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CHAPTER 2 – BOARDS AND FACILITIES

Article 1 – Library Board

SECTION 2-101: LIBRARY; OPERATION AND FUNDING

A. The City Council 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 city annually to be levied and collected in like manner as other taxes in the city 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 city 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 city, shall be drawn upon and paid out by the city 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 city 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. The board shall consist of five members who are residents of the city. The City Council shall by ordinance adopt the manner in which the members of the board are to be chosen. If the members are to be chosen by appointment, the nominated members must receive a majority vote of the council. If the members are to be elected, the usual election procedures of the city shall be followed. Each member shall serve a term of four years. The terms of members serving on the effective date of a change in the number of members shall not be shortened, and any successors to those members shall be appointed as the terms of those members expire. In case of vacancy for any reason, the City Council shall fill such vacancy for the unexpired term. No council member shall be a member of the Library Board. No board member shall receive any pay or compensation for any services rendered as a member of the board. (Neb. Rev. Stat. §51-202)

SECTION 2-103: OFFICERS; MEETINGS

The Library Board shall meet at such times as the City Council may designate. At the time of the first meeting 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 secre-

tary. 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 city 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 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, of all money collected or donated to the credit of the library fund, of 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 City Council 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 CITY COUNCIL

The Library Board shall, on or before the second Monday in February each year, make a report to the City Council 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 City Council may require. The report shall be verified by affidavit of the proper officers of the 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 city. 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 Library Board directing him or her so to do, shall convey the real estate to the purchaser of such real estate upon his or her 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 city voting at the last regular city election and is filed with the City Council, 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 city, 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 city. 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 LABELING

It shall be the duty of the librarian to label or cause to be labeled with a printed or stamped label proof of municipal ownership on each book and also to affix the said proof on the 30th page of each volume. (Neb. Rev. Stat. §51-211)

SECTION 2-113: LIBRARY; BOOKS ISSUED

The librarian shall keep or cause to be kept a register of all books issued and returned at the time of issuance and return. None of the books shall be loaned out for more than 14 days without being renewed. No book may be renewed more than two

consecutive times without the special permission of the librarian or an authorized employee of the library. (Neb. Rev. Stat. §51-211)

SECTION 2-114: 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 2-115: LIBRARY; LOST AND DAMAGED 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 2-116: 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. §51-211)

SECTION 2-117: LIBRARY; MONEY COLLECTED

Any money collected by the library shall be turned over monthly by the librarian to the city treasurer, along with a report of the sources of the revenue. (Neb. Rev. Stat. §51-209)

SECTION 2-118: 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 Library Board. Money collected in such actions, other than any court costs and attorney's fees, shall be placed in the treasury of the city to the credit of the library fund. Attorney's fees collected pursuant to this section shall be placed in the treasury of the city and credited to the budget of the city attorney's office. (Neb. Rev. Stat. §51-214)

Article 2 – Board of Health

(Neb. Rev. Stat. §17-121)

SECTION 2-201: MEMBERS; TERMS

A. The City Council shall appoint a Board of Health consisting of four members: the mayor, who shall serve as chairman; the president of the City Council; 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 board's medical advisor. In the event no physician resides within the city, the mayor shall appoint a citizen at large to serve instead. If the mayor has appointed a chief of police, he or she shall serve on the board as secretary and quarantine officer. If the city has a contract with the Cuming County sheriff for law enforcement services, the mayor may appoint the county sheriff to serve as secretary and quarantine officer.

B. The members of the Board of Health, other than the mayor, president of the council, and chief of police, shall serve terms of office of the length specified by the City Council and may be reappointed. No member of the Board of Health shall hold more than one board position. The members of the board shall serve without compensation. The Board of Health shall be funded by the City Council from time to time out of the general fund.

SECTION 2-202: MEETINGS; OFFICERS

The Board of Health shall meet at such times as the City Council may designate. The board shall reorganize at its meeting after appointments are regularly considered by the council and, if necessary, select a member to serve as secretary. A majority of the board shall constitute a quorum for the purpose of doing business. The secretary shall keep full and correct minutes and records of all meetings and file the same with the city clerk, where they shall be available for public inspection during office hours. 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 city. 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 state laws and city ordinances 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 City Council may direct. The board shall be responsible for making such reports, prescribing such penalties, and performing such other duties as the council may designate from time

to time. All actions of the Board of Health shall be subject to the review and supervision of the council.

SECTION 2-204: ENFORCEMENT OFFICIAL

The police chief, if appointed as the quarantine officer, shall be the chief health officer of the city. It shall then be his or her duty to notify the City Council and the Board of Health of health nuisances within the city and its zoning jurisdiction.

SECTION 2-205: STATE RULES

The publication *Rules and Regulations Relating to Public Health*, Department of Health of the State of Nebraska, is hereby incorporated by reference when the same is applicable to the city, 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 city 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 in protecting the health and welfare of the residents of the city.

Article 3 – Swimming Pool

SECTION 2-301: OPERATION AND FUNDING

A. The city owns and manages the swimming pool. The City Council, 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 city 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 city treasurer.

B. The utilities superintendent shall manage the swimming pool and shall have the power and authority to hire and supervise the swimming pool manager and such employees as he may deem necessary, and shall establish such rules and regulations for the operation of the swimming pool as may be proper for its efficient operation. All actions by the utilities superintendent shall be under the supervision and control of the City Council.

(Neb. Rev. Stat. §§17-948, 17-951, 17-952)

SECTION 2-302: ADMISSION CHARGE

The City Council, 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 city 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 2-303: RENTALS

The City Council shall have the authority to rent the swimming pool to such organizations and other persons as it may in its discretion see fit. The council 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 resolution of the City Council, kept on file at the office of the city clerk and posted in a conspicuous place at the pool. (Neb. Rev. Stat. §17-949)

Article 4 – Cemetery

(Neb. Rev. Stat. §§12-301 through 12-403)

SECTION 2-401: OPERATION AND FUNDING

The city owns and manages the city cemetery through the utilities superintendent. The City Council, for the purpose of defraying the cost of the care, management, maintenance, and beautification of the cemetery, 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 city that is subject to taxation. The revenue from the said tax shall be known as the cemetery fund and shall include all gifts, grants, deeds of conveyance, bequests, money, stocks, bonds, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the cemetery. The cemetery fund shall at all times be in the custody of the city treasurer. The utilities superintendent shall have the power and authority to hire and supervise such employees as he may deem necessary and to pass such rules and regulations for the operation of the cemetery as may be proper for its efficient operation. All actions by the utilities superintendent shall be under the supervision and control of the City Council.

SECTION 2-402: FORFEITURE OF LOTS

A. Except as provided in subsection (b) of this section, all certificates to any lot or lots upon which no interments have been made and which have been sold for burial purposes under the provisions of Neb. Rev. Stat. §17-941 may be declared forfeited and subject to resale if, for more than three consecutive years, all charges and liens as provided herein or by any of the rules, regulations, or bylaws of the association are not promptly paid by the holders of such certificates. All certificates to any lot or lots sold shall contain a forfeiture clause to the effect that if no interment has been made on the lot or lots and all liens and charges have not been paid as provided in this subsection, by ordinance, or in the bylaws of the association, such certificate and the rights under the same may, at the option of the cemetery board, with the sanction of the mayor and council or of the chairperson and board of trustees, as the case may be, be declared null and void and the lot or lots shall be subject to resale as in the first instance.

B. When any lot has been transferred by warranty deed or by a deed conveying a fee simple title but there has been no burial in any such lot or subdivision thereof and no payment of annual assessments for a period of three years, the Cemetery Board, with the sanction of the City Council, may reclaim the unused portion of such lot or subdivision after notifying the record owner, his or her heirs or assigns, if known, by certified mail and publishing notice of its intention to do so. Such notice shall be published once each week for four weeks in a newspaper of general circulation throughout the county in which the cemetery is located, shall describe the lot or subdivision proposed to be reclaimed, and shall be addressed to the person in whose

name such portion stands of record or, if there is no owner of record, to all persons claiming any interest in such lot or subdivision. If no person appears to claim such lot or subdivision and pay all delinquent assessments with interest within 15 days after the last date of such publication, the Cemetery Board may by resolution reclaim such lot or subdivision. Such reclamation shall be complete upon a filing of a verified copy of such resolution, together with proof of publication, in the office of the county register of deeds. (Neb. Rev. Stat. §17-938)

SECTION 2-403: LOT TRANSFERS

Any person who wishes to transfer a certificate may do so by surrendering the original certificate to the city clerk. Charges for transfer of certificates and for perpetual care of burial spaces shall be set by the Cemetery Board. Upon receipt of the application for transfer and payment of the transfer fee and perpetual care fee, the city clerk shall issue a new certificate. (Neb. Rev. Stat. §17-946)

SECTION 2-404: DESTRUCTION OF PROPERTY

Any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, or gravestone placed in the cemetery or any fence, railing, or other work for the protection or ornamentation of the cemetery or who shall willfully destroy, cut, break or injure any tree, shrub, or plant shall be deemed to be guilty of an offense. (Neb. Rev. Stat. §17-946)

SECTION 2-405: PERPETUAL CARE

A. All cemetery lots shall be sold with perpetual care. Perpetual care includes mowing, trimming and leveling of graves. It does not include seeding, stone setting or straightening. The city shall be paid for the expense of grave opening prior to the burial.

B. Any lot owner who shall not have endowed his or her holdings with perpetual care prior to the purchase of his or her lot may do so by paying to the city clerk such sum of money as the Cemetery Board may in each case fix and determine. Thereafter, the owner shall not be liable for the payment of an annual maintenance assessment.

C. The mayor and City Council may set aside the proceeds of the sale of lots as a perpetual fund. The fund shall be permanent in nature and as it accumulates shall be invested in such interest-bearing securities as are authorized by state law. The income earned thereon shall be used solely for the purposes of perpetual care for the cemetery lots. The principal of the perpetual fund may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery so long as no more than 20% of the principal is so used in any fiscal year and no more than 40% of the principal is so used in any period of ten consecutive fiscal years. The principal of the perpetual fund may also be used for the purchase and development of additional land to be used for cemetery purposes so long as no more

than 25% of the principal is so used in any fiscal year and no more than 35% of the principal is so used in any period of ten consecutive fiscal years.

D. This section does not limit the use of any money that comes to the city by donation, bequest, or otherwise that is not designated to be credited to the perpetual fund or that allows greater use for purchase or development of additional land to be used for cemetery purposes.

(Neb. Rev. Stat. §12-402)

SECTION 2-406: VAULTS

No wooden vaults shall be allowed in the city cemetery. All vaults shall be of steel or cement.

SECTION 2-407: GRAVE ORNAMENTS

Due to difficulties in mowing and trimming the cemetery, permanent plantings will not be permitted and the city shall not be held liable for any damage to headstones, grave markers or other permanent structures due to such routine maintenance. Flowers, both real and artificial, and other grave ornaments shall not be permitted during the months of May through September, except during the period of May 23 through June 10. Temporary decorations during the balance of the year are permitted in any reasonable manner.

Article 5 – Tree Board

SECTION 2-501: ESTABLISHMENT

A. The Tree Board shall consist of five members who shall be citizens and residents of the city, appointed by the mayor with the approval of the City Council. The terms shall be three years. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed by the mayor for the unexpired portion of the term. Members of the board shall serve without compensation.

B. The Tree Board shall meet at such times as the City Council may designate. The board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

C. It shall be the responsibility of the board to study, investigate, counsel, develop, and/or update annually 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 presented annually to the City Council and upon their approval shall constitute the official comprehensive city tree plan. The board, when requested by the council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

(Ord. No. 710, 10/17/94)

SECTION 2-502: TREES; DEFINITIONS

"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 city or to which the public has free access as a park.

"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 city.

SECTION 2-503: TREES; SPECIES TO BE PLANTED

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

SECTION 2-504: 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 2-505: TREES; DISTANCE FROM CURB AND SIDEWALK

The distance that trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in 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 2-506: 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 2-507: TREES; UTILITIES

No street trees other than those species listed as small trees 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 2-508: TREES; MAINTENANCE, REMOVAL; PLANTING BY ADJACENT PROPERTY OWNERS

A. The city 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 insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B. The City Council 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 2-509: TREES; TOPPING

It shall be unlawful as a normal practice for any person, firm, or city 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 2-510: TREES; PRUNING; CLEARANCE

Every owner of any tree overhanging any street or right of way within the city 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 12 feet above the surface of the street and 8 feet above the 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 city 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 2-511: 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 2-512: 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 City Council to do so; and the written permit of the council 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 2-513: TREES; DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

A. The city shall have the right to cause the removal of any dead or diseased trees on private property when such trees constitute a hazard to life and property or harbor insects or disease, which constitute a potential threat to other trees. The City Council or its designated representative will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of the owners to comply with such provisions, the city shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

B. In the event that the owner is a non-resident, notice shall be made by publication in a newspaper of general circulation or by certified mail if the name and address are known. The person charged with the removal may enter into an agreement

with the city that such work be accomplished by the city and the expense shall be declared to be a lien upon such property from the time the same becomes due until paid. If the owner fails, neglects, or refuses to enter into such an agreement or to remove the trees, the Tree Board may enter upon the property and proceed to direct the removal of the trees; the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the city after being properly billed, the costs shall be assessed against the property and certified by the city clerk to the county treasurer to be collected in the manner prescribed by law.

C. In the event the property owner is a non-resident of the county in which the property lies, the city 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.

SECTION 2-514: 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 does not project above the surface of the ground.

SECTION 2-515: 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 engaged in the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized in this article.

Article 6 – Planning Commission

(Neb. Rev. Stat. §§19-924 through 19-929)
(Am. Ord. No. 98-874, 11/16/98)

SECTION 2-601: MEMBERS

The Planning Commission shall consist of seven members who shall represent, insofar as is possible, the different professions or occupations in the city and shall be appointed by the mayor by and with the approval of a majority vote of the City Council. Two of the regular members may be residents of the area over which the city is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the city 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 City Council 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 500 residents. All regular members of the commission shall serve without compensation and shall hold no other city office except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. §19-908.

SECTION 2-602: ALTERNATE MEMBER

The mayor, with the approval of a majority vote of the City Council, may by ordinance provide for the appointment of one alternate member to the commission, who shall serve without compensation and shall hold no other city 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 mayor with the approval of a majority of the City Council. 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 2-603: 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 City Council, be removed by the mayor with the consent of a majority vote of the council members for inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause. Vacancies occurring other than through the expiration of term shall be filled for the unexpired portion of the term by the mayor.

SECTION 2-604: 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 City Council 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 2-605: FUNDING

The City Council 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 council; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts.

SECTION 2-606: 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 city, including any areas outside its boundaries which in the commission's judgment bear relation to the planning of such city 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 City Council 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 City Council 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 City Council has designated an agent by ordinance pursuant to Neb. Rev. Stat. §19-916.

B. The commission may, with the consent of the City Council, 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 city, (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 City Council 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 City Council 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 council 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 City Council regarding a conditional use or special exception shall be made to the District Court.

Article 7 – Board of Adjustment

(Neb. Rev. Stat. §§19-907 through 19-910)

SECTION 2-701: COMPREHENSIVE DEVELOPMENT PLAN

A. If the City Council adopts zoning or other regulations pursuant to Neb. Rev. Stat. §19-901 et seq., except as provided in subsection (B) herein, the council shall provide for the appointment of a Board of Adjustment. Any actions taken by the board shall not exceed the powers granted by Section 2-704 herein.

B. If the county has adopted a comprehensive development plan, as defined by Neb. Rev. Stat. §23-114.02, and is enforcing zoning regulations based upon such a plan, the zoning Board of Adjustment of the county shall, upon request of the City Council, serve as the zoning Board of Adjustment for the city.

SECTION 2-702: MEMBERS

A. The mayor shall appoint, with the consent of the City Council, a Board of Adjustment which shall consist of five regular members plus one additional member designated as an alternate, who shall attend and serve only when one of the regular members is unable to attend for any reason. No member of the council shall serve as a member of the Board of Adjustment. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another planning commissioner to the board. After the effective date of this section, the first vacancy occurring on the Board of Adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the city at such time as more than 200 persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside the corporate boundaries of the city but within its extraterritorial zoning jurisdiction. The members of the board shall serve without compensation.

B. Each member of the board shall serve a term of three years unless reappointed and shall be removable only for cause by the City Council upon written charges and after a public hearing. Any vacancy shall be filled for the unexpired term of any member whose term becomes vacant.

SECTION 2-703: OFFICERS; MEETINGS

All meetings of the board shall be open to the public and shall be held at such times as the City Council may designate or at such other times as the chairman may, in his or her discretion, call a meeting. No member of the board shall serve in the capacity of both chairman and secretary. Such chairman, or in his or her absence the acting chairman, may administer oaths and compel the attendance of witnesses. It shall be

the duty of the secretary to keep complete and accurate minutes of all board meetings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. A majority of the board shall constitute a quorum for the purpose of doing business. The board shall adopt rules in accordance with the provisions of Neb. Rev. Stat. §§19-901 to 19-914.

SECTION 2-704: POWERS AND DUTIES; APPEALS; INTERPRETATION OF MAPS; VARIANCES

A. It shall be the duty of the board:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by a municipal official based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
2. To hear and decide, in accordance with the provisions of the zoning regulations, requests for interpretation of any map; and
3. When by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any enacted regulation under this section and Neb. Rev. Stat. §§19-901, 19-903 to 19-904.01, and 19-908 would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution. No such variance shall be authorized by the board unless it finds that:
 - a. The strict application of the zoning regulation would produce undue hardship;
 - b. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 - c. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
 - d. The granting of such variance is based upon reason of demonstrable

and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice. No variance shall be authorized unless the board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

B. In exercising the above-mentioned powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end shall have all powers of the officer from whom the appeal is taken. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such municipal official or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

C. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, department, board or bureau of the city affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

D. In exercising the powers granted within this section, the board may, in conformity with Neb. Rev. Stat. §§19-901 to 19-915, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

SECTION 2-705: APPEAL PROCEDURE

A. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment or any taxpayer, officer, department, board, or bureau of the city may present to the District Court a petition duly verified, setting forth that such decision is illegal in whole or in part and specifying the grounds of such illegality. Such petition must be presented to the court within 15 days after the filing of the decision in the office of the board. Upon the filing of such petition, a summons shall be issued and served upon the Board of Adjustment, together with a copy of the petition. Return of service shall be made within four days after the issuance of the summons. Within ten days after the return day of such summons, the Board of Adjustment shall file an answer to the petition which shall admit or deny the substantial averments of the petition and shall state the contentions of the board with reference to the matters in dispute as disclosed by the petition. The answer shall be verified in like manner as required for the petition.

B. At the expiration of the time for filing answer, the court shall proceed to hear and determine the cause without delay and shall render judgment thereon according to the forms of law. If, upon the hearing, it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his or her findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review. The appeal to the court shall not stay proceedings upon the decision appealed from but the court may, on application, on notice to the board and on due cause shown, grant a restraining order. Any appeal from such judgment of the district court shall be prosecuted in accordance with the general laws of the state regulating appeals in actions at law.

Article 8 – Housing Authority

SECTION 2-801: CONTINUED EXISTENCE AS HOUSING AGENCY

A. The local housing authority established under prior state law and in existence on January 1, 2000, shall have continued existence as a housing agency under the Nebraska Housing Agency Act and shall conduct its operations consistent with the act. All property, rights in land, buildings, records, and equipment and any funds, money, revenue, receipts, or assets of the authority belong to the agency as successor. All obligations, debts, commitments, and liabilities of the authority are obligations, debts, commitments, and liabilities of the successor agency.

B. Any resolution by the Housing Authority and any action taken by the authority prior to January 1, 2000, with regard to any project or program which was to be completed within or to be conducted for a 12-month period following January 1, 2000, and which resolution or action was lawful under state law as it existed prior to January 1, 2000, is a lawful resolution or action of the successor agency and binding upon the successor agency and enforceable by or against the agency notwithstanding that such resolution or action is inconsistent with, not authorized by, or prohibited under the provisions of the act.

C. All commissioners of the Housing Authority and all officers, legal counsel, technical experts, directors, and other appointees or employees of the agency holding office or employment by virtue of any such prior law on January 1, 2000, shall be deemed to have been appointed or employed under the act.
(Neb. Rev. Stat. §71-1576) (Ord. No. 2000-918, 12/21/00)

SECTION 2-802: MEMBERS; TERMS; RESIDENCY; EXPENSES

The City Council shall appoint five persons who shall constitute the Housing Authority, called the commissioners. Each commissioner shall serve a term of five years unless reappointed. All vacancies shall be filled for the unexpired terms. The council may appoint one of its members to serve as one of the members of the authority for such term as the council may determine. No person shall serve as a commissioner unless he or she resides within the area of operation of the Housing Authority. A commissioner shall receive no compensation for his or her services but shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his or her duties.

(Neb. Rev. Stat. §§71-1594, 71-1596, 71-1598; 71-15,107)

SECTION 2-803: MEETINGS

The Housing Authority shall meet at such times as the City Council may designate. The commissioners shall elect a chairman and vice-chairman and shall have the power to employ an executive director who shall serve as an officio secretary of the Housing Authority. A majority of commissioners shall constitute a quorum for the purpose of conducting business, exercising powers, and for all other purposes. Action

may be taken by the authority upon the vote of the majority of the commissioners present unless in any case the bylaws of the authority shall require a larger number. (Neb. Rev. Stat. §§71-1594, 71-1595)

SECTION 2-804: DUTIES

The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make a report to the City Council on all such information. The authority may employ legal counsel or it may call upon the chief law officer of the city for such services as it may require. It may employ technical experts and such other officers, agents, and employees as it may require and shall determine their qualifications, duties, compensations, and terms of office. The authority may delegate such other powers and duties to its agents or employees as it may deem proper.

SECTION 2-805: REMOVAL OF MEMBER

A commissioner may be removed for neglect of duty, misconduct in office, or conviction of any felony by the mayor, who shall send a notice of removal to such commissioner. The said notice shall set forth the charges against him or her. Unless within ten days from the receipt of such notice the commissioner files with the city clerk a request for a hearing before the City Council, the commissioner shall be deemed removed from office. If a request for hearing is so filed, the council shall hold a hearing no sooner than ten days after the date a hearing is requested, at which hearing the commissioner shall have the right to appear in person or by counsel and the City Council shall determine whether the removal shall be upheld. If the removal is not upheld by the council, the commissioner shall continue to hold his or her office. (Neb. Rev. Stat. §71-15,105)

SECTION 2-806: CONFLICT OF INTEREST

During his or her tenure and for one year thereafter, no commissioner, officer, or employee of the Housing Authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project or in any contract or proposed contract relating to any housing project. If any such commissioner, officer, or employee involuntarily acquires any such interest or voluntarily or involuntarily acquired any such interest prior to appointment or employment as commissioner, officer, or employee, he or she shall immediately disclose such interest in writing to the authority and such disclosure shall be entered upon the minutes. He or she shall not participate in any action by the authority relating to the property or contract in which he or she has any such interest; provided, nothing herein shall apply to the acquisition of any interest in notes or bonds of the authority issued in connection with any housing project or to the execution of agreements by banking institutions for deposit or handling of funds in connection with a project or to act as trustee under any trust indenture or to utility services, the rates for which are fixed or controlled by a governmental agency.

Article 9 – Wisner Care Center

SECTION 2-901: ADVISORY BOARD; CREATION

The mayor and City Council of the City of Wisner hereby create a Wisner Care Center Advisory Board. The board shall consist of five members of the community and the city administrator/clerk/treasurer, who shall be an *ex officio* member at all times. (Ord. No. 2015-1098)

SECTION 2-902: ADVISORY BOARD; QUALIFICATIONS; TERMS

Wisner Care Center Advisory Board members shall be registered voters. They shall first be nominated for membership by the members of the City Council who sit on the care center committee and then appointed by the mayor with the consent of the entire council. Board members shall serve terms of five years each. No member shall be limited in the number of terms he or she may serve. Board members shall serve without compensation. (Ord. No. 2015-1098)

SECTION 2-903: ADVISORY BOARD; POWERS AND DUTIES

The Wisner Care Center Advisory Board is not a board created pursuant to Neb. Rev. Stat. §17-966, as amended, as the mayor and City Council retain ultimate control of the Wisner Care Center including but not limited to the power to establish rules for the management, operation, and use of the facility. The board and each of its members, however, shall have the power and duty to make nonbinding recommendations to the mayor and City Council and to Wisner Care Center staff as to how the facility may be better managed, operated and used, as well as how it may more efficiently and better serve its residents and the community. The board shall serve as a conduit of communication between the mayor and City Council and Wisner Care Center staff, including the administrator and director of nursing of said center, as well as a conduit of communication between the public and Wisner Care Center staff and/or the public and the mayor and council. The board shall meet as necessary, but no less frequently than once each quarter. (Ord. No. 2015-1098)

SECTION 2-904: MANAGEMENT

Notwithstanding that the city treasurer is the custodian of Wisner Care Center funds, the care center shall be managed as follows:

A. The mayor shall have the power to appoint a suitable administrator of the Wisner Care Center, subject to approval by a majority of the City Council. The council shall establish the salaries for the administrator and director of nursing by ordinance.

B. The administrator shall have the authority to hire the Wisner Care Center supervisory and support staff; to fix their compensation, albeit within any guidelines or range of salaries or wages the City Council may establish from time to time; and to

discipline and terminate such supervisory and support staff at his or her discretion.

C. The administrator shall have the power to establish such regulations for the governing of the Wisner Care Center as may be deemed necessary for its preservation. To maintain its usefulness and efficiency, the administrator shall fix and impose the general rules of the facility, room rental rates, ancillary charges, costs of meals and any and all other standard and fixed charges for the public and shall have and exercise any and all other powers as may be necessary for maintaining a nursing home facility, in conjunction with the mayor and City Council.

(Ord. No. 2014-1095, 11/3/14)

Article 10 – Auditorium

SECTION 2-1001: OWNERSHIP

The city owns and manages the auditorium through the utilities superintendent. The council, for the purpose of defraying the cost of the management, maintenance, and improvements on the auditorium, 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 city that is subject to taxation. The revenue from the said tax shall be known as the auditorium 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 auditorium. The auditorium fund shall at all times be in the custody of the city treasurer. The utilities superintendent shall have the power to hire and supervise such employees as it may deem necessary and shall pass such rules and regulations for the operation of the auditorium as may be proper for its efficient management. All actions by the utilities superintendent shall be under the supervision and control of the City Council. (Neb. Rev. Stat. §§17-953 through 17-955)

SECTION 2-1002: RENTALS

The City Council may, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the auditorium, make a reasonable rental charge for its use by any person or organization. The utilities superintendent shall prescribe rules and regulations for such rentals subject to the review of the City Council. Rental rates may be structured for classes of persons and organizations 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 and organizations for rental purposes. (Neb. Rev. Stat. §17-953)

SECTION 2-1003: RULES AND REGULATIONS

The utilities superintendent shall have the power and authority to enact bylaws, rules, and regulations for the protection of the auditorium and the safety of those using the said facilities. The superintendent may provide suitable penalties for the violation of such bylaws, rules, and regulations subject to the supervision and review of the City Council. All damage suffered by the auditorium during any rental shall be assessed against the person or organization responsible for the rental thereof or the amount shall be deducted from the damage deposit which the City Council may in its discretion have required prior to the said rental. The council may require during any rental the presence of persons deputized as city police to insure that the said rules and regulations and the municipal code are not violated. The wages of such persons shall be set by resolution of the City Council and shall be paid prior to the beginning of the rental period. All rental fees, rules, and regulations shall be as set by resolution of the council and kept on file for public inspection at the office of the city clerk during office hours. (Neb. Rev. Stat. §17-953)

Article 11 – Community Redevelopment Authority

(Neb. Rev. Stat. §18-2101) (Ord. No. 2013-1072, 9/16/13)

SECTION 2-1101: CREATION; MEMBERS; TERMS

The city hereby creates the Community Redevelopment Authority with all rights and obligations provided for community redevelopment authorities in the Community Development Law (Act) pursuant to Neb. Rev. Stat. §18-2101 et seq. The authority shall consist of members appointed by the mayor, with the City Council's approval, who shall initially serve terms as set forth by resolution of the council. As the terms of the members of the authority expire, the mayor, with the approval of the City Council, shall appoint or reappoint a member of the authority for a term of five years to succeed the member whose term shall have expired.

SECTION 2-1102: POWERS

The authority hereby created shall function under the direction of its chair and its authorized members and shall exercise the powers herein described or referred to and as determined by resolution or ordinance duly adopted from time to time by the authority. Meetings shall be held at such times as the City Council may designate. The authority shall exercise all rights and powers granted to community redevelopment authorities pursuant to the Act.

Article 12 – Penal Provision

SECTION 2-1201: 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.