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# **CHAPTER 2 – BOARDS AND PUBLIC FACILITIES**

## **Article 1 – Library Board**

### **SECTION 2-101: LIBRARY; OPERATION AND FUNDING**

A. The Village Board may levy a tax of not more than \$0.105 on each \$100.00 upon the taxable value of all the taxable property in the village annually to be levied and collected in like manner as other taxes in the village for support of the library. The levy shall be subject to Neb. Rev. Stat. §§77-3442 and 77-3443. The amount collected from such levy shall be known as the library fund and shall also include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing property and real estate from any source for the purpose of endowing the public library. All money collected by the library shall be turned over at least monthly by the librarian to the village treasurer along with a report of the sources of the revenue.

B. All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of the public library shall be kept for the use of the library separate and apart from all other funds of the village, shall be drawn upon and paid out by the village treasurer upon vouchers signed by the president of the Library Board and authenticated by the secretary of the board, and shall not be used or disbursed for any other purpose or in any other manner. The village may establish a public library sinking fund for major capital expenditures.

(Neb. Rev. Stat. §§51-201, 51-209)

### **SECTION 2-102: MEMBERS; TERMS**

The Library Board shall have control and management of the library and shall consist of five appointed or elected members. At the first regular meeting of the chairman and Village Board of Trustees in January of each even-numbered year, the chairman and Board of Trustees shall, by ordinance, adopt the manner in which the members of the Library Board are chosen. If the members are to be chosen by appointment, the nominated members must receive a majority vote of the chairman and Board of Trustees. If the members are to be elected, the usual election procedures of the Village shall be followed. The members of the Library Board shall serve four-year terms of office as specified by the state statutes. In case of vacancy for any reason, the Village Board shall fill such vacancy for the unexpired term. No Village Board member shall be a member of the Library Board. The Library Board shall serve without compensation and may be required, at the discretion of the chairman and Board of Trustees, to give a bond in a sum set by resolution of said chairman and Board of Trustees and conditioned upon the faithful performance of their duty. (Neb. Rev. Stat. §51-202) (Am. Ord. No. 224, 8/10/10)

### **SECTION 2-103: MEETINGS; OFFICERS**

The Library Board shall meet at such times as the Village Board may designate. At the time of the first meeting in June each year, the members shall organize by selecting from their number a president, secretary, and such other officers as may be necessary. No member of the Library Board shall serve in the capacity of both president and secretary. 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 president or any three board members. (Neb. Rev. Stat. §51-204)

### **SECTION 2-104: POWERS AND DUTIES**

A. The Library Board shall have the power to make and adopt such bylaws, rules, and regulations for its own guidance and for the government of the library and reading room as it may deem expedient, not inconsistent with Neb. Rev. Stat. §§51-201 through 51-219.

B. The Library Board shall have exclusive control of expenditures, all money collected or donated to the credit of the library fund, the renting and construction of any library building, and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose.

C. The Library Board may erect, lease, or occupy an appropriate building for the use of such a library, appoint a suitable librarian and assistants, fix the compensation of such appointees, and remove such appointees at the pleasure of the board. The Village Board shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the Library Board.

D. The Library Board may establish rules and regulations for the government of the library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency. The board may fix and impose by general rules any penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or regulation. 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, 51-207, 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: REAL ESTATE; SALE AND CONVEYANCE**

A. The Library Board may, by resolution, direct the sale and conveyance of any real estate owned by the board or by the public library which is not used for library purposes or of any real estate so donated or devised to the board or to the library, upon such terms as the board may deem best.

B. Before any such sale is made, the Library Board shall advertise the sale once each week for three consecutive weeks in a legal newspaper published in or of general circulation in the village. The notice shall set out the time, place, terms, manner of sale, legal description of such real estate, and the right to reject any and all bids. If the bids have not been rejected, then the real estate shall be sold to the highest bidder for cash and the president of the Library Board, upon resolution of the board directing him or her so to do, shall convey the real estate to the purchaser of such real estate upon payment of said bid. If within 30 days after the third publication of the notice a remonstrance against the sale is signed by 30% of the registered voters of the village voting at the last regular village election and filed with the Village Board, the 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. (Neb. Rev. Stat. §51-216)

## **SECTION 2-107: GROUNDS AND BUILDING**

The Library Board may purchase or lease grounds, exercise the power of eminent domain, and condemn real estate for the purpose of securing a site for a library building. The procedure to condemn property shall be exercised in the manner set forth in Neb. Rev. Stat. §§76-704 through 76-724. (Neb. Rev. Stat. §51-210)

## **SECTION 2-108: MORTGAGES; RELEASE OR RENEWAL**

The president of the Library Board shall have the power to release, upon full payment, any mortgage constituting a credit to the library fund and standing in the name of the board. The signature of the president on any such release shall be authenticated by the secretary of the board. The president and secretary in like manner, upon resolution duly passed and adopted by the board, may renew any such mortgage. (Neb. Rev. Stat. §51-206)

## **SECTION 2-109: LIBRARY; DONATIONS**

Any person may make donation of money, lands, or other property for the benefit of the public library. The title to property so donated may be made to and shall vest in the Library Board and its successors in office, and the board shall thereby become the owners thereof in trust to the uses of the public library. (Neb. Rev. Stat. §51-215)

## **SECTION 2-110: LIBRARY; COST OF USE; VIOLATION OF RULES**

A. Except as provided in subsection (B) of this section, the library shall be free of charge for the use of the inhabitants of the village, subject always to such reasonable regulations as the Library Board may adopt to render the library of the greatest use to the inhabitants. The board may exclude from the use of the library any person who willfully violates or refuses to comply with rules and regulations established for the government thereof.

B. The public library shall make its basic services available without charge to all residents of the village. The board may fix and impose reasonable fees, not to exceed the library's actual cost, for non-basic services.

C. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. "Basic services" shall include, but are not limited to, free loan of circulating print and non-print materials from the local collection and general reference and information services.
2. "Non-basic services" shall include but are not limited to the use of:
  - a. Photocopying equipment;
  - b. Telephones, facsimile equipment, and other telecommunications equipment;
  - c. Media equipment;
  - d. Personal computers; and
  - e. Videocassette recording and playing equipment.

(Neb. Rev. Stat. §§51-201.01, 51-211, 51-212)

## **SECTION 2-111: LIBRARY; DISCRIMINATION PROHIBITED**

No library service shall be denied to any person because of race, sex, religion, age, color, national origin, ancestry, physical handicap, or marital status. (Neb. Rev. Stat. §51-211)

## **SECTION 2-112: 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 2-113: LIBRARY; LOST AND DAMAGED MATERIALS**

Any person who shall willfully and maliciously write upon, injure, deface, tear or destroy any book, newspaper, plate, engraving or any property or thing of value belonging to the public library shall be deemed guilty of a misdemeanor. 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 2-114: LIBRARY; SALE, EXCHANGE, OR DISPOSAL OF 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)

## **SECTION 2-115: LIBRARY; PENALTIES; RECOVERY; DISPOSITION**

Penalties imposed or accruing by any bylaw or regulation of the Library Board and any court costs and attorney's fees may be recovered in a civil action before any court having jurisdiction, such action to be instituted in the name of the board. Money collected in such actions, other than any court costs and attorney's fees, shall be placed in the treasury of the village to the credit of the library fund. Attorney's fees collected pursuant to this section shall be placed in the treasury of the village and credited to the budget of the village attorney's office. (Neb. Rev. Stat. §51-214)

## **Article 2 – Board of Health**

### **SECTION 2-201: MEMBERS; TERMS**

The Village Board shall appoint a Board of Health consisting of three members, including the chairman of the Village Board, who shall serve as chairman, 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. In the event no physician resides within the village, the chairman shall appoint a citizen at large to serve instead. If the Village Board has appointed a police chief, he or she may be appointed to the Board of Health and serve as secretary and quarantine officer. If the village has a contract with the Deuel County Sheriff for law enforcement services, the chairman may appoint the county sheriff to serve as secretary and quarantine officer. The members of the board shall serve one-year terms of office, unless removed by the village chairman with the advice and consent of the trustees. (Neb. Rev. Stat. §17-208)

### **SECTION 2-202: MEETINGS; OFFICERS**

The Board of Health shall meet at such times as the Village Board may designate. The board members shall elect officers at their next meeting after any appointment is made to the board and, if necessary, select a member to serve as secretary. 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. The Board of Health shall be funded by the chairman and Village Board from time to time out of the general fund. A majority of the board shall constitute a quorum for the purpose of doing business. Special meetings may be held upon the call of the chairman or any two members of the board.

### **SECTION 2-203: 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 2-204: ENFORCEMENT OFFICIAL**

The police chief, if appointed as the quarantine officer, shall be the chief health officer of

the village. It shall then be his or her 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)

## **SECTION 2-205: STATE RULES**

The publication *Rules and Regulations Relating to Public Health*, Nebraska Department of Health, is hereby incorporated by reference when the same is applicable to the village, in its present form and as it may hereafter be amended. One copy of the said publication shall be filed at the office of the village clerk and shall be available for public inspection during office hours. (Neb. Rev. Stat. §18-132)

## **SECTION 2-206: COUNTY HEALTH BOARD**

It shall be the duty of the Board of Health to work closely with the County Health Board, if any, in protecting the health and welfare of the residents of the village.

# **Article 3 – Village Park and Swimming Pool**

## **SECTION 2-301: PARK; OPERATION AND FUNDING**

A. The village owns and operates the village parks and other recreational areas through the park and pool commissioner. The 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.

B. The board shall have the authority to adopt rules and regulations for the efficient management of the village parks and other recreational areas of the village. The board 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 2-302: PARK; HOURS**

Except as otherwise granted by the Village Board, the village park shall be open between the hours of 6:00 a.m. and 10:00 p.m. each day of the week.

## **SECTION 2-303: POOL; OPERATION AND FUNDING**

A. The village owns and manages the swimming pool through the Village Board. The Village Board, for the purpose of defraying the cost of the management, maintenance, and improvements of the swimming pool, 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 swimming pool 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 swimming pool. The swimming pool fund shall at all times be in the custody of the village treasurer.

B. The Village Board shall manage the swimming pool and shall have the power and authority to hire and supervise the swimming pool manager and such employees as it may deem necessary, and shall pass such rules and regulations for the operation of the swimming pool as may be proper for its efficient operation.

## **SECTION 2-304: POOL; RULES AND REGULATIONS**

The Village Board shall have the power and authority to enact bylaws, rules, and regulations for the protection of those using the swimming pool and for the efficient management thereof. Suitable penalties may be provided for the violation of such bylaws, rules, and regulations, subject to review and supervision. (Neb. Rev. Stat. §17-949)

## **SECTION 2-305: POOL; ADMISSION CHARGE**

The Village Board, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the swimming pool, may make a reasonable admission charge for its use by any person. The said charges shall be on file at the office of the village clerk and shall also be posted in a conspicuous place at the pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; provided, nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color, or national origin in the classification of persons for admission charges. (Neb. Rev. Stat. §17-949)

## **SECTION 2-306: POOL; RENTALS**

The Village Board shall have the authority to rent the swimming pool to such organizations and other persons as it may in its discretion see fit. The board shall prescribe rules and regulations for such rentals and shall require an appropriate number of qualified lifeguards to be in attendance during the rental period. Such fees and other costs shall be set by the Village Board from time to time by resolution, kept on file at the office of the village clerk and posted in a conspicuous place at the pool. (Neb. Rev. Stat. §17-949)

# **Article 4 – Tree Board**

## **SECTION 2-401: CREATION**

The Tree Board shall consist of three members who are citizens and residents of this village. Such members shall be appointed by the chairman with the approval of the Village Board. Members of the Tree Board shall serve without compensation.

## **SECTION 2-402: TERMS OF OFFICE**

The terms of the board members shall be three years and shall commence July 1 each year. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term.

## **SECTION 2-403: DUTIES AND RESPONSIBILITIES**

It shall be the responsibility of the Tree Board to study, investigate, counsel, develop, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be updated periodically and presented to the Village Board and, upon its acceptance and approval, shall constitute the official comprehensive tree plan for the village. The Tree Board, when requested by the Village Board, shall consider, investigate, make finding, report, and recommend upon any special matter or question coming within the scope of its work.

## **SECTION 2-404: MEETINGS**



The Tree Board shall choose its own officers, make its own rules and regulations and keep a minute book of its proceedings. A majority of its members shall be a quorum for the transaction of business.

#### **SECTION 2-405: TREES; DEFINITIONS**

"Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the village.

"Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the village to which the public has free access as a park.

#### **SECTION 2-406: TREES; SPECIES TO BE PLANTED**

The official street tree list for the village as adopted and periodically modified by the Tree Board shall be filed in the office of the village clerk. No species other than those included in said list may be planted as street trees without the written permission of the Tree Board.

#### **SECTION 2-407: TREES; SPACING**

The spacing of street trees will be in accordance with the three species size classes listed in the tree list. No trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.

#### **SECTION 2-408: TREES; DISTANCE FROM CURB AND SIDEWALK**

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in the tree list. No trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

#### **SECTION 2-409: TREES; DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS**

No street tree shall be planted closer than 35 feet from any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 10 feet from any fire hydrant.

#### **SECTION 2-410: TREES; UTILITIES**

No street trees other than those species listed as small trees on the tree list may be planted under or within 10 lateral feet of any overhead utility wire or over or within 5 lateral feet of any underground water line, sewer line, transmission line, or other utility.

#### **SECTION 2-411: TREES; MAINTENANCE, REMOVAL; PLANTING BY ADJACENT PROPERTY OWNERS**

A. Subject to Section 2-413 herein, the village shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B. The Village Board or its designated representative may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by

reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public Improvements or is affected with any injurious fungus, insect, or other pest.

C. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with this article.

#### **SECTION 2-412: TREES; CONSENT OF PROPERTY OWNER**

The Tree Board shall plant no trees on public rights of way without the consent of the adjacent property owners. Such consent shall be in writing and shall be maintained as part of the official Tree Board record.

#### **SECTION 2-413: TREES; TOPPING**

It shall be unlawful as a normal practice for any person, firm, or village department to top any street tree, park tree, or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than 3 inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the Tree Board.

#### **SECTION 2-414: TREES; PRUNING; CLEARANCE**

Every owner of any tree overhanging any street or right of way within the village shall prune the branches so that they do not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 8 feet above the surface of the street or sidewalk. Said owner shall remove all dead, diseased, or dangerous trees and broken or decayed limbs which constitute a menace to the safety of the public. The village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

#### **SECTION 2-415: TREES; INJURY OR DAMAGE**

It shall be unlawful for any person to purposely or carelessly and without lawful authority to cut down, carry away, injure, break down, or destroy any fruit, ornamental, shade, or other tree standing or growing on any land belonging to another person or on any public land in the corporate limits.

#### **SECTION 2-416: TREES; PUBLIC SERVICE COMPANIES**

Any public service company desiring to trim or cut down any tree, except on property owned and controlled by it, shall make an application to the Village Board to do so; and the written permit of the board in accordance with its decision to allow such an action shall constitute the only lawful authority on the part of the company to do so. (Neb. Rev. Stat. §17-555)

#### **SECTION 2-418: TREES; DEAD OR DISEASED; PRIVATE PROPERTY**

A. It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead, dying, or diseased trees within the right of way of streets or on private property within the corporate limits of the village. For the purpose of carrying out the provisions of this section, the utilities superintendent shall have the authority to enter upon private property to inspect the trees thereon.

B. Notice to abate and remove such nuisances and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within 30 days after the receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance, the village may have such work done and bill the property owner. If the owner fails to reimburse the village after being properly billed, the village may levy and assess all or any portion of 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 or assessed.

C. In the event the property owner is a non-resident 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 non-resident 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. §§18-1720, 28-1321)

### **SECTION 2-419: TREES; REMOVAL OF STUMPS**

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

### **SECTION 2-420: INTERFERENCE WITH TREE BOARD**

It shall be unlawful for any person to prevent, delay, or interfere with the Tree Board, or any of its agents, while they are engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds, as authorized in this article.

### **SECTION 2-421: ARBORIST'S LICENSE**

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street trees within the village without first applying for and procuring a license. The license fee shall be as set by resolution by the Village Board and kept on file in the office of the village clerk, payable in advance; provided, no license shall be required of any public service company or village employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amount of \$50,000.00 for bodily injury and \$100,000.00 for property damage, indemnifying the village or any person injured or damaged as a result of the pursuit of such endeavors as herein described.

### **SECTION 2-422: REVIEW BY VILLAGE BOARD**

The Village Board shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal any ruling or order of the Tree Board to the Village Board, which may hear the matter and make a final decision.

## **Article 5 – Planning Commission**

(Neb. Rev. Stat. §§19-924 through 19-929)

### **SECTION 2-501: MEMBERS**

The Planning Commission shall consist of five members who shall represent, insofar as is possible, the different professions or occupations in the village and shall be appointed by the chairman by and with the approval of a majority vote of the Village Board. Two of the regular members may be residents of the area over which the village is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the village exercises extraterritorial zoning and subdivision regulation, one regular member of the commission shall be a resident from such area. If it is determined by the Village Board that a sufficient number of residents reside in the area subject to extraterritorial zoning and subdivision regulation and no such resident is a regular member of the commission, the first available vacancy on the commission shall be filled by the appointment of such an individual. For purposes of this section, "a sufficient number of residents" shall mean 200 residents. All regular members of the commission shall serve without compensation and shall hold no other village office except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. §19-908.

#### **SECTION 2-502: ALTERNATE MEMBER**

The chairman, with the approval of a majority vote of the Village Board, may by ordinance provide for the appointment of one alternate member to the commission, who shall serve without compensation and shall hold no other village office. 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 chairman with the approval of a majority 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 commission members is present and capable of voting.

#### **SECTION 2-503: TERMS; VACANCIES**

The term of each regular Planning Commission member shall be three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before Village Board, be removed by the chairman with the consent of a majority vote of the board members for inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the chairman.

#### **SECTION 2-504: OFFICERS; MEETINGS**

The Planning Commission shall elect its chairman from its members and create and fill such other of its offices as it may determine. The term of the chairman shall be one year and he or she shall be eligible for re-election. The commission shall hold at least one regular meeting in each calendar quarter, except the Village Board may require the commission to meet more frequently and the chairman of the commission may call for a meeting when necessary to deal with business pending before the commission. A number of commissioners equal to a majority of the number of regular members appointed to the commission shall constitute a quorum for the transaction of any business. The commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record.

#### **SECTION 2-505: FUNDING**

The Village Board may provide the funds, equipment, and accommodations necessary for the work of the Planning Commission but its expenditures, exclusive of gifts, shall be

within the amounts appropriated for that purpose by the board; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts.

## **SECTION 2-506: POWERS AND DUTIES; APPEAL**

A. Except as provided in Neb. Rev. Stat. §§19-930 to 19-933, the Planning Commission shall (1) 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 such village and including a Comprehensive Development Plan as defined by Neb. Rev. Stat. §19-903; (2) prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested municipal departments; and (3) consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the Comprehensive Development Plan and its implemental programs. The commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports. The Village Board shall not take final action on matters relating to the Comprehensive Development Plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the Planning Commission. The Village Board shall by ordinance set a reasonable time within which the recommendation from the commission is to be received. A recommendation from the commission shall not be required for subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights of way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the Village Board has designated an agent by ordinance pursuant to Neb. Rev. Stat. §19-916.

B. The commission may, with the consent of the Village Board, in its own name (1) make and enter into contracts with public or private bodies, (2) receive contributions, bequests, gifts, or grant funds from public or private sources, (3) expend the funds appropriated to it by the village, (4) employ agents and employees, and (5) acquire, hold, and dispose of property. The commission may on its own authority make arrangements consistent with its program, conduct or sponsor special studies or planning work for any public body or appropriate agency, receive grants, remuneration, or reimbursement for such studies or work, and at its public hearings, summon witnesses, administer oaths, and compel the giving of testimony.

C. The commission may grant conditional uses or special exceptions to property owners for the use of their property if the Village Board has, through a zoning ordinance or special ordinance, generally authorized the commission to exercise such powers and has approved the standards and procedures adopted by the commission for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the zoning ordinance as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized. The power to grant conditional uses or special exceptions shall be the exclusive authority of the commission, except that the Village Board may choose to retain for itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the zoning ordinance. The board may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and will promote the public interest. An appeal of a decision by the commission or Village Board regarding a conditional use or special exception shall be made to the District Court.

## **Article 6 – Community Redevelopment Authority**

(Ord. 22-09-01, 9/6/22)

### **SECTION 2-601: CREATION**

Having determined that it would be expedient to create a community development authority for the Village of Big Springs pursuant to the Community Development Law, the Board of Trustees hereby creates a community development authority as authorized in Neb. Rev. Stat. §18-2101.01. Said agency shall be legally known as the Community Redevelopment Authority of the Village of Big Springs, as required by Neb. Rev. Stat. §18-2102.01(1).

### **SECTION 2-602: AUTHORITY**

The Community Redevelopment Authority for the village shall exercise public and essential government functions and have all the powers provided in Nebraska statute including, without limitation, Neb. Rev. Stat. §§18-2101 to 18-2154, to carry out and effectuate the purposes and provisions of the Community Development Law.

### **SECTION 2-603: MEMBERS**

As permitted by Neb. Rev. Stat. §18-2101.01, the Community Redevelopment Authority shall have five (5) members and shall consist of all of the trustees duly elected and serving on the Village Board of Trustees. Newly elected members to the Board of Trustees shall also become members of the authority upon being sworn in to the Board of Trustees.

## **Article 7 – Penal Provision**

### **SECTION 2-701: 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 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.