Rubbish" shall mean non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, wood, glass, bedding, crockery, or litter of any kind that will be a detriment to the public health and safety.

"Solid waste" shall mean any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and mining operations and from community activities.

"Village solid waste jurisdiction area" shall mean all incorporated areas of the Village.

"Yard waste" shall mean grass and leaves.

(Neb. Rev. Stat. §17-3012, 17-3014, 17-3016.01, 17-3020, 17-3023, 17-3026, 81-1502)

SECTION 7-502: COLLECTION AND DISPOSAL

The Village shall provide or contract for the disposal of nonhazardous solid waste from residential, commercial, institutional, and governmental premises within its solid waste jurisdiction area. Such wastes shall be disposed of on a regularly scheduled basis and shall be disposed of only in a licensed landfill facility meeting all state and federal criteria and approved by the Village Board. The board shall approve and is authorized to contract with any such licensed landfill facility for such purposes. (Neb. Rev. Stat. §17-3020)

SECTION 7-503: HAZARDOUS WASTE OR WASTE REQUIRING SPECIAL

HANDLING

Any person, firm, or corporation within the village solid waste jurisdiction area who or which generates or creates hazardous waste or waste requiring special handling or disposal shall be responsible for the transportation and disposal of the same. All such handling and disposal shall in all respects comply with state and federal laws and regulations pertaining to the specific type of waste generated. (Neb. Rev. Stat. §17-3020, 17-3023, 17-3026)

SECTION 7-504: ADDITIONAL REGULATIONS

The Village Board may from time to time make and adopt by ordinance such additional rules and regulations governing the use, operation, and control of the solid waste collection and disposal system and the regulation of solid waste within the village solid waste jurisdiction area as it may deem necessary to promote the efficient operation and management of the system and to protect the environment and the health, safety, and welfare of all persons within the village solid waste area. (Neb. Rev. Stat. §17-3020, 17-3023, 17-3026)

SECTION 7-505: NUISANCE; ABATEMENT

It shall be unlawful and declared to be a nuisance for any person to keep in, on, or about any dwelling, building, or premises, or any other place within the village solid waste jurisdiction area any decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the Village unless the same is kept in approved receptacles as nearly airtight as may be practical. It shall be unlawful and declared to be a nuisance to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, or rubbish of any kind. No person shall permit garbage, refuse, or rubbish to collect and all persons shall remove the same within 24 hours after being notified to do so by the Board of Health. (Neb. Rev. Stat. §17-3020, 17-3023, 9-1720)

Article 6 – Penal Provision

SECTION 7-601: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and on conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 8 – FIRE REGULATIONS

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CHAPTER 8 – FIRE REGULATIONS

Article 1 – Fire Department

SECTION 8-101: OPERATION AND FUNDING

The Village operates the Fire Department through the fire chief and firemen. The Village Board, for the purpose of defraying the cost of the management, maintenance, and improvement of the Fire Department, may each year levy a tax not exceeding the maximum limits prescribed by state law on the actual valuation of all real estate and personal property within the Village that is subject to taxation. The revenue from the said tax shall be known as the Fire Department Fund and shall be at all times in the possession of the village treasurer. (Neb. Rev. Stat. §17-718, 17-953)

SECTION 8-102: AGREEMENT WITH RURAL FIRE DISTRICT

In order to provide the residents of the Village and the Rural Fire District with fire and rescue protection, the Village Board is authorized to enter into contractual arrangements with the Rural Fire District. Such an agreement shall provide for mutual aid, protection and a sharing of necessary expenses between the Village and the Rural Fire District. (Neb. Rev. Stat. §35-530)

SECTION 8-103: RESCUE SQUAD

A. The Fire Department may also operate a rescue unit for the benefit of those within the Fire Protection District. (Neb. Rev. Stat. §35-514.02)

B. It shall be the duty of the official in charge of the Rescue Squad, during the time of a rescue call, to insure that every victim of mishap is aided or aided and transported to a hospital of the patient's choice, if known, or if not known, then all such victims requiring hospitalization shall be transported to the emergency room of the nearest hospital. When available, the rescue personnel shall respond to all fire calls. After the completion of any rescue call, the officer in charge of the rescue squad company shall inform the village clerk of the amount of the donation necessary from the aided party or parties to sufficiently cover the cost of the service provided by the rescue personnel.

SECTION 8-104: DUTIES

It shall be the duty of the Fire Department to use all proper means for the extinguishment of fires, to protect property within the Village and to secure the observance of all ordinances, laws, and other rules and regulations with respect to fires and fire prevention.

SECTION 8-105: FIRE CHIEF

A. The fire chief shall be elected by the members of the Fire Department. He shall manage the Fire Department and it shall be his duty to inform the Village Board when any of the fire engines, hose, ladders, or other apparatus needs repair. Upon the written consent and directive of the board, the fire chief shall cause the repair, improvement, or maintenance of the said equipment and shall personally supervise and approve of the same. It shall be the duty of the fire chief to come before the Vil-

lage Board at the regular meeting in January each year to give a report of the general condition and the proposed additions or improvements recommended by him.

B. The fire chief shall, before December 1 each year, cause the secretary of the Department to file with the village clerk and the clerk of the district court a certified copy of the rolls of all members in good standing in their respective companies (including the Rescue Squad Company) in order to obtain the exemptions provided by law.

C. The chief shall enforce all laws and ordinances covering the prevention of fires; the storage and use of explosives and flammable substances; the installation of fire alarm systems; the regulation of fire escapes; and the inspection of all premises requiring adequate fire escapes. The fire chief shall have the right to enter at all reasonable hours into buildings and upon all premises within his jurisdiction for the purpose of examining the same for fire hazards and related dangers.

D. The chief shall investigate the cause, origin, and circumstances of fires arising within his jurisdiction. He shall have the power during the time of a fire and for a period of 36 hours thereafter to arrest any suspected arsonist or any person for hindering the department's efforts, conducting himself in a noisy and disorderly manner or refusing to obey any lawful order by the fire chief or assistant fire chief. The fire chief or his or her assistant in charge of operations at a fire may command the services of any person present at any fire in extinguishing the same or in the removal and protection of property. Failure to obey such an order shall be a misdemeanor punishable by a fine.

(Neb. Rev. Stat. §17-505, 35-102, 35-108, 81-506, 81-512)

SECTION 8-106: MEMBERSHIP

A. The fire chief shall appoint no more than 25 members for each Fire Department company, subject to the review and approval of the Board of Trustees. All vacancies shall be filled in this manner.

B. All members of the Fire Department shall be subject to such rules and regulations and shall perform such duties as may be prescribed or required of them by the fire chief or the Board of Trustees. The members of the Fire Department shall, during the time of a fire or great public danger, have and exercise the powers and duties of police officers and shall have full power and authority to arrest all persons guilty of any violation of the municipal code or the laws of the state of Nebraska.

C. Members of the Fire Department may hold meetings and engage in social activities with the approval of the Board of Trustees. The secretary shall upon request keep a record of all meetings and shall make a report to the board of all meetings and activities of the Fire Department, **the attendance record of all members, and a record of all fires.** The secretary shall make a full report of such records to the village clerk during the last week in April each year. The record of any fire shall include the cause, origin, circumstances, property involved, and whether criminal conduct may have been involved. In the event of sizable property damage, he shall include the information as to whether such losses were covered by insurance and if so, in what amount. All records shall be available to the public at any reasonable time.

D. Members of the Fire Department shall be considered to be employees of the Village for the purpose of providing them with workers' compensation and other benefits. The Board of Trustees may compensate or reimburse any member of the Fire Department for expenses incurred in carrying out his duties in an amount set by resolution. The board shall purchase and maintain in force a policy of group term life insurance to age 65 covering the lives of all of the Village's active volunteer fire and rescue personnel, except that when any such person serves more than one municipality or rural or suburban fire protection district, the policy shall be purchased only by the first entity or district which he serves. The policy shall provide a minimum death benefit of \$10,000 for death from any cause and shall, at the option of the insured, be convertible to a permanent form of life insurance at age 65. The coverage of such policy shall terminate as to any individual who ceases to be an active volunteer member of the Fire Department.

E. For purposes of Neb. Rev. Stat. §33-139.01, volunteer firefighters and rescue squad members testifying as witnesses in that capacity alone shall not be deemed employees of the Village. (Neb. Rev. Stat. §33-139.01, 35-101 through 35-103, 35-108)

SECTION 8-107: USE OF APPARATUS AND EQUIPMENT

A. It shall be unlawful for any person except the fire chief and the members of the Fire Department to molest, destroy, handle or in any other way to interfere with the use and storage of any of the fire trucks and other apparatus belonging to the Village. (Neb. Rev. Stat. §28-519)

B. Fire equipment may not be removed from the Fire Department without prior approval of department personnel. Village employees shall not be involved in the fire or rescue actions other than as firemen or rescue crew members. Maintenance of the Fire Department building is the responsibility of the Village Board. The temperature control of the building shall be administered to insure that oxygen and other equipment of the rescue squad and other department companies are maintained at safe operating and administration temperatures.

SECTION 8-108: COMMUNICATIONS EQUIPMENT

No unauthorized person shall operate any radio or the communications equipment of the Fire Department. All persons authorized to operate said communication equipment shall do so only as authorized by the license granted to that particular piece of equipment and shall strictly comply with all of the rules and regulations established.

SECTION 8-109: IMPERSONATING FIREFIGHTER

It shall be unlawful for any person to falsely personate a firefighter by wearing a badge or other apparel usually worn by a firefighter for the purpose of obtaining any benefit whatsoever. Nothing in this section shall be construed to prohibit the theatrical representation of a firefighter for bona fide entertainment purposes when there is no intent to defraud. (Neb. Rev. Stat. §28-609)

Article 2 – Fires

SECTION 8-201: PRESERVATION OF PROPERTY

Any official of the Fire Department shall have the power during the time of a fire to cause the removal of any private or public property whenever it shall become necessary to do so for the preservation of such property from fire, to prevent the spreading of fire, or to protect adjoining property. The said officials may direct the firefighters to remove any building, structure, or fence for the purpose of checking the progress of any fire, and the official in charge of the firefighting effort shall have the power to blow up or cause to be blown up with powder or otherwise any building or erection during the progress of a fire for the purpose of extinguishing or checking the same.

SECTION 8-202: TRAFFIC

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (Neb. Rev. Stat. §60-6,183)

SECTION 8-203: PEDESTRIANS

It shall be unlawful for any pedestrian to enter or remain in any street after a fire alarm shall have sounded until the fire trucks shall have completely passed. (Neb. Rev. Stat. §28-908)

SECTION 8-204: DRIVING OVER HOSE

It shall be unlawful for any person, without the consent of the fire chief or assistant fire chief to drive any vehicle over unprotected hose of the Fire Department. (Neb. Rev. Stat. §60-6,184)

SECTION 8-205: INTERFERENCE

It shall be unlawful for any person or persons to hinder or obstruct the fire chief or the members of the Fire Department in the performance of their duties. A person commits the offense of interfering with a fireman if at any time and place where any fireman is discharging or attempting to discharge any official duties he or she willfully:

A. Resists or interferes with the lawful efforts of any fireman in the discharge or attempt to discharge an official duty; or

B. Disobeys the lawful orders given by any fireman while performing his or her duties; or

C. Engages in any disorderly conduct which delays or prevents a fire from being extinguished within a reasonable time; or

D. Forbids or prevents others from assisting or extinguishing a fire or exhorts another person, as to whom he has no legal right or obligation to protect or control, not to assist in extinguishing a fire.

(Neb. Rev. Stat. §28-908)

SECTION 8-206: POWER OF ARREST

The fire chief or the assistant fire chief shall have the power during the time of a fire and for a period of 36 hours after its extinguishment to arrest any suspected arsonist or other person hindering or resisting the firefighting effort or any person who conducts himself in a noisy or disorderly manner. The said officials shall be severally vested with the usual powers and authority of village police officers to command all persons to assist them in the performance of their duties.

SECTION 8-207: FIRE WATCH

After all fires have been extinguished and the firefighting equipment has been removed from the scene, a fire watch shall be maintained about the fire area for a period of not less than 24 hours or until, in the opinion of the fire chief, the fire is deemed to be completely extinguished and no possibility of re-kindling is likely

SECTION 8-208: FIRE INVESTIGATION

It shall be the duty of the Fire Department to investigate or cause to be investigated the cause, origin, and circumstances of every fire occurring in the Village in which property has been destroyed or damaged. Any fire of unknown origin shall be reported and such officers shall especially make an investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall be begun within two days of the occurrence of such fire and the state fire marshal shall have the right to supervise and direct the investigation whenever he deems it expedient or necessary. The officer making the investigation of fires occurring within the Village shall immediately notify the fire marshal and shall, within one week of the occurrence of the fire, furnish him with a written statement of all the facts relating to the cause and origin of the fire and such further information as may be called for. (Neb. Rev. Stat. §81-506)

SECTION 8-209: DISTANT FIRES

Upon the permission of the village chairperson or fire chief or pursuant to any agreement with a rural fire district for mutual aid and protection such fire equipment of the Village as may be designated by the Village Board as rural equipment may be used beyond the corporate limits to extinguish a reported fire. The firefighters of the Village shall be considered as acting in the performance and within the scope of their duties in fighting fires or saving property or life outside the corporate limits of the Village when directed to do so by the village chairperson or chief of the Fire Department or some person authorized to act for such chief and in so doing, may use such fire equipment of the Village as may be designated by the Village Board.

SECTION 8-210: FALSE ALARM

It shall be unlawful for any person to intentionally and without good and reasonable cause raise any false alarm of fire. (Neb. Rev. Stat. §28-907, 35-520)

Article 3 – Fire Prevention

SECTION 8-301: FIRE CODE

All of the provisions of the most recent edition of the Fire Code, as published by the National Fire Protection Association and recommended by the American Insurance Association, are hereby adopted by reference, in addition to all amendments, as part of this chapter. One copy shall be available in the office of the village clerk for public inspection during office hours. In the event that any of the provisions of said code are in conflict with any of the provisions of the municipal code, the provisions of the municipal code shall prevail. (Neb. Rev. Stat. §18-132, 19-902, 19-922, 81-502)

SECTION 8-302: LIFE SAFETY CODE

The standards recommended by the National Fire Protection Association known as the Life Safety Code, most recent edition, are hereby incorporated by reference, in addition to all amendments, as part of this chapter. Said code shall have the same force and effect as if set out verbatim herein. One copy of the Life Safety Code shall be on file with the village clerk, available for public inspection during office hours. (Neb. Rev. Stat. §18-132, 19-902, 81-502)

SECTION 8-303: CODE ENFORCEMENT

It shall be the duty of all village officials to enforce the incorporated fire code provisions as provided in Sections 8-301 and 8-302, and all infractions shall be immediately brought to the attention of the fire chief.

SECTION 8-304: FIRE LIMITS; DEFINED

The following-described territory shall be and constitute the fire limits of the Village: All territory within one-half block on either side of and including Main Street from the Burlington Railroad lines east to Walnut Street. (Neb. Rev. Stat. §17-550)

SECTION 8-305: FIRE LIMITS; MATERIALS

Within the aforesaid fire limits, no structure shall be built, altered, moved, or enlarged unless such structure will be enclosed with walls constructed wholly of stone, well-burned brick, terra cotta, concrete, or other such noncombustible materials as will satisfy the fire chief that the said structure will be reasonably fireproof. (Neb. Rev. Stat. §17-550)

SECTION 8-306: FIRE LIMITS; PERMITTED REPAIRS; APPLICATION

It shall be unlawful for any person to repair, alter, or add to any building in the fire limits where the repair is less than 50% of the building unless the said person shall first submit an application to the village clerk to make such repairs or alterations or to add to any building and shall state on the application that the material used will be noncombustible and approved by the fire chief. Repairs in the form of patching and other minor repairs shall not require a permit. In the event that the repairs, alteration, or addition is to involve more than 50% of the building, the owner shall be required to apply for a new

building permit which shall state that the building, when completed, shall be fireproof and made of noncombustible materials. (Neb. Rev. Stat. §17-550)

SECTION 8-307: IRONCLADS PROHIBITED

All buildings, sheds, and structures known as ironclads, which are constructed of wood and covered with sheet iron or tin attached to the frame, shall be considered and deemed to be constructed of combustible materials. Any future construction of an iron-clad building shall hereafter be prohibited. (Neb. Rev. Stat. §17-550)

SECTION 8-308: REPAIR OR REMOVAL REQUIRED

In the event that a building within the fire limits becomes damaged by fire, wind, flood, vandalism or any other cause to the extent of less than 50% of its value, exclusive of the foundation, it shall be the duty of the owner, lessee, or occupant to remove or repair the said building in accordance with the provisions of this article. It shall be unlawful for any person to allow a building to stand in such damaged or decayed condition. Any such building shall be removed or repaired within 30 days after receiving notice to do so by the Village Board. In the event that any building or structure which stands within the fire limits is damaged to the extent of 50% or more of its value, exclusive of the foundation, it shall not be repaired or rebuilt, but shall be taken down and removed within 60 days from the date of such fire or other casualty. (Neb. Rev. Stat. §17-550)

SECTION 8-309: FIRE ON PAVEMENT

It shall be unlawful for any person to set out a fire on the pavement or near any curb within the Village. (Neb. Rev. Stat. §17-556)

SECTION 8-310: FIRES REGULATED

It shall be unlawful to build or set fires in trash burners, incinerators, or enclosures, with the following exceptions: (A) fires set in structures such as grills and fireplaces for cooking or warmth; (B) fires necessary for industrial, commercial (other than salvage operations), and institutional operations may be allowed by the fire chief if every such fire is contained in a metal fireproof enclosure with the chimney or vent therefrom covered with a metal fireproof screen of not more than one inch mesh. Any such structure shall be built and maintained in the manner prescribed by the fire chief. The hours during which such fires may be allowed shall be as determined by the fire chief.

(Neb. Rev. Stat. §17-549, 17-556, 81-520.01) (Am. by Ord. No. 353, 7/9/02)

SECTION 8-311: INSPECTIONS; VIOLATION NOTICE

A. It shall be the duty of the fire chief, when directed to do so by the Village Board, to inspect or cause to be inspected by a Fire Department officer, member, or some other official as often as may be necessary all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to create a fire hazard. It shall be the duty of the owner, lessee or occupant of any building or structure, except the interiors of private dwellings, to allow the fire inspector to inspect the structure for purposes of as-

certaining and enumerating all conditions therein that are likely to cause fire or any other violations of the provisions of the village ordinances affecting the hazard of fire.

B. The inspection shall be of the storage, sale and use of flammable liquids, combustibles, and explosives; electric wiring and heating; and the means and adequacy of exits in case of fire in schools, churches, hotels, halls, theaters, factories, hospitals, and all other buildings in which numbers of persons congregate from time to time for any purpose whether publicly or privately owned; the design, construction, location, installation, and operation of equipment for storing, handling, and utilizing of liquefied petroleum gases, specifying the odorization of said gases and the degree thereof; and chemicals, prozylin plastics, nitrocellulose films, or any other hazardous material that may now or hereafter exist.

(Neb. Rev. Stat. §81-512)

C. It shall be the duty of the owner, lessee, or occupant of any building or structure that was lawfully inspected as herein prescribed and who receives written or verbal notice of a violation of any of the provisions of the village ordinances to correct such condition within five days from the date of receipt of such notice.

SECTION 8-312: OPEN BURNING BAN; WAIVER

A. There shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land.

B. The fire chief or his designee may waive an open burning ban under subsection (A) of this section for an area under his jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. Said person shall make application on a form provided by the state fire marshal. The permit shall be signed by the fire chief or his designee. The fire chief may adopt and promulgate rules and regulations listing the conditions acceptable for issuing a permit to conduct open burning.

C. The fire chief or his designee may waive the open burning ban in his jurisdiction when conditions are acceptable to the chief or his designee. Anyone burning in such jurisdiction when the open burning ban has been waived shall notify the Fire Department of his or her intention to burn.

D. The Fire Department may set and charge a fee for each such permit issued. Such fees shall be remitted to the Village Board for inclusion in the general funds allocated to the Fire Department. Such funds shall not reduce the tax requirements for the Fire Department. No such fee shall be collected from any state or political subdivision to which such a permit is issued to conduct open burning under subsection (B) of this section in the course of such state's or political subdivision's official duties.

(Neb. Rev. Stat. §81-520.01)

Article 4 – Explosives; Poisonous and Flammable Gases

SECTION 8-401: EXPLOSIVES; STORAGE; REGISTRATION

A. Any person, firm, or corporation storing or keeping dynamite, gunpowder, nitroglycerine, or other high explosives within the Village for any period of time shall register such information with the village clerk within ten days after such explosives are brought into the Village. The clerk shall provide such information to the fire chief and to the Village Board. Transfer of explosives to another individual within the Village shall require the individual receiving the explosives to register the transfer and the new location of the explosives with the clerk. Also, moving explosives to a new location by the owner shall require registration of that fact to the clerk.

B. All high explosives, including dynamite, gunpowder and nitroglycerine shall be stored in a proper receptacle which shall be closed at all times except when actually in use. Such concrete, metal, or stone receptacle shall not be located in any room where there is a flame or flammable materials. The area surrounding the storage facilities shall be kept clear of rubbish, brush, dry grass, or trees for not less than 25 feet in all directions. Any other combustible materials shall be kept a distance of not less than 50 feet from outdoor storage facilities.

(Neb. Rev. Stat. §17-549)

SECTION 8-402: EXPLOSIVES; BULLETS

Cartridges, shells, and percussion caps shall be kept in their original containers away from flame, flammable materials, and high explosives.

SECTION 8-403: EXPLOSIVES; BLASTING PERMITS

Any person wishing to discharge high explosives within the Village must secure a permit from the Village Board and shall discharge such explosives in conformance with their direction and under their supervision, and in no case shall any person perform blasting operations unless operating under the direct supervision of a person in possession of a valid user's permit issued by the Nebraska State Patrol. (Neb. Rev. Stat. §17-556, 28-1229)

SECTION 8-404: POISONOUS OR FLAMMABLE GASES

Any person, firm or corporation desiring to store or keep in the Village any form of poisonous or flammable gas or liquefied petroleum gas in excess of 100 gallons or to add to, enlarge or replace any facility used for the storage of such gases must first get permission from the Village Board, which shall require the name of the gas, the place of storage, and the amount of gas stored. If permission is granted, the board shall prescribe such rules, regulations and precautionary actions as it may deem necessary.

(Neb. Rev. Stat. §17-549)

Article 5 – Fireworks

SECTION 8-501: DEFINED

“Fireworks” shall mean any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and which meets the definition of common or special fireworks set forth by the United States Department of Transportation in Title 49, C.F.R. (Neb. Rev. Stat. §28-1241)

SECTION 8-502: REGULATION OF USE, SALE, POSSESSION OF FIREWORKS

The use, sale, offer for sale, and possession of permissible fireworks in the Village as defined by Neb. Rev. Stat. §28-1241 shall be governed and regulated by Neb. Rev. Stat. §28-1239.01, 28-1241 to 28-1250 and 12-1252, including any and all amendments thereto, together with any rules and regulations adopted by the state fire marshal for the enforcement of said sections.

SECTION 8-503: PERMITTED FIREWORKS

A. Except as provided herein, it shall be unlawful for any person to possess, sell, offer for sale, bring into this state, or discharge any fireworks other than consumer fireworks, defined as follows:

1. Any small firework device designed to produce visible effects by combustion;
2. Any small device designed to produce audible effects such as a whistling device;
3. Any ground device or firecracker containing 50 milligrams or less of explosive composition;
4. Any aerial device containing 130 milligrams or less of explosive composition; or
5. Class C explosives as classified by the U. S. Department of Transportation.

B. “Consumer fireworks” does not include:

1. Rockets that are mounted on a stick or wire and project into the air when ignited, with or without report;
2. Wire sparklers, except that silver and gold sparklers are deemed to be consumer fireworks until January 1, 2014;
3. Nighttime parachutes;
4. Fireworks that are shot into the air and after coming to the ground cause automatic ignition due to sufficient temperature;
5. Firecrackers that contain more than 50 milligrams of explosive composition.

C. The provisions of this section shall not apply to any fireworks to be used for purpose of public exhibitions or display under authorization of the Village Board or to fireworks furnished for agricultural purposes pursuant to written authorization from the state fire marshal.

D. It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever in the village park.

(Neb. Rev. Stat. §17-556, 28-1241, 28-1244, 28-1245) (Am. by Ord. No. 342, 7/28/98)

SECTION 8-504: LICENSE FROM FIRE MARSHAL; RETAIL SALE DATES

It shall be unlawful for any person to sell, hold for sale, or offer for sale as distributor, jobber, or retailer any fireworks without first obtaining a license from the state fire marshal for that calendar year. Licensed vendors shall only sell fireworks which have been approved by the state fire marshal and such permissible fireworks may be sold at retail only between June 24 and July 5 and between December 28 and January 1.

(Neb. Rev. Stat. §28-1246 through 28-1250)

SECTION 8-505: VENDOR REGULATION

All legally permitted fireworks may be sold only between June 24 and July 5 and between December 28 and January 1; provided, fireworks of any description are permissible for purposes of public exhibitions or displays as authorized by the Village Board; and further provided, said vendor shall secure a license prior to such sales for each separate set of sale dates. An application shall be filed with the village clerk upon a form supplied by the Village and requesting such information and documents as the Village Board may deem necessary as to whether or not to grant said license. Upon determination to grant the license, the Village Board shall direct the village clerk to collect the appropriate fee as set by resolution by the board and issue said license. Any license so issued may be revoked at any time by the upon proper notice and hearing, if one is requested by the licensee. (Neb. Rev. Stat. §28-1249) (Am. by Ord. No. 431, 10/28/14)

Article 6 – Penal Provision

SECTION 8-601: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and on conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 9 – BUILDING REGULATIONS

ARTICLE 1 – UNIFORM CODES

SECTION 9-101: BUILDING CODE; ADOPTED BY REFERENCE

SECTION 9-102: PLUMBING CODE; ADOPTED BY REFERENCE

**SECTION 9-103: LIQUEFIED PETROLEUM GAS CODE; ADOPTED BY
REFERENCE**

**SECTION 9-104: GAS PIPING AND APPLIANCE CODE; ADOPTED BY
REFERENCE**

ARTICLE 2 – RESIDENTIAL BUILDING STANDARDS

SECTION 9-201: MINIMUM STANDARDS

ARTICLE 3 – RESIDENTIAL SWIMMING POOLS

**SECTION 9-301: INTERFERENCE WITH ENJOYMENT OF PROPERTY
RIGHTS OF OTHERS**

SECTION 9-302: LIGHTS

ARTICLE 4 – PENAL PROVISION

SECTION 9-401: VIOLATION; PENALTY

CHAPTER 9 – BUILDING REGULATIONS

Article 1 – Uniform Codes

SECTION 9-101: BUILDING CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in buildings hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the 2009 edition of the International Building Code (IBC) published by the International Code Council and printed in book or pamphlet form, is hereby incorporated by reference as though printed in full herein insofar as said code does not conflict with state statutes. One copy of the International Building Code shall be on file at the office of the village clerk, available for public inspection during office hours. The provisions of the International Building Code shall be controlling throughout the Village and throughout its zoning jurisdiction. (Ord. No. 391, 8/25/09)

SECTION 9-102: PLUMBING CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions and requirements for safe and stable installation, methods of connection and uses of materials in the installation of plumbing and heating, the most recent edition of the National Plumbing Code, ASA A40.8, Standards and Design Information, printed in book or pamphlet form, is hereby incorporated by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. One copy of the National Plumbing Code shall be on file at the office of the village clerk, available for public inspection during office hours. The provisions of the Plumbing Code shall be controlling throughout the Village and throughout its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132, 19-902, 19-922)

SECTION 9-103: LIQUEFIED PETROLEUM GAS CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe storage and handling of liquefied petroleum gases, the most recent edition of Standard for the Handling of Liquefied Petroleum Gases, published in book or pamphlet form by the National Fire Protection Association, is adopted by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with the statutes of the State of Nebraska. One copy of the Standard for the Handling of Liquefied Petroleum Gases shall be on file at the office of the village clerk, available for public inspection during office hours. The provisions of the code shall be controlling throughout the Village and throughout its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132)

SECTION 9-104: GAS PIPING AND APPLIANCE CODE; ADOPTED BY REFERENCE

To provide certain minimum standards, provisions, and requirements for safe and fireproof installation, methods of connection, and uses of materials in the installation of gas piping and gas appliances shall be as found in the most recent edition of Proposed Standard for Installation of Gas Piping and Gas Appliances in Buildings, as

recommended and published by the National Fire Protection Association, is adopted by reference, in addition to all amendments, as though printed in full herein insofar as said code does not conflict with state statutes. One copy of this code shall be on file at the office of the village clerk, available for public inspection during office hours. The provisions of the code shall be controlling throughout the Village and throughout its zoning jurisdiction. (Neb. Rev. Stat. §17-1001, 18-132)

Article 2 – Residential Building Standards

SECTION 9-201: MINIMUM STANDARDS

A. The single-family residential housing unit shall have a minimum gross floor area of no less than 900 square feet, above grade, in Zoning District R-2.

B. The single-family residential housing unit shall have a minimum gross floor area of no less than 1200 square feet, above grade, in Zoning District R-1 and RR.

C. The housing unit shall have a permanent foundation on which the building rests, to be constructed from either poured concrete or laid masonry block on a footing to be placed a minimum of 42 inches below final ground level.

(Ord. No. 349, 11/13/01)

Article 3 – Residential Swimming Pools

SECTION 9-301: INTERFERENCE WITH ENJOYMENT OF PROPERTY RIGHTS OF OTHERS

No residential swimming pool shall be located, designed, operated or maintained as to interfere unduly with the enjoyment of their property rights by owners of property adjoining such facility or located in the neighborhood. (Ord. No. 363, 7/13/04)

SECTION 9-302: LIGHTS

Lights used to illuminate any residential swimming pool shall be so arranged and shaded as to reflect light away from adjoining premises. (Ord. No. 363, 7/13/04)

Article 4 – Penal Provision

SECTION 9-401: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

CHAPTER 10 – MUNICIPAL PLANNING

ARTICLE 1 – COMPREHENSIVE PLAN

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ARTICLE 2 – ZONING REGULATIONS

SECTION 10-201:..... ADOPTED BY REFERENCE

ARTICLE 3 – VILLAGE LIMITS

SECTION 10-301:.....DEFINED

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ARTICLE 4 – SUBDIVISION REGULATIONS

SECTION 10-401: SUBDIVISIONS AND ADDITIONS; PROCEDURE

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SECTION 10-405: PRE-APPLICATION PROCEDURE

SECTION 10-406: SURVEY AND PLAT

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SECTION 10-610: NEW NUMBERS

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SECTION 10-612: STREET NAMING AND RENAMING

SECTION 10-613: SURVEY, NUMBERS, PLACEMENT

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ARTICLE 7 – PENAL PROVISION

SECTION 10-701: VIOLATION; PENALTY

CHAPTER 10 – MUNICIPAL PLANNING

Article 1 – Comprehensive Plan

SECTION 10-101: ADOPTED BY REFERENCE

In order to accommodate anticipated long-range future growth, the Comprehensive Development Plan for the Village, as prepared by RDG Martin Shukert, Inc., was adopted by the Village Board on September 29, 1992. One copy of the adopted plan shall be kept on file with the village clerk and available for inspection by any member of the public during office hours.

Article 2 – Zoning Regulations

SECTION 10-201: ADOPTED BY REFERENCE

For the purpose of setting minimum standards to promote the public health, safety, morals, convenience, order, prosperity, and general welfare of the community; to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements, the Zoning Regulations for the Village, as prepared by RDG Martin Shukert, Inc. and published in pamphlet form were adopted by the Village Board on September 29, 1992. One copy of the adopted Zoning Regulations shall be kept on file with the village clerk and available for inspection by any member of the public during office hours.

Article 3 – Village Limits

SECTION 10-301: DEFINED

All additions, lots, lands, subdivisions, and parcels of ground included within the official village map and plat on file at the office of the county register of deeds, having been by act or ordinance of the Village Board or by law duly annexed to or made a part of the Village or having been by the act, authority, acquiescence, consent, platting, and dedication of their respective owners, created either as the original town site or as additions to the Village, are hereby declared to be within the corporate limits of the Village. Lawfully constituted additions or changes in the village limits shall be indicated upon the map and plat by the village engineer after such addition or change has been completed in accordance with the ordinances of the Village and the laws of the State of Nebraska.

SECTION 10-302: ORIGINAL PLATS

Each and all plats, lots, blocks, additions, subdivisions, outlots, and parcels of ground included within the corporate limits of the Village and not vacated of record prior to the enactment of this chapter, including the original plat of the Village, are hereby accepted, approved, and confirmed as valid and each and all of such lots, blocks, additions, subdivisions, and outlots as heretofore platted and recorded in the office of the county register of deeds and not heretofore vacated and all other parcels of ground included within the corporate limits are hereby declared to be within the Village and an integral part thereof.

Article 4 – Subdivision Regulations

SECTION 10-401: SUBDIVISIONS AND ADDITIONS; PROCEDURE

A. The owner of any tract of land within the corporate limits of the Village or within one mile contiguous thereto may lay out the land into lots, blocks, streets, avenues, and alleys as an addition to the Village upon conformance to and compliance with the conditions in this article.

B. The owner of any lot within the corporate limits of the Village wishing to subdivide such lot may obtain an application for same from the village clerk. The completed application with a copy of an official survey record attached must be submitted to the village clerk. Thereafter, the Village Board shall vote on the application, which will be approved upon a majority vote. Approval of the application will be effective upon payment of the filing fee and filing with the county register of deeds. (Neb. Rev. Stat. §17-405, 17-426, 17-1002)

SECTION 10-402: APPROVAL BY VILLAGE BOARD

No owner of any real property located within the Village or an area within one mile of the corporate limits shall be permitted to subdivide, plat, or lay out such real property in building lots, streets, or other portions of the same intended to be dedicated for public use or for the use of the purchasers or owners of lots fronting thereon or adjacent thereto without first having obtained the approval thereof of the Village Board. No plat or instrument affecting the subdivision of real property within the Village or an area within one mile of the corporate limits shall be recorded or have any force and effect unless the same is approved by the Village Board. The sale or offering for sale and the construction of buildings and other improvements on any lots or parts of real property not subdivided, platted, or laid out as required by state law and these regulations is prohibited. (Neb. Rev. Stat. §17-1002, 17-1003, 19-916, 19-919)

SECTION 10-403: DESIGN OF NEW STREETS

Any person proposing the subdivision of land into lots and streets shall properly integrate the proposed streets with the existing system of streets and highways. Streets and alleys laid out in any addition to or in any suburban development of the Village shall be continuous with and correspond in direction and width to the streets and alleys of the Village to which they are an addition. No subdivision shall prevent the extension of the present village streets from entering the subdivision without the express consent of the Village Board. Cul-de-sac streets shall not exceed 300 feet in length. The terminating end of a cul-de-sac street shall have a turn-around with a minimum platted radius of 50 feet. Where desired, collector streets may be proposed for future extension beyond the proposed subdivision and only those accepted collector streets may be laid out as dead-end streets. Street grade and curve design shall conform to the minimum design standards of the Board of Public Roads Classifications and Standards for Village Streets. Consideration shall be given to smooth flow of traffic, both automotive and pedestrian. (Neb. Rev. Stat. §17-418, 17-1003)

SECTION 10-404: DESIGN OF NEW BLOCKS AND LOTS

Blocks in any new proposed subdivision for residential purposes shall not exceed

600 feet in length. Minimum lot dimensions shall conform to the requirements of the village Zoning Regulations. Where a subdivision of land is proposed to be not served by a public sewer, lot dimensions and areas shall carry the recommendation or approval of the State Department of Health and Human Services Regulation and Licensure.

SECTION 10-405: PRE-APPLICATION PROCEDURE

Before submitting a request to the Village Board for approval of plat, the owner or proprietor proposing the subdivision, platting, or laying out of such real property shall first attend a pre-application consultation with the board and present at that time plans and sketches putting forth proposals for future streets and utilities. (Neb. Rev. Stat. §19-919)

SECTION 10-406: SURVEY AND PLAT

The owner or proprietor of any tract or parcel of land within the corporate limits desiring to subdivide or lay out the tract of land as an addition to this village shall cause the same to be accurately surveyed and an accurate map or plat thereof made with reference to known or permanent monuments and the map or plat shall explicitly describe the land so laid out. The tract shall be designated as "_____ Addition to the Village of Greenwood, Nebraska." The lots and blocks shall be designated by numbers and the streets and avenues by names coinciding with the streets and avenues of the Village of which they form continuations. The plat shall show the length and depth of the lots and the width and course of all streets, avenues, and alleys, together with an accurate plat of all lots, blocks, and streets. (Neb. Rev. Stat. §17-405, 17-1001, 17-1003)

SECTION 10-407: SURVEYOR'S CERTIFICATE

The map or plat shall be accompanied by a certificate from the surveyor making the survey and plat that he accurately surveyed the tract and that the lots, blocks, streets, avenues, and alleys are accurately shown upon the map or plat. (Neb. Rev. Stat. §17-405, 17-1003)

SECTION 10-408: DEDICATION

The map or plat shall have written thereon or attached thereto a dedication to the Village for the use of the public of all streets, avenues, alleys, parks, squares, and commons and all land set apart for public use or dedicated to charitable, religious, and educational purposes as therein mentioned and described. Such dedication shall be signed by the owner of the tract of land and shall be duly acknowledged as required by law. (Neb. Rev. Stat. §17-405, 17-417, 17-1003)

SECTION 10-409: CONDITIONAL APPROVAL OF PRELIMINARY PLAT; PROCEDURE

The owner or proprietor requesting conditional approval of a preliminary plat shall submit to the village clerk five copies of the preliminary plat and supplemental material, together with the application for conditional approval, such application to be in a form specified by the village clerk.

SECTION 10-410: FEE

A plat review fee shall be assessed the owner. Payment of the fee shall accompany the application for conditional approval. A schedule of fees may be established by the Village Board.

SECTION 10-411: PREPARATION OF PRELIMINARY PLAT

Preliminary plats shall be prepared at a suitable scale with at least the following information clearly presented:

- A. Name, location, acreage, owner, and designer of the proposed subdivision;
- B. Present zoning classification;
- C. Date, north point, and graphic scale;
- D. Location of property lines, roads, and existing utility service lines;
- E. Names of adjoining properties or subdivisions;
- F. Proposed utility system;
- G. Names of new streets;
- H. Dimensions, lot lines, and building setback lines;
- I. Location of proposed culverts and other drainage provisions;
- J. Contours at suitable intervals to indicate drainage;
- K. Proposed improvements and grading; and
- L. Proposed easements, dedications, and reservations of land.

SECTION 10-412: PLAT SPECIFICATIONS; CONDITIONAL APPROVAL

The owner shall indicate by letter when improvements as required will be provided and the projected date that entrance into the village utility system will be required. Any proposed restrictive covenants for the land shall accompany the letter. Following the receipt of the advice of the Planning Commission, review of the preliminary plat, and negotiations with the subdivider, the Village Board may grant conditional approval of the preliminary plat. Such conditional approval shall not constitute approval of the final plat but shall be construed to be a guide for the preparation of the final plat, which will be subject to further consideration by the Planning Commission and Village Board.

SECTION 10-413: APPROVAL OF PLAT; PAYMENT OF TAXES AND ASSESSMENTS

A. Before any such map or plat shall have any validity, it must first be submitted to and be approved and accepted by the Village Board. Where the County has both adopted a Comprehensive Development Plan and is enforcing Subdivision Regulations and the proposed subdivision plat both contemplates public streets or improvements and lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by the County, then the Planning Commission shall be given four weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period for the commission shall run concurrently with subdivision review activities of the Village after the commission receives all available material for a proposed subdivision plat. The map or plat must have such acceptance and approval endorsed thereon.

B. Before any such map or plat shall have any validity, it must first be submitted to and be approved and accepted by the Village Board and must have such acceptance and approval endorsed thereon. Before any such map or plat shall be considered, approved, or accepted, the owner or proprietor shall pay or cause to be paid all taxes, special taxes, and special assessments due thereon and shall produce a certificate showing that all such taxes and assessments have been paid or cancelled. (Neb. Rev. Stat. §17-405, 17-1002, 19-902)

SECTION 10-414: PREPARATION OF FINAL PLAT

The final plat shall be prepared at a suitable scale on reproducible Mylar and shall clearly present the following:

- A. North arrow;
- B. Graphic scale;
- C. Streets, street widths, and street names;
- D. Lots, numbered and dimensioned;
- E. Bearings or azimuths on all lot and boundary lines, such bearing or azimuths to be directly related to the standard subdivisional lines of the section in which the plat lies;
- F. General location of all intersecting 40-acre lines;
- G. Location, dimension, and purpose of any easement;
- H. Purpose for which sites are dedicated or reserved;
- I. Curve schedules for lot lines following the arcs of curves indicating (1) curve radius; (2) arc length; (3) chord length; (4) central angle; and (5) bearing or azimuth of long chord;
- J. Curve schedules for centerlines of streets following the arcs of curves indicating (1) curve radius; (2) central angle; and (3) arc length;
- K. Certification of accuracy of survey and plat by surveyor;
- L. Certification signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted and dedicating streets and roads and other lands to the public use and ownership;
- M. Certification of the county treasurer that all current taxes on the subject real property are paid;

N. Certification of approval of plat as prepared for signature of the chairperson of the Village Board, to be attested by the village clerk.

SECTION 10-415: DOCUMENTS TO ACCOMPANY FINAL PLAT

When submitted, the final plat shall have as attachments:

A. Detailed construction plans of all improvements;

B. An agreement between the owner and the Village which shall establish the completion dates of all required improvements and shall specify the amount of performance bond to be filed prior to receiving approval of plat, or a certificate of completion of all required improvement;

C. Protective covenants in form for recording.

SECTION 10-416: RECORDING OF PLAT

If a majority of the Village Board votes in favor of such annexation, an ordinance shall be prepared and passed by the board declaring the annexation of such territory to the corporate limits of the Village and extending the limits thereof accordingly, whichever is appropriate. An accurate map or plat of such territory and the dedication as hereinbefore described, certified by the engineer or surveyor and acknowledged and approved as provided by law in such cases, shall at once be filed and recorded by the owner or proprietor of such land in the office of the register of deeds of the county, together with a certified copy of the ordinance granting approval or declaring such annexation, under the seal of the Village. (Neb. Rev. Stat. §17-405, 17-416, 17-417, 17-1002)

SECTION 10-417: REQUIRED IMPROVEMENTS; MONUMENTS

Any approved subdivision shall be laid out with concrete monuments at least 36 inches long and 4 inches square with a suitable center point. A concrete monument shall be set at each street intersection and at all boundary corners of the platted area. Iron pin or pipe monuments 3/4 inch in diameter and 24 inches long or suitable concrete markers shall be placed at all points on boundary lines where there is a change of direction and at all lot corners.

SECTION 10-418: REQUIRED IMPROVEMENTS; UTILITIES AND STREETS

New subdivisions shall be improved with street grading, storm sewer, or other drainage improvements, approved water distribution and sewer collection and disposal systems, underground electrical distribution system, and paved streets. Standards for improvements shall require the express approval of the Village Board. Temporary power shall be provided at the developer's expense. Other improvements may be required by the board.

SECTION 10-419: ADDITIONS APPROVED AND INCORPORATED

All additions to this village which have heretofore been approved and accepted or

which may hereafter be laid out in accordance with the provisions in this article and accepted and approved shall be and become incorporated in this village for all purposes whatsoever, and inhabitants of such additions shall be entitled to all the rights and privileges and be subject to all the laws and regulations of the Village. (Neb. Rev. Stat. §17-405, 17-405.04, 17-416, 17-417, 17-1002, 19-902)

Article 5 – Administrative Subdivisions

SECTION 10-501: WHEN PERMITTED

An administrative subdivision may be granted in the following circumstances:

A. The farmstead of an existing farm may be approved as an administrative subdivision if:

1. The farmstead contains a habitable residential building in continuous existence since before 1992;
2. The use of the farmstead shall not substantially change after approval of the administrative subdivision;
3. The farmstead is bounded by identifiable landmark boundaries in existence since before 1992, such as hedgerows, shelterbelts, fences and corners;
4. The boundaries of the lot enclosing the farmstead containing the habitable residential building shall follow the identifiable landmark boundaries;
5. The farmstead containing the habitable residential building shall contain at least four acres;
6. The existing farm remaining after the subdivision shall contain at least ten acres;
7. The existing farm lies outside the village corporate limits but within its one mile regulatory jurisdiction; and

B. The administrative subdivision will otherwise be in substantial compliance with the Greenwood Comprehensive Plan and applicable village zoning and other ordinances.

C. Administrative lot splits, lot combinations and boundary adjustment which result in lots divided or combined into not more than two lots without having to re-plat said lot, provided that the resulting lots shall not again be divided or combined without re-platting and provided the conditions set forth in this article are met.

SECTION 10-502: APPLICATION

An application for an administrative subdivision must be submitted to the village clerk in a form approved by the Village, together with a fee of \$100.00. The application must be made and signed by a person having a recorded property interest in the farm. The application, together with a short form plat and any other supplemental information required by the zoning administrator, will be submitted to the zoning administrator for review and approval.

SECTION 10-503: ADMINISTRATIVE PLAT

A. The application must be accompanied by an administrative plat, which must be prepared and certified by a licensed professional engineer or surveyor in accordance with generally accepted professional standards and show or be accompanied by:

1. Location and dimensions of the proposed administrative plat;
2. Legal description of the final administrative plat;
3. Driveways, entrances or proposed access to the property;
4. Any of these things which are in or adjacent to the property: public or private roads, easements, rights of way, political subdivision boundary lines, corners, section lines and monuments;
5. Showing of existing structures, uses and landmark boundaries;
6. Zoning;
7. Adjacent zoning;
8. A certificate signed in the presence of a notary by each person having a recorded property interest in the property, consenting to the administrative subdivision;
9. Signature blocks: for acknowledgement by notary; for review from the Cass County surveyor; for approval or certification signed by the county treasurer, stating that there are no regular or special taxes due or delinquent against the platted land; for approval by village official approving the subdivision; for village zoning administrator;
10. A statement from the county treasurer showing there are no tax liens against the land within the proposed subdivision or any part thereof and that all special assessments installment payments are current as applied to the said property; and that all taxes are paid in full on all real property.

SECTION 10-504: REQUIREMENTS FOR ZONING ADMINISTRATOR

The zoning administrator must review the application and short form plat and grant or deny the application or require additional information. If the zoning administrator determines that the proposed administrative subdivision is in compliance with this ordinance, he or she shall grant the application by signing the application and the short form plat and issue a subdivision compliance certificate. The administrative subdivision shall become effective upon filing the fully executed short form plat with the county register of deeds, together with all applicable fees.

SECTION 10-505: DISAPPROVAL; WHEN

A. Disapproval of administrative plat shall be based on the following guidelines:

1. A new street or alley is needed or proposed;
2. Vacation of streets, alleys, setback lines, access control or easements are required or proposed.
3. Such action will result in significant increases in service requirements (i.e. utilities, schools, traffic control, streets, etc.) or will interfere with

maintaining existing service levels (i.e. curb cuts, repaving, etc.)

4. All easement requirements have not been satisfied.
5. Such action taken during an administrative plat will result in a tract without direct access to a street.
6. The lot has been previously split.

B. No administrative plats shall be approved unless all required public improvements have been installed, no new dedication of public right-of-way or easements is involved and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots, as well as setbacks.

Article 6 – Uniform Numbering System

SECTION 10-601: STREET NAMES

A. There is hereby established a uniform system of street naming in the Village, and all streets, avenues and other dedicated public ways shall be named in accordance with the provisions of this article.

B. All streets and other public ways running in the same direction and having a deviation of not more than 125 feet shall carry the same name unless special circumstances make such a plan impracticable or not feasible.

C. No street established or named after the adoption of this article shall bear a name in a language in conflict with its destination.

D. The Village Board may adopt further designations or any additional rules and regulations which may be required from time to time upon recommendations of the Planning Commission, by amending this article.

SECTION 10-602: PLAN

For the purpose of clarifying and systematizing the present street naming pattern in the Village and to implement the application of the matters set forth herein, the following plan is hereby adopted:

A. The Planning Commission is hereby authorized to prepare and present to the Village Board a complete plan for the naming of all streets, avenues, and public ways within said Village. The commission shall follow the general plan set forth in Section 10-610 (New Numbers) and such other rules as are herein set forth.

B. If said commission shall find an existing street now carrying more than one name, it shall recommend that said street shall bear the name under which it currently travels the longest distance both inside and outside of the village limits unless the circumstances indicate that another and different name would be desirable. Said commission, if it sees fit, may hold public hearings at which interested property owners may express their views concerning the changing of the name or names of any street.

SECTION 10-603: SUBDIVISION PLATS

Every subdivision plan submitted to the Village Board for approval after the effective date of this article shall bear upon its face the report of the Planning Commission of the proper names of any and all streets, avenues and public ways hereafter dedicated to public use within the jurisdiction of the board.

SECTION 10-604: NUMBERING GENERALLY

There is hereby established a uniform system for numbering buildings fronting on all streets, avenues and public ways in the Village, and all houses and other buildings shall be numbered in accordance with the provisions of this section.

A. North Street shall constitute the base line for numbering buildings along all streets running northerly and southerly, and Grand Street as hereinafter named and established shall constitute the base line for numbering buildings along all streets running easterly and westerly.

B. Each building north of North Street and facing a street running in a northerly direction shall carry a number and address indicating its location north of said base street.

C. Each building south of North Street and facing a street running in a southerly direction shall carry a number and address indicating its location south of said base street.

D. Each building east of Grand Street and facing a street running in an easterly direction shall carry a number and address indicating its location east of said base street.

E. Each building west of Grand Street and facing a street running in a westerly direction shall carry a number and address indicating its location west of said base street.

F. All buildings on diagonal streets shall be numbered the same as buildings on northerly and southerly streets if the diagonal runs more from the north to the south. The same rule shall apply on easterly and westerly streets if the diagonal runs more from the east to the west. All buildings on diagonal streets having a deviation of exactly 45° shall be numbered the same as buildings on northerly and southerly streets.

SECTION 10-605: SPACE ALLOWED; NUMBERS ASSIGNED

A. The space of distance allowed each number shall be 11 feet. To find a number, measure from the centerline of street, commencing with the first number of the block, and count one number for each 11 feet until opposite the door, and the number of these 11 feet shall be the number for the door of the building.

B. All buildings on the north or east side of each street running from the base street shall bear even numbers. All buildings on the south or west side of each street running from the base street shall bear odd numbers.

C. Where any building has more than one entrance serving separate occupants, a separate number shall be assigned to each entrance serving a separate occupant, providing said building occupies a lot, parcel, or tract having a frontage equal to 11 feet for each such entrance. If the building is not located on a lot, parcel, or tract which would permit the assignment of one number to each such entrance, numerals and letters shall be used as set forth in Section 10-606 (Suffixes).

SECTION 10-606: SUFFIXES

Where only one number can be assigned to any house or building, the owner, occupant, or agent of such house or building who shall desire distinctive numbers for the upper and lower portion of any house or building fronting on any street, such owner, occupant, or agent shall use the suffix A, B, C, etc. as may be required.

SECTION 10-607: BUILDINGS FACING STREETS NOT EXTENDED

All buildings facing streets not extending through to the base line shall be assigned the same relative numbers as if the said street was extended to said base line.

SECTION 10-608: DIRECTION OF STREETS

A. In addition to the numbers placed on each house or other building as heretofore provided, all streets, avenues and other public ways within the Village are hereby given directional symbols according to their distance and direction from the two base streets set forth in Section 10-604 (Numbering Generally).

B. All streets approximately perpendicular to and north of North Street are given the direction "north." All streets approximately perpendicular to and west of Grand Street are given the direction "west."

SECTION 10-609: RECORDS; PLAT BOOK

For the purpose of facilitating correct numbers, a plat book of all streets, avenues, and public ways within the Village with the proper numbers of all houses or other buildings fronting upon all streets, avenues, or public ways shall be kept on file in the office of the village clerk and shall be open to public inspection during office hours. Duplicate copies of such plats shall be furnished to the engineer, building inspector and Planning Commission by the Village Board or its designated representative.

SECTION 10-610: NEW NUMBERS

In order to preserve the continuity and uniformity of numbers of the houses, buildings and structures in the Village, whenever any house, building, or structure shall be erected or located therein after the establishment of a uniform system of house and building numbering has been completed, it shall be the duty of the owner to procure the correct number or numbers as designated from the Village Board or its designated representative for the said property and to immediately fasten the said number or numbers so assigned upon said building as provided in this article. No building permit shall be issued for any house, building or structure until the owner has procured from the Village Board or its designated representative the official number for the premises. Final approval of any structure erected, repaired, altered or modified after the effective date of this article shall be withheld by the Village Board or building inspector until permanent and proper numbers have been affixed to said structure.

SECTION 10-611: CONFLICTS

It shall be the duty of the Village Board or its designated representative to inform any party applying for the number or numbers belonging to or embraced within the limits of any said lot or property as provided in this article that in the case of conflict as to

the proper number to be assigned to any building, the board or its designated representative shall determine the number of such building.

SECTION 10-612: STREET NAMING AND RENAMING

The Village Board by resolution may change, rename or name an existing or newly established street within the village limits at any time after the adoption of this article upon recommendation of the Planning Commission.

SECTION 10-613: SURVEY, NUMBERS, PLACEMENT

A. *Survey.* The Village Board shall cause the necessary survey to be made and completed within three months from the date of the adoption of this article, and thereafter there shall be assigned to each house and other residential or commercial building located on any street, avenue, or public way in the Village its respective number under the uniform system provided for in this article according to said survey. When the said survey shall have been completed and each house or building has been assigned its respective number or numbers, the owner, occupant or agent shall place or cause to be placed upon each house or building controlled by him or her the number or numbers assigned under the uniform system as provided in this article.

B. *Numbers.* Such number or numbers shall be placed on existing buildings on or before the effective date of this article. The cost of the number or numbers shall be paid for by the property owner. Replacement numbers shall be procured and paid for by the owner. The numbers used shall be not less than 3 inches in height and shall be made of a durable and clearly visible material. If the proper number is not placed on an existing building on or before the effective date of this article, it shall be the duty of the Village Board or its designated representative to install the proper number or numbers on said premises and to make a charge for each number so installed, which said charge shall become a lien against the premises on which said building is located and shall be added to the village real estate tax on said premises for the ensuing year.

C. *Placement.* The numbers shall be conspicuously placed immediately on, above, or at the side of the proper door of each building so that the number can be seen plainly from the street line. Whenever any building is situated more than 50 feet from the street line, the numbers shall be placed near the walk, driveway or common entrance to such building upon a gate post, fence, tree, post, or other appropriate place so as to be easily discernible from the sidewalk.

SECTION 10-614: EFFECTIVE DATE

This article and all house and building numbers assigned under the provisions hereof and all street numbers and names established by said article shall become effective three months from the date the Village Board shall by resolution accept and ratify the recommendations made by the Planning Commission for the names of all streets, avenues, and public ways within the Village and shall determine that the Village Board or its designated representative has completed the survey required by Section 10-613 (Survey, Numbers, Placement) of this article.

Article 7 – Penal Provision

SECTION 10-701: VIOLATION; PENALTY

A. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

B. Any person, whether as owner, proprietor or as the agent, attorney, or representative of any owner or proprietor of land who shall plat or subdivide any tract of land within the corporate limits of the Village or adjoining and contiguous to the same, except as herein authorized, or who shall sell, transfer, deed or convey, contract or agree to sell, transfer, or offer for sale any lot or piece of ground in any addition or subdivision of three or more parts within said corporate limits or adjoining and contiguous thereto without having first obtained the acceptance and approval of the plat or map thereof by the Village Board and any person who shall violate or who shall fail, neglect, or refuse to comply with any of the provisions hereinbefore as now existing or as hereafter amended shall upon conviction be fined in any sum not exceeding \$500.00.