

VILLAGE OF

BENNET, NEBRASKA

CODE OF ORDINANCES

February 12, 2014

CODE OF BENNET

This codification, as revised as of February 12, 2014, containing all ordinances of a general nature passed and in effect as of that date, is published under authority of the Board of Trustees of the Village of Bennet, Nebraska.

I, duly appointed and acting Village Clerk/Treasurer of the Village of Bennet, Nebraska, do certify that the attached is a true and correct compilation of ordinances of a general nature of the Village of Bennet, Nebraska, in effect on February 12, 2014.

Date: May 20, 2014

Patricia N. Rule
Patricia Rule, Village Clerk/Treasurer



BENNET, NEBRASKA

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CHAPTER 10: GENERAL PROVISIONS

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§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the Village of Bennet, Nebraska, shall be designated as the Code of Bennet and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

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§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

(B) *Definitions.* For the purpose of this code, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BOARD OF TRUSTEES, VILLAGE BOARD, or GOVERNING BODY. The legislative body of the Village of Bennet.

CODE, THIS CODE, or THIS CODE OF ORDINANCES. This code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. Lancaster County, Nebraska.

MAY. The act referred to is permissive.

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in those cases the words **SWEAR** and **SWORN** shall be equivalent to the words **AFFIRM** and **AFFIRMED**.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this village unless the context clearly requires otherwise.

PERSON. Includes bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, limited liability companies, joint-stock companies, and associations.
(Neb. RS 49-801(16))

PRECEDING or **FOLLOWING.** Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or **SUBSCRIPTION.** Includes a mark when the person cannot write.

STATE. The State of Nebraska.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

VILLAGE, MUNICIPAL CORPORATION, or MUNICIPALITY. The Village of Bennet, Nebraska.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.

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§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this village shall be by the following rules, unless the construction is plainly repugnant to the intent of the Chairman and Village Board or of the context of the same ordinance:

(A) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, the requisition shall be satisfied by the performance of the act by an authorized agent or deputy.

(B) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(C) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, the reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this village exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.99 GENERAL PENALTY.

(A) Any person who violates any of the provisions of this municipal code, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding \$500. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this code.

(B) (1) Whenever a nuisance exists as defined in § 91.20, the municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

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(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

(Ord. 2000-7.10, passed 7-10-2000)

Statutory reference:

Authority to Abate Nuisances, See Neb. RS 18-1720 and 18-1722

Ordinance Enforcement Powers, See Neb. RS § 17-505

CHAPTER 11: VILLAGE STANDARDS

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- 11.01 Official Corporate Seal
- 11.02 Village Limits

§ 11.01 OFFICIAL CORPORATE SEAL.

(A) There shall be owned by the village and kept in the office of the Village Clerk/Treasurer a common seal of the corporation having engraved thereon the words "Bennet, Lancaster County, Nebraska, Village Seal."

(B) The Village Clerk/Treasurer shall affix an impression of the official seal to all warrants, licenses, ordinances, and other papers issued by order of the Board of Trustees and countersigned by the Clerk/Treasurer.

(1994 Code, § 1-401)

§ 11.02 VILLAGE LIMITS.

(A) As used in this code, the terms **VILLAGE LIMITS, CORPORATE LIMITS OF THE VILLAGE** and all similar terms shall mean the area included within the boundaries of the original village of Bennet plus all other areas added by annexation or otherwise.

(B) There shall be kept in the office of the Village Clerk/Treasurer 1 or more maps which shall show all areas which are located within the village limits. The map or maps shall be kept available for public inspection during regular business hours at the Village Hall.

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