

Mead Municipal Code Book

**As transcribed from Village Clerk's official copy.
Includes Mead Zoning Ordinances & Comprehensive Plan.**

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Chapter 1
ADMINISTRATIVE

Article 1. Elected Officials

§1-101 VILLAGE BOARD CHAIRPERSON; SELECTION AND DUTIES.

The Village Board Chairperson shall be selected at the first regular meeting of the Board of Trustees in December by the Board of Trustees from its own membership. The Chairperson shall preside at all meetings of the Board of Trustees. In the absence of the Chairperson, the Board of Trustees shall elect one of its own bodies to occupy the position temporarily that shall hold the title of Chairperson pro tempore of the Board of Trustees. The Chairperson and the Chairperson pro tempore shall have the same powers and privileges as other members of the Board of Trustees. The Chairperson shall cause the ordinances of the Board of Trustees to be printed and published for the information of the inhabitants. The Chairperson shall also perform all duties of his or her office in accordance with the laws of the State of Nebraska, and the ordinances of the Municipality. The qualifications for the Chairperson shall be the same general qualifications that apply to the members of the Board of Trustees. *(Ref. 17-202 through 17-210 RS Neb.) (Amended by Ord. No. 421, 4/9/96)*

§1-102 VILLAGE BOARD; ORGANIZATION.

The Board of Trustees shall consist of five (5) members. Any person who is a citizen of the United States, a resident of the Municipality at the time of his or her election, and a registered voter may be eligible to be elected to the Board of Trustees. Every Trustee so elected and so qualified shall hold his or her office for a term of four (4) years; Provided, a Trustee's term shall expire, and the office will become vacant upon a change of residence from the Municipality. The Board of Trustees shall, before entering upon the duties of their office, take an oath to support the Constitution of the United States, and the Constitution of the State of Nebraska, and faithfully and impartially discharge the duties of their office. All Trustees elected to office shall qualify and meet at the first regular meeting of the Board in December, organize, and appoint the Municipal officers required by law. *(Ref 17-202 through 17-204 RS Neb.) (Amended by Ord. No. 422, 4/9/96)*

§1-103 VILLAGE BOARD; POWERS AND DUTIES.

The Board of Trustees shall have the power to pass ordinances to prevent and remove nuisances; to prevent, restrain, and suppress gambling, and disorderly houses; to license and regulate amusements; to establish police protection; to prevent the spread of contagious diseases; to regulate business; to erect, repair, construct, and regulate the public ways and property; to maintain good government, public welfare, and domestic tranquility; and all additional powers provided by Nebraska Revised Statutes as amended from time to time and to enforce all ordinances as provided by Nebraska Revised Statutes and provided by the Codes and Regulations of this municipality. *(Ref 17-207 RS Neb.) (Amended by Ord. No. 661, 5/12/15)*

§1-104 ELECTED OFFICIALS; VACANCY.

Vacancies in Village elected offices shall be filled by the Board of Trustees for the balance of the unexpired term except as provided in this Section. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the Board of Trustees at a regular or special meeting and shall appear as a part of the minutes of such meeting.

The Board of Trustees shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the village or by posting in three (3) public places in the village the office vacated and the length of the unexpired term.

The Chairperson of the Board shall within four (4) weeks after the regular meeting at which such notice has been presented, or upon the death of the incumbent, call a special meeting of the Board of Trustees at which time the Chairperson shall submit the name of a qualified elector to fill the vacancy for the balance of the unexpired term.

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

Upon a majority vote of approval by the Board of Trustees the vacancy shall be filled. If a majority vote is not reached the nomination shall be rejected and the Chairperson shall at the next regular meeting submit the name of another qualified elector. If the vote on the nominee fails to pass, the Chairperson shall continue at such meeting to submit the names of qualified electors and the Board of Trustees shall continue to vote upon such nominations until the vacancy is filled. The Chairperson shall cast his or her vote only in case of a tie vote of the Board of Trustees. All members of the Board of Trustees shall cast a ballot for or against each nominee. The Chairperson and Board of Trustees may, in lieu of filling a vacancy in a village office as provided above in this section, call a special Municipal Election to fill such vacancy. If there are vacancies in the offices of a majority of the members of the Board of Trustees, there shall be a special Municipal Election conducted by the Secretary of State to fill such vacancies. (*Ref 17-212, 32-4,152, 32-1406 RS Neb.*) (*Amended by Ord. No. 278, 12/4/84; Ord. No. 359, 4/2/91*)

Article 2. Appointed Officials

§1-201 APPOINTED OFFICIALS; APPOINTMENT REMOVAL.

1. The Governing Body may appoint a Municipal Clerk, Treasurer, Attorney, Overseer of the Streets, and Marshal.
2. It shall also appoint a Board of Health consisting of three (3) members: The Chairperson of the Village Board, who shall be Chairperson, and two (2) 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. If the Governing Body has appointed a Village Marshal, the Village Marshal may be appointed to the Board and serve as secretary and quarantine officer.
3. The Governing Body shall also appoint such additional officials and employees as they may determine the Municipality needs.
4. All such appointees shall hold office for one (1) year, unless sooner removed by the Chairperson of the Board of Trustees by and with the advice and consent of the remainder of the Board of Trustees. If the Municipality has a Municipal Water Commissioner, the Municipal Water Commissioner may at any time, for sufficient cause, be removed from office by a two thirds (2/3) vote of the Board of Trustees. (*Ref 17-208, 17-541 RS Neb.*) (*Amended by Ord. No. 462, 8/12/97*)

§1-202 APPOINTED OFFICIALS; MERGER OF OFFICES.

The Governing Body may by ordinance combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except Trustee, with any other elective or appointive office or employment so that one or more of such offices or employments or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time, except that Trustees may perform and upon board approval receive compensation for seasonal or emergency work subject to 49-14,103.01 to 49-14,103.06 RS Neb. The offices or employments so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. He shall issue duplicate (2) receipts for all moneys received by him for the Municipality. He shall give to every person paying money into the Municipal Treasury, a receipt therefore, specifying the date of payment, and the account paid. One (1) of the receipts shall be filed with his monthly report, and the last copy of the said receipt shall be kept on file in his office. His books, and accounts shall always be open for inspection by any citizen of the Municipality whenever any Municipal fiscal record, audit, warrant, voucher, invoice, purchase order, requisition, payroll check, receipt or other record of receipt, cash or expenditure involving public funds is involved. He shall cancel all bonds, coupons, warrants, and other evidences of debt against the Municipality, whenever paid by him, by writing, or stamping on the face thereof, "Paid by the Municipal Treasurer," with the date of payment written or stamped thereon. He shall collect all special taxes, allocate special assessments to the several owners, and shall obtain from the County Treasurer a monthly report as to the collection of delinquent taxes. The Treasurer's daily cashbook shall be footed and balanced daily, and he shall adopt such bookkeeping methods, as the Governing Body shall prescribe. He shall invest and collect all money owned by, or owed to, the Municipality as directed by the Governing Body. (*Ref. 17-606 through 17-609, 84-712 RS Neb.*)

§1-203 APPOINTED OFFICIALS; CLERK-TREASURER POSITION CREATED.

The appointive offices of Municipal Clerk and Municipal Treasurer are hereby combined and merged, in accordance with the authority granted to the Governing Body by Section 1-202. The office so merged and combined shall always be construed to be separate, and the effect of the combination, or merger, shall be limited to a consolidation of official duties only. Law for the salary of the offices so combined shall not be

in excess of the maximum amount provide the salary of the officer holding the merged offices.

§1-204 APPOINTED OFFICIALS; MUNICIPAL CLERK.

The Municipal Clerk shall attend the meetings of the Governing Body, and keep a correct journal of the proceedings of that body. The Municipal Clerk shall issue and sign all licenses, permits, and occupation tax receipts authorized by law, and required by the Municipal ordinances. He shall collect all occupation taxes and license money except where some other Municipal officer is specifically charged with that duty. He shall keep a register of all licenses granted in the Municipality, and the purpose for which they have been issued. The Municipal Clerk shall permit no records, public papers, or other documents of the Municipality kept and preserved in his office to be taken there from, except by such officers of the Municipality as may be entitled to the use of the same, but only upon their leaving a receipt therefore. He shall keep all the records of his office, including a record of all licenses issued by him in a blank book with a proper index. He shall include as part of his records all petitions under which the Governing Body shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. He shall endorse the date and hour of filing upon every paper or document so filed in his office. All such filings made by him shall be properly docketed. Included in his records shall be all standard codes, amendments thereto, and other documents incorporated by reference and arranged in triplicate in a manner convenient for reference. He shall keep and preserve the proceedings of the Governing Body in two (2) separate and distinct record books. The Minute Records shall contain a record of all the miscellaneous and informal doings of the Governing Body. The Minute Record shall not include the passage and approval of ordinances except such resolutions incorporating by reference the Ordinance Record into the Minute Record. The Ordinance Record shall contain the formal proceedings of the Governing Body in the matter of passing, approving, publishing, posting, and certifying of ordinances. After the formalities for the legal enactment of an ordinance have been completed, the Municipal Clerk shall record and spread at large in the Ordinance Record his ordinance minutes on printed forms. In all cases hereafter where single ordinances are introduced for the consideration of the Governing Body, the Municipal Clerk shall cause to be introduced an appropriate resolution incorporating by reference the Ordinance Record into the Minute Record. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records at all reasonable times. The Municipal Clerk shall deliver all warrants, ordinances, and resolutions under his charge to the Chairman for his signature. He shall also deliver to officers, employees, and committees all resolutions and communications, which are directed at said officers, employees, or committees. With the seal of the Municipality, he shall duly attest the Chairman's signature to all ordinances, deeds, and papers required to be attested to when ordered to do so by the Governing Body. Within thirty (30) days after any meeting of the Governing Body, the Municipal Clerk shall prepare and publish the official proceedings of the Governing Body in a legal newspaper of general circulation in the Municipality and which was duly designated as such by the Governing Body. Said publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item. Between July 15 and August 15 of each year the names of all employees and their current annual, monthly, or hourly salaries shall be published and any changes in salaries or the hiring of new employees during the calendar quarter preceding the month of October. January and April shall be published during the months of November, February, and May; Provided the charge for such publication shall not exceed the rates provided by the statutes of the State of Nebraska. Said publication shall be charged against the General Fund. He shall then keep in a book with a proper index, copies of all notices required to be published or posted by the Municipal Clerk by order of the Governing Body or under the ordinances of the Municipality. To each of the file copies of said notices shall be attached the printer's affidavit of publication if the said notices are required to be published, or the Municipal Clerk's certificate under seal where the same are required to be posted only. The Municipal Clerk shall receive all objections to creation of paving districts and other street improvements. He shall receive the claims of any person against the Municipality and in the event that the said claim is disallowed in part or in whole, the Municipal Clerk shall notify such claimant, his agent, or attorney by letter within five (5) days after such disallowance and the Municipal Clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases. Copies may be obtained from the Municipal Clerk only if the Clerk has copying equipment reasonably available. The Clerk is not required to copy any public record that is available to the requester on the village web site on the Internet. The Clerk is required to provide the location of the public record on the Internet to the requester. If the requester does not have reasonable access to the Internet due to lack of computer, lack of Internet availability, or inability to use a computer or the Internet, the Clerk shall produce copies for the requester. The fee to copy the documents shall not

exceed the actual added cost of making the copies available. The actual added cost used as the basis for the calculation of a fee for records shall not include any charge for the existing salary or pay obligation to the public officers or employees with respect to the first four cumulative hours of searching, identifying, physically redacting, or copying. A special service charge reflecting the calculated labor cost may be included in the fee for time required in excess of four cumulative hours, since that large a request may cause some delay or disruption of the other responsibilities of the Clerk's office, except that the fee for records shall not include any charge for the services of an attorney to review the requested public records seeking a legal basis to withhold the public records from the public. Following a request the Clerk has four (4) business days after the actual request to provide an estimate of the expected cost of the copies. If copies requested are estimated by the Clerk to cost more than fifty (\$50.00) dollars, the Clerk may require the requester to furnish a deposit prior to fulfilling such request. The requester shall have ten (10) business days to review the estimated costs, including any special service charge, and request the Clerk to fulfill the original request, negotiate with the Clerk to narrow or simplify the request, or withdraw the request. If the requester does not respond to the Clerk within ten (10) business days, the Clerk shall not proceed to fulfill the request. The four (4) business days shall be computed by excluding the day the request is received, after which the designated period of time begins. Business day does not include a Saturday, a Sunday, or a day during which the offices of the Clerk of the public records are closed. He shall destroy Municipal records under the direction of the State Records Board pursuant to Sections 84-1201 through 84-1220; Provided, the Governing Body shall not have the authority to destroy the Minutes of the Municipal Clerk, the permanent ordinances, and resolution books, or any other records classified as permanent by the State Records Board. (*Ref. 16-317, 17-605, 19-1102, 19-1104, 84-712, 84-1201 through 84-1220, 84-712 RS Neb.*) (*Amended by Ord. No. 641, 12/10/13*)

§1-204.01 APPOINTED OFFICIALS; MUNICIPAL CLERK; BUREAU OF VIOLATIONS.

There is hereby created the Bureau of Violations within the powers and duties of the office of the Municipal Clerk. All citations issued by any law enforcement officer having jurisdiction within the Village of Mead in the enforcement of its ordinances and for which the Governing Body of the Village of Mead has established a fine and administrative costs schedule, shall be deposited by said law enforcement officer with the Municipal Clerk, whose duty it shall be to collect said fines and administrative costs and to maintain appropriate and accurate records of all such fines and administrative costs paid to said Clerk. Fines and administrative costs shall be payable at the office of the Municipal Clerk during hours when the office shall be open to the public for the transaction of business. (*Ord No. 356, 11/6/90*)

§1-205 APPOINTED OFFICIALS; MUNICIPAL TREASURER.

Municipal Treasurer shall be the custodian of all moneys belonging to the Municipality. He shall keep all money belonging to the Municipality separate and distinct from his own money. He shall collect all occupation taxes and license money. He shall keep a separate account of each fund or appropriation, and the debits, and credits belonging thereto. He shall issue duplicate (2) receipts for all moneys received by him for the Municipality. He shall give to every person paying money into the Municipal Treasury, a receipt therefore specifying the date of payment and the account paid. One (1) of the receipts shall be filed with his monthly report and the last copy of the said receipt shall be kept on file in his office. His books and accounts shall always be open for inspection by any citizen of the Municipality whenever any Municipal fiscal record, audit, warrant, voucher, invoice, purchase order, requisition, payroll check, receipt or other record of receipt, cash or expenditure involving public funds is involved. He shall keep a record of all outstanding bonds against the Municipality and when any bonds are sold, purchased, paid, or cancelled, said record shall show the fact. He shall make, at the end of the fiscal year, a report of the business of the Municipality transacted through his office for the year. That record shall describe particularly the bonds issued, and sold during the year, and the terms of the sale with each, and every item, and expense thereof. He shall file all official bonds after the same shall have been properly executed and approved. He shall make the proper certificate of passage, which shall be attached to original copies of all bond ordinances here after enacted by the Governing Body. He shall cancel all bonds, coupons, warrants, and other evidences of debt against the Municipality whenever paid by him, by writing or stamping on the face thereof, "Paid by the Municipal Treasurer," with the date of payment written or stamped thereon. He shall collect all special taxes, allocate special assessments to the several owners, and shall obtain from the County Treasurer a monthly report as to the collection of delinquent taxes. The Treasurer's daily cash book shall be footed and balanced daily, and he shall adopt such bookkeeping methods as the Governing Body shall prescribe. He shall invest and collect all money owned by, or owed to, the Municipality as directed by the Governing Body. He shall keep an accurate and complete account of the appropriation of the several

funds, draw, sign, and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he shall then make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon. (*Ref. 16-317, 16-318, 17-605 through 17-609, 84-712, RS Neb.*) (*Amended by Ord. No. 641, 12/10/13*)

§1-206 APPOINTED OFFICIALS; TREASURER'S MONTHLY REPORT.

The Municipal Treasurer shall at the end of each and every month and such other times as the Governing Body may deem necessary, render an account to the Governing Body under oath showing the financial state of the Municipality at that date, the amount of money remaining in each fund and the amount paid therefrom, and the balance of money remaining in the Treasury. He shall accompany the said account with a statement of all receipts, and disbursements, together with all warrants redeemed and paid by him. He shall also produce depository evidence that all Municipal money is in a solvent and going bank in the name of the Municipality. If the Municipal Treasurer shall neglect or fail for the space of ten (10) days from the end of each and every month to render his accounts as aforesaid, the Governing Body shall, by resolution, declare the office vacant and appoint some person to fill the vacancy. The Municipal Treasurer shall be present at each regular meeting of the Governing Body at which time he shall read and file his monthly report. (*Ref. 17-606 RS Neb.*) (*Amended Ord. No. 641, 12/10/13*)

§1-207 APPOINTED OFFICIALS; TREASURER'S ANNUAL REPORT.

The Municipal Treasurer shall publish in a legal newspaper having general circulation within the Municipality, within sixty (60) days following the first (1st) day of August of each year, a report of the activities of his office which said report shall show in detail. Said report shall include all receipts, disbursements, warrants outstanding, and the debit, or credit balance of the Municipality. (*Ref. 19-1101 RS Neb.*)

§1-208 APPOINTED OFFICIALS; MUNICIPAL ATTORNEY.

The Municipal Attorney is the Municipality's legal advisor and as such he shall commence, prosecute and defend all suits on behalf of the Municipality. When requested by the Governing Body, he shall attend meetings of the Governing Body, and shall advise any Municipal Official in all matters of law in which the interests of the Municipality may be involved. He shall draft such ordinances, bonds, contracts, and other writings as may be required in the administration of the affairs of the Municipality. He shall examine all bonds, contracts, and documents on which the Governing Body will be required to act and attach thereto a brief statement in writing to all such instruments and documents as to whether, or not, the document is in legal and proper form. He shall prepare complaints, attend and prosecute violations of the Municipal ordinances when directed to do so by the Governing Body. Without direction, he shall appear and prosecute all cases for violation of the Municipal ordinances that have been appealed to and are pending in any higher court.

He shall also examine when requested to do so by the Governing Body, the ordinance records, and advise and assist the Municipal Clerk as much as may be necessary to the end that each procedural step will be taken in the passage of each ordinance to insure that they will be valid and subsisting local laws in so far as their passage and approval are concerned. The Governing Body shall have the right to compensate the Municipal Attorney for legal services on such terms as the Governing Body and the Municipal Attorney may agree and to employ any additional legal assistance as may be necessary out of the funds of the Municipality. (*Ref. 17-610 RS Neb.*)

§1-209 APPOINTED OFFICIALS; VILLAGE MARSHAL.

The Village Marshal shall direct the police work of the Municipality and shall be responsible for the maintenance of law and order. He shall act as Health Inspector and Building Inspector except in the event the Municipality appoints another person. He shall file the necessary complaints in cases arising out of violations of Municipal ordinances and shall make all necessary reports required by the Municipal ordinances or the laws of the State of Nebraska. In lieu of the appointment of a Village Marshal, the Village Board may contract with qualified individuals or entities to assume the functions and duties of the Village Marshal. (*Ref. 17-213 RS Neb.*)

§1-210 APPOINTED OFFICIALS; MUNICIPAL FIRE CHIEF.

The members of the Fire Department shall elect the Municipal Fire Chief. He shall enforce all laws and ordinances covering the prevention of fires, the storage and use of explosives and flammable substances,

the installation of fire alarm systems, the maintenance of fire extinguishing equipment, the regulation of fire escapes and the inspection of all premises requiring adequate fire escapes. He shall within two (2) days investigate the cause, origin, and circumstances of fires arising within his jurisdiction. He shall on or before the first (1st) day in April and October of each year, cause the secretary to file with the Municipal Clerk and the Clerk of the District Court a certified copy of the rolls of all members in good standing in their respective companies in order to obtain the exemptions provided by law. He shall have the power during the time of a fire and for a period of thirty six (36) hours thereafter to arrest any suspected arsonist or any person for hindering the department's efforts, conducting himself in a noisy and disorderly manner, or who shall refuse to obey any lawful order by the Fire Chief or Assistant Fire Chief. The Fire Chief or his assistant in charge of operations at a fire may command the services of any person present at any fire in extinguishing the same or in the removal and protection of property. Failure to obey such an order shall be a misdemeanor punishable by a fine. The Fire Chief shall have the right to enter at all reasonable hours into buildings and upon all premises within his jurisdiction for the purpose of examining the same for fire hazards and related dangers. *(Ref.17-505, 35-102, 35-108, 81-506, 81-512 RS Neb.)*

§1-211 APPOINTED OFFICIALS; SPECIAL ENGINEER.

The Governing Body may employ a Special Engineer to make or assist the Municipal Engineer in making any particular estimate, survey, or other work. The Special Engineer shall make a record of the minutes of his surveys and all other work done for the Municipality. He shall upon request of the Governing Body, make estimates of the costs of labor and material which may be done or furnished by contract with the Municipality, and make all surveys, estimates, and calculations necessary for the establishment of grades, bridges, building of culverts, sewers, electric light system, waterworks, power plant, public heating system, curbing and gutters, and the improvement of streets and erection and repair of buildings, and shall perform such other duties as the Governing Body may require. All records of the Special Engineer shall be public records, which shall belong to the Municipality, and shall be turned over to his successor. *(Ref 17-405, 17-568, 17-568.01, 17-919 RS Neb.) (Amended by Ord. No. 257, 9/6/83)*

§1-212 APPOINTED OFFICIALS; MUNICIPAL DUMPMASTER.

The Municipal Dumpmaster shall have the immediate control and supervision of the Municipal Dump, and of all dumping of garbage, refuse, waste, and rubbish thereon, subject to the general control and directives of the Governing Body. He shall at least every six (6) months, make a detailed report to the Governing Body on the condition of the dump, and shall direct their attention to such improvements, additions, and additional employees as he may believe are needed along with an estimate of the cost thereof. He shall issue dumping permits if the Governing Body should require them and shall inspect and supervise all work done to improve or extend the dump. He shall have such other duties as the Governing Body may delegate to him. He may be removed at any time by a two thirds (2/3) vote of the Governing Body.

§1-213 APPOINTED OFFICIALS; MUNICIPAL UTILITIES SUPERINTENDENT.

A Utilities Superintendent shall be appointed in the event that there is more than one (1) Municipal utility, and the Governing Body determines that it is in the best interest of the Municipality to appoint one (1) official to have the immediate control over all the said Municipal utilities and Municipal streets. The Utilities Superintendent may be removed at any time by two thirds (2/3) vote of the Governing Body. Any vacancy occurring in the said office by death, resignation or removal may be filled in the manner hereinbefore provided for the appointment of all Municipal officials. The Utilities Superintendent's duties over the following departments shall be as stated herein:

Water Department

He shall have general supervision and control over the Municipal Water System, and shall be primarily responsible for its economic operation and prudent management. Included in the said water system shall be the water plant, the pump house, all machinery, and appliances used in connection with producing and distributing water to inhabitants of the Municipality. All actions, decisions, and procedures of the Utilities Superintendent shall be subject to the general directives and control of the Governing Body. The Utilities Superintendent shall have the general control and supervisory authority over all employees of the Water System, which the Governing Body may from time to time hire to operate and maintain the said system. He shall make a detailed report to the Governing Body at least once every six (6) months of the condition of the said water system, of all mains, pipes, hydrants, reservoirs, and machinery and such improvements, repairs, and extensions thereof as he may think proper. The report shall show the amount of receipts and expenditures on account thereof for the preceding six (6) months. No money shall be expended for

improvements, repairs, or extensions of the said waterworks system except upon the recommendation of the Superintendent. The Utilities Superintendent shall provide a bond conditioned upon the faithful discharge of his duties, which shall amount to not less than the amount set by resolution of the Governing Body and on file in the office of the Municipal Clerk. He shall perform such additional duties as may be prescribed by the Governing Body.

Sewer Department

The Utilities Superintendent shall have the immediate control and supervision over all the employees and property that make up the Municipal sewer system, subject to the general control and directives of the Governing Body. He shall at least every six (6) months, make a detailed report to the Governing Body on the condition of the sewer system and shall direct their attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed along with an estimate of the cost thereof. He shall have such other duties as the Governing Body may delegate to him. He shall issue permits for all connections to the Municipal sewer system and inspect and supervise all repairs made to the said system.

Street Department

The Utilities Superintendent shall, subject to the orders and directives of the Governing Body, have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the Municipality and shall perform such other duties as the Governing Body may require. It shall be his responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. He shall at the request of the Governing Body make a detailed report to the Governing Body on the condition of the streets, sidewalks, culverts, alleys and bridges of the Municipality and shall direct their attention to such improvements, repairs, extensions, additions and additional employees as he may believe are needed to maintain a satisfactory street system in the Municipality along with an estimate of the cost thereof. He shall issue such permits, and assume such other duties as the Governing Body may direct. (*Ref. 17-214, 17-541, 17-543 RS Neb.*)

§1-214 APPOINTED OFFICIALS; MUNICIPAL BUILDING AND ZONING ADMINISTRATOR.

The Municipal Building and Zoning Administrator shall conduct surveys and make inspections in any area of the Municipality to determine whether all buildings and structures are in compliance with the Municipal ordinances. He shall investigate all complaints whether they are verbal, written or in the form of a petition alleging and charging that a violation of the Municipal ordinances exists, and that a building or structure is unfit or unsafe for human habitation. The Building and Zoning Administrator is authorized upon properly identifying himself to enter, inspect, survey and investigate between the hours of eight (8:00) o'clock A.M., and five (5:00) o'clock P.M. or at any time if an emergency exists or if requested by the owner or occupant thereof. He shall keep records of all complaints received, inspection reports, orders and complaints issued.

The records shall be available for public inspection and he shall prepare an annual report including statistics based on the records kept. The Building and Zoning Administrator shall have no financial interest in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, except where he is the owner of a building, and he shall not act as an agent for any said dealer or as an agent for the sale, lease or rental of any real estate. The Building and Zoning Administrator shall report to the Governing Body as often as they may deem necessary and shall have such other duties and issue such permits as they may direct. The Building and Zoning Administrator may be removed at any time for good and sufficient cause by the Governing Body. (*Amended by Ord. No. 379, 2/11/92*)

Article 3. Bonds and Oath

§1-301 BONDS; FORM.

Official bonds of the Municipality shall be in form, joint and several, and shall be made payable to the Municipality in such penalty as the Governing Body may set by resolution; Provided, the penalty amount on any bond shall not fall below the legal minimum when one has been set by the State of Nebraska for each particular official. All official bonds of the Municipal officials shall be executed by the principal named in such bonds and by at least two (2) sufficient sureties who shall be freeholders of the county or by the official as principal and by a guaranty, surety, fidelity or bonding company; Provided no Municipal official, while still in his official term of office, shall be accepted as surety on any other official's bond, contractor's bond, license bond or appeal bond under any circumstances. Only companies that are legally authorized to transact business in the State of Nebraska shall be eligible for suretyship on the bond of an

official of the Municipality. All said bonds shall obligate the principal and sureties for the faithful discharge of all duties required by law of such principal and shall insure to the benefit of the Municipality and any persons who may be injured by a breach of the conditions of such bonds. No bond shall be deemed to be given or complete until the approval of the Governing Body and the Chairman and Municipal Clerk endorse all sureties in writing on the said instrument pursuant to the said approval of the Governing Body. The premium on any official bond required to be given may be paid out of the General Fund or other proper Municipal fund upon a resolution to that effect by the Governing Body at the beginning of any Municipal year. All official bonds, meeting the conditions herein, shall be filed with the Municipal Clerk for his official records and it shall be the duty of the Municipal Clerk to furnish a certified copy of any bond so filed upon the payment of a fee which shall be set by resolution of the Governing Body.

In the event that the sureties on the official bond of any officer of the Municipality, in the opinion of the Governing Body, become insufficient, the Governing Body may, by resolution, fix a reasonable time within which the said officer may give a new bond or additional sureties as directed. In the event that the officer should fail, refuse or neglect to give a new bond or additional sureties to the satisfaction and approval of the Governing Body then the office shall, by such failure, refusal, or neglect, become vacant and it shall be the duty of the Governing Body to appoint a competent and qualified person to fill the said office. Any official who is re-elected to office shall be required to file a new bond after each election. (*Ref. 11-103 through 11-18, 17-604 RS Neb.*)

§1-302 BONDS; AMOUNTS.

The following officers shall give bond in the penal sums set out below: Clerk/Treasurer \$20,000.00.

§1-303 OATH OF OFFICE; MUNICIPAL OFFICIALS.

All officials of the Municipality, whether elected or appointed, except when a different oath is specifically provided herein, shall, before entering upon their respective duties, take and subscribe the following oath which shall be endorsed upon their respective bonds: "I _____ do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, and without mental reservation, or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of _____ according to law, and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force, or violence; and that during such time as I am in this position I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence. So help me God". (*Ref. 11-101 RS Neb.*)

Article 4. Corporate Seal

§1-401 SEAL OFFICIAL CORPORATE.

The official Corporate Seal of the Municipality shall be kept in the office of the Municipal Clerk, and shall bear the following inscription, "Village of Mead, Corporate Seal, Saunders County, Nebraska". The Municipal Clerk shall affix an impression of the said official seal to all warrants, licenses, permits, ordinances, and all other official papers issued by order of the Governing Body and countersigned by the Municipal Clerk. (*Ref. 17-502 RS Neb.*)

Article 5. Meetings

§1-501 MEETINGS; DEFINED.

Meetings, as used in this Article shall mean all regular, special, or called meetings, formal or informal, of a public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action. (*Ref. 84-1409(2) RS Neb.*) (*Amended by Ord. No. 266, 9/6/83*)

§1-502 MEETINGS; PUBLIC BODY DEFINED.

Public Body as used in this Article shall mean:

- A. The Governing Body of the Municipality;
- B. All independent boards, commissions, bureaus, committees, councils, subunits, Certificate of Need appeal panels, or any other bodies, now or hereafter created by Constitution, Statute, or otherwise pursuant to law, and;
- C. Advisory committees of the bodies listed above.

This Article shall not apply to subcommittees of such bodies unless such subcommittees are holding hearings, making policy or taking formal action on behalf of their parent body. *(Ref. 84-1409(1) RS Neb.) (Amended by Ord. No. 266, 9/6/83)*

§1-503 MEETINGS; PUBLIC.

All public meetings as defined by law shall be held in a Municipal public building, which shall be open to attendance by the public. All meetings shall be held in the public building in which the Governing Body usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specified place. The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the Governing Body and to the public by a method designated by the Governing Body or by the Chairman if the Governing Body has not designated a method. Such notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice, or a statement that such an agenda kept continually current shall be readily available for public inspection at the office of the Municipal Clerk. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be enlarged later than twenty-four (24) hours before the scheduled commencement of the meeting. The Governing Body shall have the right to modify the agenda to include items of an emergency nature only at such public meetings. The minutes of the Municipal Clerk shall include the record of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, and the names of each member of the Governing Body present or absent at each convened meeting. The minutes of the Governing Body shall be a public record open to inspection by the public upon request at any reasonable time at the office of the Municipal Clerk. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the Governing Body in open session. The record of the Municipal Clerk shall show how each member voted, or that the member was absent and did not vote. *(Ref. 84-1408, 84-1409, 84-1411, 84-1413, 84-1414 RS Neb.) (Amended by Ord. No. 266, 9/6/83, Ord. No. 560, 7/11/06)*

§1-504 MEETINGS; CLOSED SESSIONS.

Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. The subject matter and reason necessitating the closed session shall be identified in the motion to close.

Closed sessions may be held for, but shall not be limited to, such reasons as:

- A. Strategy sessions with respect to collective bargaining, real estate purchases, or litigation;
- B. Discussion regarding deployment of security personnel or devices;
- C. Investigative proceedings regarding allegations of criminal misconduct; or
- D. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

Nothing in this Section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body. The vote to hold a closed session shall be taken in open session. The entire motion, the vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration to matters during the closed portions to only those purposes set forth in the motion to close the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken.

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

Nothing in this Section shall be construed to require that any meeting be closed to the public. No person or

public body shall fail to invite a portion of its members to a meeting nor shall a public body designate itself a subcommittee of the whole body for the purpose of circumventing the provisions of this Article, nor shall any closed session, informal meeting, chance meeting, social gathering, or electronic communication be used for the purpose of circumventing the provisions of this Article. The provisions of this Article shall not apply to chance meetings, or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened and there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power. (Ref. 84-1410, 84-1414 RS Neb.) (Amended by Ord. No. 266, 9/6/83; Ord. No. 560, 7/11/06)

§1-505 MEETINGS; EMERGENCY MEETINGS.

When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of Section 1-508 of this Article shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day. (Ref. 84-1411 RS Neb.) (Amended by Ord. No. 266, 9/6/83)

§1-506 MEETINGS; MINUTES.

Each public body shall keep minutes of all meetings showing the time, place, and members present and absent, and the substance of all matters discussed. The minutes shall be public records and open to public inspection during normal business hours. Minutes shall be written and available for inspection within ten (10) working days, or prior to the next convened meeting, whichever occurs earlier. An exception that board minutes be published within ten (10) working days of a meeting is made to cities of the second class and villages to allow another ten (10) days in case of serious illness or emergency of the clerk. (Ref. 84-1412, 84-1413 RS Neb.) (Amended by Ord. No. 548, 12/13/05)

§1-507 MEETINGS; VOTES.

Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted, or if the member was absent or not voting. The requirements of a roll call or viva voice vote shall be satisfied by the Municipality utilizing an electronic voting device which allows the yeas and nays of each member of the Governing Body to be readily seen by the public. The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes. (Ref. 17-616, 84-1413 RS Neb.)

§1-508 MEETINGS; NOTICE TO NEWS MEDIA.

The Municipal Clerk, Secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting. (Ref. 84-1411 RS Neb.)

§1-509 MEETINGS; PUBLIC PARTICIPATION.

Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body, except for closed meetings called pursuant to Section 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

It shall not be a violation of Subsection (1) of this Section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself or herself.

No public body shall, for the purpose of circumventing the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

No public body shall be deemed in violation of this Section if it holds its meeting in its traditional meeting place which is located in this state.

No public body shall be deemed in violation of this Section if it holds a meeting outside of this State if, but only if:

- (a) A member entity of the public body is located outside of this State and the meeting is in that member's jurisdiction;
- (b) All out-of-state locations identified in the notice are located within public buildings used by members of the entity or at a place which will accommodate the anticipated audience;
- (c) Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including making a telephone conference call available at an instate location to members, the public, or the press, if requested twenty-four (24) hours in advance;
- (d) No more than twenty-five (25%) percent of the public body's meetings in a calendar year are held out-of-state;
- (e) Out-of-state meetings are not used to circumvent any of the public government purposes established in the Open Meetings Act;
- (f) Reasonable arrangements are made to provide viewing at other instate locations for a videoconference meeting if requested fourteen (14) days in advance and if economically and reasonably available in the area; and
- (g) The public body publishes notice of the out-of-state meeting at least twenty-one (21) days before the date of the meeting in a legal newspaper of statewide circulation.
- (h) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting.
- (i) Public bodies shall make available at the meeting or the instate location for a telephone conference call or videoconference, for examination and copying by members of the public, at least one (1) copy of all reproducible written material to be discussed at any open meeting. Public bodies shall make available at least one (1) current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

Section 84-1414, Revised Statutes Cumulative Supplement, 2004, is amended to read: 84-1414

(1) Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty (120) days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty (120) days after but within one (1) year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one (1) year of the action.

(2) The Attorney General and the county attorney of the county in which the public body ordinarily meets shall enforce the Open Meetings Act.

(3) Any citizen of this state may commence a suit in the district court of the county in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public

body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this section.

(4) Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense. (*Ref. 84-1412, 84-1414 RS Neb.*) (*Amended by Ord. No. 266, 9/6/83; Ord. No. 560, 7/11/06*)

§1-510 MEETINGS; GOVERNING BODY.

The meetings of the Village Board shall be held in the Village Office. Regular meetings shall be held on the second (2nd) Tuesday of each month at the hour of six (6:00) o'clock P.M. Special meetings may be called by the Board Chairman, or by a majority of the Village Board, the object of which shall be submitted to the Village Board members in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the Municipal Clerk. No other business shall be transacted at such meeting unless all members of the Village Board are present and consent thereto. On filing the call for a special meeting, the Municipal Clerk shall notify the Village Board of the special meeting stating the time and its purpose. Notice of a special meeting need not be given to a member of the Village Board who is known to be out of the State, or physically unable to be present. A majority of the members of the Village Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members; Provided, that on the request of any two (2) members, whether a quorum is present or not, all absent members shall be sent for and compelled to attend. At the hour appointed for the meeting, the Municipal Clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present the Board Chairman shall call the Village Board to order. In the absence of the Board Chairman from any meeting of the Board of Trustees, the Board shall have the power to appoint a chairman pro tempore, which shall exercise and have the powers and perform the same duties as the regular Village Chairman. (*Ref. 17-204, 17-205, 17-210 RS Neb.*) (*Amended by Ord. No. 306, 1/6/87; Ord. No. 369, 7/9/91; Ord. No. 573, 12/12/07*)

§1-511 MEETINGS; ORDER OF BUSINESS.

All meetings of the Governing Body shall be open to the public. Promptly at the hour set by ordinance on the day of each regular meeting, the members of the Governing Body, the Municipal Clerk, the Chairman of the Village Board, and such other Municipal officials that may be required shall take their regular stations in the Community Hall, and the business of the Municipality shall be taken up for consideration, and disposition in the manner prescribed by the official agenda on file at the office of the Municipal Clerk.

§1-512 MEETINGS; PARLIAMENTARY PROCEDURE.

The Chairman shall preserve order during meetings of the Governing Body and shall decide all questions of order, subject to an appeal to the Governing Body. When any person is called to order, he shall be seated until the point is decided. When the Chairman is putting the question, no person shall leave the meeting room. Every person present, previous to speaking shall rise from his seat and address himself to the presiding officer and while speaking shall confine himself to the question. When two (2) or more persons rise at once, the Chairman shall recognize the one (1) who spoke first. All resolutions or motions shall be reduced to writing before being acted upon, if requested by the Municipal Clerk, or any member of the Governing Body. Every member of the Governing Body, who is present when a question is voted upon, shall cast his vote unless excused by a majority of the Governing Body present. No motion shall be put or debated unless seconded. When seconded, the Chairman shall state it before being debatable. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Governing Body making the motion, or resolution shall be entered also. After each vote, the "Yeas" and "Nays" shall be taken, and entered in the minutes upon the request of any member of the Governing Body. Before the vote is actually taken, any resolution, motion, or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the member of the Governing Body seconding the said resolution, motion, or ordinance. When, in the consideration of an ordinance, different times, or amounts are proposed, the question shall be put on the largest sum or the longest time.

A question to reconsider shall be in order when made by a member voting with the majority, but such motion to reconsider must be made before the expiration of the third (3rd) regular meeting after the initial consideration of the question. When any question is under debate, no motion shall be made, entertained, or

seconded except the previous question, a motion to table, and to adjourn. Each of the said motions shall be decided without debate. Any of the rules of the Governing Body for meetings may be suspended by a two thirds (2/3) vote of the members present. In all cases in which provisions are not made by these rules, Robert's Rules of Order is the authority by which the Governing Body shall decide all procedural disputes that may arise.

Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in violation of the Open Meetings Act shall be declared void by the district court if the suit is commenced within one hundred twenty (120) days of the meeting of the public body at which the alleged violation occurred. Any motion, resolution, rule, regulation, ordinance, or formal action of a public body made or taken in substantial violation of the Open Meetings Act shall be voidable by the district court if the suit is commenced more than one hundred twenty (120) days after but within one (1) year of the meeting of the public body in which the alleged violation occurred. A suit to void any final action shall be commenced within one (1) year of the action. The Attorney General and the County Attorney of the County in which the public body ordinarily meets shall enforce the Open Meetings Act. Any citizen of this State may commence a suit in the District Court of the County in which the public body ordinarily meets or in which the plaintiff resides for the purpose of requiring compliance with or preventing violations of the Open Meetings Act, for the purpose of declaring an action of a public body void, or for the purpose of determining the applicability of the act to discussions or decisions of the public body. It shall not be a defense that the citizen attended the meeting and failed to object at such time. The court may order payment of reasonable attorney's fees and court costs to a successful plaintiff in a suit brought under this Section. Any member of a public body who knowingly violates or conspires to violate or who attends or remains at a meeting knowing that the public body is in violation of any provision of the Open Meetings Act shall be guilty of a Class IV misdemeanor for a first offense and a Class III misdemeanor for a second or subsequent offense. (*Ref. 84-1414, RS Neb.*) (*Amended by Ord. No. 560, 7/11/05*)

§1-513 MEETINGS; CHANGE IN OFFICE.

The Chairperson and Board of Trustees shall meet at the regular meeting of the Board in December in each election year, and the outgoing officers and outgoing members of the Board of Trustees shall present their reports, and upon the outgoing Board having completed its business, the outgoing Trustees shall surrender their offices to the incoming Trustees, and the outgoing officers shall thereupon each surrender to his successor in office all property, records, papers, and moneys belonging to the same. (*Ref 17-204 RS Neb.*) (*Amended by Ord. No. 423, 4/9/96*)

§1-514 MEETINGS; REORGANIZATIONAL MEETING.

The newly elected Board of Trustees shall convene at the regular place of meeting at the first (1st) regular meeting of the Board in each election year immediately after the prior Board adjourns and proceed to organize themselves for the ensuing year. The Chairperson pro tempore shall call the meeting to order. The Board shall then proceed to examine the credentials of its members and other elective officers of the Municipality to see that each has been duly and properly elected and to see that such oaths and bonds have been given as are required. After ascertaining that all Trustees and officers are duly qualified, the Board shall then elect one of its own bodies that shall be styled as Chairperson of the Board of Trustees. The Chairperson shall then nominate his or her candidates for appointive offices and said officers shall hold office until their successors are duly appointed and qualified. The Chairperson shall then proceed with the regular order of business. It is hereby made the duty of each and every member of the Board or of its successors in office and of each officer hereafter elected to any office, to qualify prior to the first regular meeting of the Board in December following his or her election. Immediately upon the assembly of the newly elected Board upon the first (1st) regular meeting in December following the election, each officer elected at the general election shall take possession of his office. Each appointive officer who is required to give bond shall qualify by filing the required bond, approved by the Board of Trustees, in the office of the Municipal Clerk within two (2) weeks from the date of his said appointment; Provided, on said bond shall be endorsed the same oath as required of a Trustee. Failure to qualify by elective or appointive officers within the time and manner provided in this Section shall and does in itself create a vacancy in the office to which said person failing to qualify shall have been elected or appointed. (*Ref. 17-204 RS Neb.*) (*Amended by Ord. No. 424, 4/9/96*)

§1-515 MEETINGS; VIRTUAL CONFERENCING, WHEN ALLOWED.

1. A meeting of an organization created under the Interlocal Cooperation Act or the Municipal Cooperative

Financing Act or of the Governing Body of a risk management pool or advisory committee organized in accordance with the Intergovernmental Risk Management Act may be held by means of virtual conferencing if:

- A. Reasonable advance publicized notice is given;
 - B. Reasonable arrangements are made to accommodate the public's right to attend, hear, and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if virtual conferencing was not used;
 - C. At least one (1) copy of all documents being considered is available to the public at each site of the virtual conference;
 - D. At least one (1) member of the Governing Body or advisory committee is present at each site of the virtual conference; and
 - E. No more than one half (1/2) of the Governing Body's or advisory committee's meetings in a calendar year are held by virtual conference. Virtual conferencing shall not be used to circumvent any of the public government purposes established in this Article.
- (2) For purposes of this Section, virtual conferencing shall mean conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations. *(Ref 84-1409, 84-1411 RS Neb.) (Amended by Ord. No. 463, 8/12/97; Ord. No. 779, 10/12/21)*

Article 6. Ordinances, Resolutions, and Motions

§1-601 ORDINANCES, RULES, AND RESOLUTIONS; GRANT OF POWER.

The Governing Body may make all ordinances, bylaws, rules, regulations, and resolutions, not inconsistent with the laws of the State of Nebraska, as may be expedient for maintaining the peace, good government, and welfare of the Municipality and its trade, commerce, and manufactories. *(Ref 17-505 RS Neb.) (Amended by Ord No. 464, 8/12/97)*

§1-602 ORDINANCES; INTRODUCTION.

Members of the Governing Body shall introduce ordinances in one of the following ways:

1. With the recognition of the Chairperson, a member may, in the presence and hearing of a majority of the members elected to the Governing Body, read aloud the substance of the proposed ordinance and file a copy with the Municipal Clerk for future consideration; or
2. With the recognition of the Chairperson, a member may present the proposed ordinance to the Clerk who, in the presence and hearing of a majority of the members elected to the Governing Body, shall read aloud the substance of the ordinance and file it for future consideration. *(Amended by Ord. No. 465, 8/12/97)*

§1-603 RESOLUTIONS AND MOTIONS; PROCEDURE.

Resolutions and motions shall be introduced in one of the methods prescribed for the introduction of ordinances. After their introduction, they shall be fully and distinctly read one (1) time in the presence and hearing of a majority of the members elected to the Village Board. The issue raised by said resolutions or motions shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the Village Board. A majority vote shall be required to pass any resolution or motion. The vote on any resolution or motion shall be by roll call vote.

§1-604 ORDINANCES; STYLE.

The style of all Municipal ordinances shall be: "Be it ordained by the Chairman and Board of Trustees of the Village of Mead, Nebraska:" *(Ref 17-613 RS Neb.)*

§1-605 ORDINANCES; TITLE.

No ordinance shall contain a subject not clearly expressed in its title. *(Ref 17-614 RS Neb.)*

§1-606 ORDINANCES, RESOLUTIONS, ORDERS, BY LAWS; READING; PASSAGE.

Ordinances of a general or permanent nature shall be read by title on three (3) different days unless three fourths (3/4) of the Governing Body vote to suspend this requirement, except that such requirement shall not be suspended for any ordinance for the annexation of territory. In case such requirement is suspended, the ordinance shall be read by title and then moved for final passage. Three fourths (3/4) of the Governing

Body may require a reading of any ordinance in full before enactment under either procedure set out in this Section. All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the Governing Body. On the passage or adoption of every bylaw or ordinance, and every resolution or order to enter into a contract by the Governing Body, the yeas and nays shall be called and recorded. To pass or adopt any bylaw, ordinance, or any such resolution or order, a concurrence of a majority of the whole number of members elected to the Governing Body shall be required. All appointments of the officers by the Governing Body shall be made viva voce; and the concurrence of a like majority shall be required, and the names of those, and for whom they voted, on the vote resulting in an appointment, shall be recorded. The requirements of a roll call or viva voce vote shall be satisfied by a Municipality which utilizes an electronic voting device which allows the yeas and nays of each member of the Governing Body to be readily seen by the public. *(Ref 17-614, 17-616 RS Neb.) (Amended by Ord. No. 466, 8/12/97)*

§1-607 ORDINANCES; PUBLICATION OR POSTING.

All ordinances of a general nature shall, before they take effect, be published one (1) time, within fifteen (15) days after they are passed: (a) in some newspaper published in the Municipality or, if no paper is published in the Municipality, then by posting a written or printed copy in each of three (3) public places in the Municipality; or (b) in book, pamphlet or electronic form. *(Ref 17-613 RS Neb.) (Amended by Ord. No. 301, 9/10/86; Ord. No. 467, 8/12/97; Ord. No. 779, 10/12/21)*

§1-608 ORDINANCES; CERTIFICATE OF PUBLICATION OF POSTING.

The passage, approval, and publication or posting of all ordinances shall be sufficiently proven by a certificate under the Seal of the Municipality from the Municipal Clerk showing that the said ordinance was passed and approved, and when, and in what paper the same was published, or when, and by whom, and where the same was posted. *(Ref 17-613 RS Neb.)*

§1-609 ORDINANCES; EFFECTIVE DATE; EMERGENCY ORDINANCES.

1. Except as provided in Subsection (2) of this Section, an ordinance for the government of the Municipality which has been adopted by the Governing Body without submission to the voters of the Municipality shall not go into effect until fifteen (15) days after the passage of the ordinance.

2. In the case of riot, infectious or contagious diseases, or other impending danger, failure of a public utility, or any other emergency requiring its immediate operation, an ordinance shall take effect upon the proclamation of the Chairperson and the posting thereof in at least three (3) of the most public places in the Municipality. Such emergency ordinance shall recite the emergency, be passed by a three fourths (3/4) vote of the Governing Body, and be entered of record on the Municipal Clerk's minutes. *(Ref 17-613, 19-3701 RS Neb.) (Amended by Ord. No. 468, 8/12/97)*

§1-610 ORDINANCES; AMENDMENTS AND REVISIONS.

1. No ordinance or Section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended, and the ordinance or section so amended is repealed, except that an ordinance revising all the ordinances of the Municipality and modifications to zoning or building districts may be adopted as otherwise provided by law. *(Ref 17-614 RS Neb.) (Amended by Ord. No. 469, 8/12/97)*

2. For an ordinance used solely to revise ordinances or code sections or to enact new ordinances or code Sections in order to adopt statutory changes made by the Legislature which are specific and mandatory and bring the ordinances or code sections into conformance with state law, the title need only state that the ordinance revises those ordinances or code sections affected by or enacts ordinances or code sections generated by legislative changes. Under such title, all such ordinances or code sections may be revised, repealed, or enacted in sections and chapters or otherwise by a single ordinance without other title. *(Ref 17-614 RS Neb., 17-614 (2)(b) (Amended by Ord. No. 541, 6/8/04; Ord. No. 543, 6/8/04)*

Article 7. Elections

§1-701 ELECTIONS; ELECTION OF OFFICERS; CERTIFICATION.

All Municipal elections involving the election of officers shall be held in accordance with the Election Act and in conjunction with the statewide general election. No later than January (5th) fifth of each even-numbered year, the Governing Body shall certify to the Secretary of State, the Election Commissioner, or

the County Clerk, the name of the Municipality, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office. *(Ref 17-202, 32-404(2), 32-556 RS Neb.) (Amended by Ord. No. 425, 4/9/96; Ord. No. 545, 2/8/05)*

§ 1-702 ELECTIONS; JOINT, GENERAL, NOTICE.

The County Clerk shall publish in a newspaper designated by the County Board the notice of the election no less than forty (40) days prior to the Primary or General Election. This notice will serve the notice requirement for all Municipal Elections, which are held in conjunction with the County. *(Ref 32-402.01 RS Neb.)*

§ 1-703 ELECTIONS; SPECIAL, JOINT.

1. Any issue to be submitted to the registered voters at a special election by the Municipality shall be certified by the Municipal Clerk to the Election Commissioner or County Clerk at least fifty (50) days prior to the election. A special election may be held by mail as provided in Sections 32-952 through 32-959 RS Neb. No special election to be conducted by the Election Commissioner or County Clerk shall be held within thirty (30) days prior to or sixty (60) days after the statewide general election.

2. In lieu of submitting the issue at a special election, the Municipality may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the Municipal Clerk to the Election Commissioner or County Clerk by March 1 for the primary election and by September 1 for the general election.

3. After the Election Commissioner or County Clerk has received the certification of the issue to be submitted, he or she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the Municipal Clerk shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election issues. The Election Commissioner or County Clerk shall prepare the ballots and issue absentee ballots and shall also conduct the submission of the issue, including the receiving and counting of ballots on the issue. The election returns shall be made to the Election Commissioner or County Clerk. The ballots, including absentee ballots, shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the County Canvassing Board, the Election Commissioner or County Clerk shall certify the election results to the Governing Body. The canvass by the County Canvassing Board shall have the same force and effect as if made by the Governing Body. *(Ref 32-559 RS Neb.) (Amended by Ord. No. 280, 12/4/84; Ord No. 470, 8/12/97)*

§1-704 ELECTIONS; SPECIAL MUNICIPAL.

A Special Municipal Election may be held upon notice of such election being prepared and published by the Municipal Clerk, except as otherwise provided by law, not less than five (5) days, nor more than ten (10) days prior to any special election. Such elections shall be conducted in accordance with the Municipal Election Code, Section 19-3001, et. seq. RS Neb. *(Ref 19-3003, 19-3006 RS Neb.)*

§1-705 ELECTIONS; FILING FEE.

Prior to the filing of any nomination papers, there shall be paid to the Municipal Treasurer a filing fee which shall amount to one (1%) percent of the annual salary for the office for which the candidate will file; Provided, there shall be no filing fee for any candidate filing for an office in which a per diem is paid rather than a salary, or an office for which there is a salary of less than five hundred (\$500.00) dollars per year. No nominating papers shall be filed until the proper Municipal Treasurer's receipt, showing the payment of the filing fee, shall be presented to the election officer.

§1-706 ELECTIONS; PETITION CANDIDATES.

Candidates for any Municipal office in the Municipality may be nominated by petition. Petitions shall contain signatures of registered voters totaling not less than ten (10%) percent of the total votes received by the candidate receiving the highest number of votes in the Municipality or ward at the preceding general election in which officers were last elected to such office. They shall be accompanied by a treasurer's receipt for the filing fees for the office being sought. All petitions shall provide a space at least two and one half (2 ½") inches long for written signatures, a space at least two (2") inches long for printed names, and sufficient space for any additional information which may be required. Lines on such petitions shall not be less than one fourth (1/4") inch apart. Petitions may be designed in such a manner that lines for signatures

and other information run the length of the page rather than the width. Petition signers and petition circulators shall conform to the requirements of Section 32-713 RS Neb. Petitions must be filed at least sixty (60) days prior to the State Primary. (Ref. 32-4, 156, 32-504, 32-513, 32-535, 32-713, RS Neb.) (Amended by Ord. No. 280, 12/4/84)

§1-707 ELECTIONS; CAUCUS CANDIDATES.

The Governing Body of the Municipality may, by ordinance call a caucus for the purpose of nominating candidates for offices to be filled in the Village election. Such caucus shall be held at least ten (10) days prior to the filing deadline for such election. Notice of such caucus must be published in one (1) newspaper of general circulation in the Municipality, at least once in each of two (2) consecutive weeks prior to said caucus. The Municipal Clerk shall notify the person so nominated of his nomination and such notification shall take place not less than five (5) days after the said caucus. A candidate so nominated shall not have his name placed upon the ballot unless, not more than ten (10) days after the holding of such caucus, he shall have filed with the Municipal Clerk a written statement accepting the nomination of the caucus and shall have paid the filing fee, if any, for the office for which he was nominated. (Ref. 17-601.01 thru 17-603 RS Neb.)

§1-708 ELECTIONS; OFFICIALS.

The County Clerk shall at least fifteen (15) days prior to the State Primary Elections, give notice of the appointment by each political party of three (3) judges and two (2) clerks of election in each election unit in the Municipality, to be known as the Receiving Board. Each of the appointees referred to shall be of good character, approved integrity, well informed, able to read, write, and speak the English language, reside in the election precinct in which he is to serve, be entitled to vote in his election unit, and hold office for a term of two (2) years, or until judges and clerks of election are appointed for the next State Primary Election. (Ref. 32-403 thru 32-412 RS Neb.)

§1-709 ELECTIONS; OFFICIALS OATH.

Previous to any votes being received, the judges and clerks of election shall severally take an oath or affirmation according to the form authorized by state law. If there is no judge present at the opening of the polls, it shall be lawful for the judges of election to administer the oath to each other and the clerks of election. The person administering such oath shall cause an entry to be made thereof and affixed to each poll book. (Ref. 11-101.01, 19-3015, 32-413, 32-414 RS Neb.)

§1-710 ELECTIONS; VOTER QUALIFICATIONS.

Electors shall mean every person of the constitutionally prescribed age of upwards, who shall have the right to vote for all officers to be elected to public office, and upon all questions and proposals, lawfully submitted to the voters at any and all elections authorized or provided for by the Constitution or the laws of the State of Nebraska, except school elections; Provided, no person shall be qualified to vote at any election unless such person shall be a resident of the state and shall have been properly registered with the election official of the county. (Ref. 17-602, 32-102 RS Neb.)

§1-711 ELECTIONS; BOARD OF TRUSTEES; TERMS; QUALIFICATIONS.

1. The members of the Village Board of Trustees shall be elected from the Municipality at large unless the registered voters of the Municipality have voted to elect its Board members by wards.
2. The members of the Village Board of Trustees shall be elected at the statewide general election as provided in Section 17-202 RS Neb., and each four years thereafter. Except as provided in such Section, the term of each Trustee shall be four years or until his or her successor is elected and qualified.
3. Any person may be a Trustee who is a citizen of the United States, resides in the Village, and is a registered voter. (Ref. 17-202, 17-203, 32-532, 32-554 RS Neb.) (Amended by Ord. No. 426, 4/9/96)

§1-712 ELECTIONS; BALLOTS.

The County Clerk shall provide printed ballots for every general Municipal election and the expense of printing and delivering the ballots and cards of instruction shall be a charge upon the Municipality. (Ref. 32-417, 32-418 RS Neb.)

§1-713 ELECTIONS; CERTIFICATE OF ELECTION.

After the canvass of the vote at the Municipal election, the Village Clerk shall prepare a certificate of election for each person whom the Canvassing Board has declared to have received the highest vote, and in

the form as nearly as possible prescribed by state law, which shall be signed by the Chairman under the seal of the Municipality, and countersigned by the Village Clerk. The said certificate shall then be delivered to the persons so elected. (*Ref. 19-3040, 19-3041, 32-4,111, 32-4, 152 RS Neb.*)

§1-714 ELECTIONS; INABILITY TO ASSUME OFFICE.

In any general election, where the person who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason is unable to assume the office for which he was a candidate, and the electorate had reasonable notice of such disability at the time of the election, the candidate in such election who received the next highest number of votes shall be declared elected, and shall be entitled to the certificate of election; Provided, that any candidate so declared elected received not less than thirty five (35%) percent of the total number of votes cast for such office in the election. If any of the qualifications of this Section are not met by the candidate to be declared elected, or reasonable notice of the winner's ineligibility is not available to the voters, a vacancy in such office shall be declared to exist at the time of commencement of the term and shall be filled as prescribed by law. (*Ref. 32-537 (7) & (8) RS Neb.*)

§1-715 ELECTION; RECALL PROCEDURE.

Any or all of the elected officials of the municipality may be removed from office by recall pursuant to Nebraska RS 32-1301 to 32-1309.

Petition circulators shall conform to the requirements of the Election Act. The petition papers shall be procured from the Municipal Clerk. Each petition paper shall conform to the requirements of Neb. RS 32-1304. Prior to the issuance of petition papers, an affidavit shall be signed and filed with the Municipal Clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator or circulators of the recall petition. The affidavit shall state the name and office of the official sought to be removed and shall request that the Municipal Clerk issue initial petition papers to the principal circulator for circulation. The Municipal Clerk shall notify the principal circulator or circulators that the necessary signatures must be gathered within thirty (30) days from the date of issuing the petitions.

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

Petition signers shall conform to the requirements of the Election Act. Each signer of a recall petition shall be a registered voter and qualified by his or her place of residence to vote for the office in question on the date of the issuance of the initial petition papers.

A petition demanding that the question of removing a member of the Governing Body be submitted to the registered voters shall be signed by registered voters equal in number to at least forty-five (45%) percent of the total vote cast for the person receiving the most votes for that office in the last general election.

The principal circulator or circulators shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the Municipal Clerk within thirty (30) days after the Municipal Clerk issues the initial petition papers to the principal circulator or circulators. Within fifteen (15) days after the filing of the petition, the Municipal Clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. No signatures may be removed unless the Municipal Clerk receives an affidavit signed by the person requesting his or her signature be removed before the petitions are filed with the Municipal Clerk for signature verification. If the petition is found to be sufficient, the Municipal Clerk shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the Municipal Clerk shall file the petition in his or her office without prejudice to the filing of a new petition for the same purpose.

If the recall petition is found to be sufficient, the Municipal Clerk shall notify the official whose removal is

sought and the Governing Body that sufficient signatures have been gathered. If the official does not resign within five (5) days after receiving the notice, the Governing Body shall order an election to be held not less than thirty (30) nor more than seventy five (75) days after the expiration of the five (5) day period, except that if any other election is to be held in the municipality within ninety (90) days of the expiration of the five (5) day period, the Governing Body shall provide for the holding of the removal election on the same day. After the Governing Body sets the date for the recall election, the recall election shall be held regardless of whether the official whose removal is sought resigns before the recall election is held.

If a majority of the votes cast at a recall election are against the removal of the official named on the ballot or the election results in a tie, the official shall continue in office for the remainder of his or her term but may be subject to further recall attempts as provided in Subsection (10) of this Section. If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he or she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the official is deemed removed, the removal shall result in a vacancy in the office which shall be filled as otherwise provided in this code and state law. If the election results show a margin of votes equal to one (1%) percent or less between the removal or retention of the official in question, the Secretary of State, Election Commissioner, or County Clerk shall order a recount of the votes cast unless the official named on the ballot files a written statement with the Municipal Clerk that he or she does not want a recount. If there are vacancies in the offices of a majority or more of the members of the Governing Body at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the Secretary of State, Election Commissioner or County Clerk.

No official who is removed at a recall election or who resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of another member of the Governing Body during the remainder of his or her term of office.

No recall petition shall be filed against an elected official within twelve (12) months after a recall election has failed to remove him or her from office or within six (6) months after the beginning of his or her term of office or within six (6) months prior to the incumbent filing deadline for the office. (*Neb. RS 32-1301 through 32-1309*); (*Ord. No. 504, 1/14/99*); (*Ord. No. 631, 12/11/12*)

Article 8. Fiscal Management

§1-801 FISCAL MANAGEMENT; FISCAL YEAR.

The fiscal year of the Municipality and any public utility of the Municipality commences on October 1 and extends through the following September 30 except as provided in the Municipal Proprietary Function Act. (*Ref. 17-701 RS. Neb.*) (*Amended by Ord. No. 427, 4/9/96*)

§1-802 FISCAL MANAGEMENT; PROPOSED BUDGET STATEMENT; FILING.

The Governing Body shall, not later than the first (1st) day of August of each year on forms prescribed and furnished by the Nebraska State Auditor, prepare in writing and file with the Municipal Clerk a proposed budget statement containing the following:

- A. For the immediate two (2) prior fiscal years, the revenue from all other sources, other than revenue received from taxation, allocated to each of the several funds and separately stated as to each such source, and for each fund: The unencumbered cash balance of such fund at the beginning and end of the year: the amount received by taxation allocated to each fund; and the amount of actual expenditure for each fund;
- B. For the current fiscal year, actual and estimated revenue from all sources, allocated to each of the several funds and separately stated as to each such source, and for each fund: The actual unencumbered cash balance available for such fund at the beginning of the year; the amount received from taxation allocated to each fund; and the amount of actual and estimated expenditure, whichever is applicable. Such statement shall contain the cash reserve for each such fund for each fiscal year and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the actual experience of prior years. The cash reserve shall not exceed fifty (50%) percent of the total budget adopted for such fund exclusive of capital outlay items;
- C. For the immediately ensuing fiscal year, an estimate of revenue from all other sources other than revenue to be received from taxation, separately stated as to each such source, to be allocated to each of the several funds, and for each fund: The actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year; the amounts proposed to be expended during the

year; and the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed fifty (50%) percent of the total budget adopted exclusive of capital outlay items;

D. A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property (i) for the purpose of paying the principal or interest on bonds issued by the Governing Body and (ii) for all other purposes;

E. A uniform summary of the proposed budget statement which shall include a separate total for each fund, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Municipal Proprietary Function Act, and a grand total of all funds maintained by the Governing Body; and

1. A list of the proprietary functions which are not included in the budget statement if a separate proprietary budget statement has been prepared for such proprietary functions pursuant to the Municipal Proprietary Function Act.

2. The actual or estimated unencumbered cash balance of each fund required to be included in the budget statement by this Section shall include deposits and investments of the Municipality as well as any funds held by the County Treasurer for the Municipality and shall be accurately stated on the proposed budget statement.

3. The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the estimated income from all sources other than taxation shall equal the amount to be received from taxes, and such amount shall be shown on the proposed budget statement filed pursuant to this Section. The amount to be raised from taxation, as determined above, plus the estimated revenue from sources other than taxation and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year. *(Ref. 13-504, 13-505 RS Neb.) (Amended by Ord. No. 281, 12/4/84; Ord. No. 402, 12/13/94; Ord. No. 471, 8/12/97)*

§1-803 FISCAL MANAGEMENT; BUDGET HEARING.

Subsequent to the filing of the proposed budget statement, the Governing Body shall publish a proposed budget and conduct a public hearing on the proposed budget statement. Notice of the place and time of the said hearing, as well as a copy of the proposed budget, shall be published at least five (5) days prior to the date set for the hearing in a newspaper of general circulation in the Municipality. After such hearing, the statement shall be adopted, or amended, and adopted as amended, and a written record shall be made of such hearing. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within twenty (20) days after its adoption. *(Ref. 23-925 RS Neb.)*

§1-804 FISCAL MANAGEMENT; ADOPTED BUDGET STATEMENT; FILING.

The Governing Body shall file with and certify to the levying board on or before September Twentieth (20th) of each year, and file with the Nebraska State Auditor, a copy of the adopted budget statement, together with the amount of tax to be levied, setting out separately the amount to be levied for the payment of principal or interest on bonds issued by the Governing Body and the amount to be levied for all other purposes. Proof of publication shall be attached to the statements. The Governing Body shall not certify any tax that exceeds the maximum levy prescribed by state law, except that in certifying the amount to be so levied, allowance may be made for delinquent taxes not exceeding five (5%) percent of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year. *(Ref. 13-508 RS Neb.) (Amended by Ord. No. 403, 12/13/94; Ord. No. 428, 4/9/96; Ord. No. 472, 8/12/97)*

§1-805 FISCAL MANAGEMENT; BUDGET PROCEDURE.

The Manual of Instructions for City/Village: Budgets, prepared by the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska 68509 is incorporated by reference for the purpose of proper budget preparation.

§1-806 FISCAL MANAGEMENT; APPROPRIATIONS.

The Governing Body shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill", in which are appropriated such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the Municipality. *(Ref. 17-706 RS Neb.) (Amended by Ord. No. 405, 12/13/94; Ord. No. 429, 4/9/96)*

§1-807 FISCAL MANAGEMENT; ALL PURPOSE LEVY.

The Governing Body has determined that the amount of money to be raised by taxation shall be certified to the County Clerk in the form of one all purpose levy instead of certifying a schedule of levies for specific purposes added together. Said all purpose levy shall not exceed an annual levy of thirty (30) mills on the dollar upon the assessed valuation of all taxable property in the Municipality, except intangible property. *(Ref. 19-1309 RS Neb.)*

§1-808 FISCAL MANAGEMENT; EXTRAORDINARY LEVY.

Otherwise authorized extraordinary levies to service and pay bonded indebtedness of the Municipality and to pay judgments obtained against the Municipality may be made in addition to the all-purpose levy. *(Ref. 19-1309 RS Neb.)*

§1-809 FISCAL MANAGEMENT; INADEQUATE VALUATION.

If the valuation of the Municipality has been reduced so that the maximum levy permitted by Section 1-807 is inadequate to produce the necessary revenue, said maximum levy may be exceeded upon presentation to the Governing Body off petitions signed by a majority of the registered voters of the Municipality requesting such action and specifying the extent to, and the period of time, not to exceed five (5) years, in which such maximum may be exceeded. No signature may be withdrawn after the petitions have been filed with the Governing Body. The Governing Body shall cause such petitions, accompanied by the certificate of the County Clerk that he has examined the petitions and that they have been signed by a majority of the registered voters of the Municipality, to be filed with the County Board in which the Municipality is located. After such filing, the Governing Body may exceed the maximum mill levy to the extent and for the period of time specified in the petitions. *(Ref. 19-1309 RS Neb.)*

§1-810 FISCAL MANAGEMENT; ALL PURPOSE LEVY, ALLOCATION.

The Governing Body shall allocate the amount raised by the all purpose levy to the several departments of the Municipality in its annual budget and appropriation ordinance, or in other legal manner, as the Governing Body shall deem best. *(Ref. 19-1310 RS Neb.)*

§1-811 FISCAL MANAGEMENT; ALL PURPOSE LEVY, ABANDONMENT.

The Municipality shall be bound by its election of the all purpose levy during the ensuing fiscal year, but may abandon such method in succeeding fiscal years. *(Ref. 19-1311 RS Neb.)*

§1-812 FISCAL MANAGEMENT ; GENERAL PROPERTY TAX.

The Governing Body shall cause to be certified to the County Clerk the amount of tax to be levied upon the assessed value of all the taxable property of the Municipality for the requirements of the adopted budget for the ensuing year, including all special assessments and taxes. The maximum amount of tax which may be certified and assessed shall not require a tax levy in excess of the legal maximum as prescribed by state law. *(Ref. 17-702 RS Neb.)*

§1-813 FISCAL MANAGEMENT; EXPENDITURES.

No Municipal official shall have the power to appropriate, issue, or draw any order or warrant on the Municipal Treasury for money, unless the same has been appropriated or ordered by Ordinance. No expenditure for any improvement to be paid for out of the general fund of the Municipality shall exceed in any one (1) year the amount provided for that improvement in the adopted budget statement. *(Ref. 17-708 RS Neb.)*

§1-814 FISCAL MANAGEMENT; CONTRACT.

The Governing Body shall before making any contract in excess of twenty thousand (\$20,000.00) dollars as estimated by the Municipal Engineer, for general improvements, such as water extensions, sewers, public heating system, bridges, or work on streets, or any other work or improvement where the cost of such improvement shall be assessed to the property, advertise for bids, unless such contract shall be entered into for the benefit of the Municipal Electric Utility. A Municipal Electric Utility may enter into a contract for any such work or improvement or for the purchase of such equipment without advertising for bids if the: (a) Price is twenty thousand (\$20,000.00) dollars or less; (b) price is forty thousand (\$40,000.00) dollars or less and the Municipal Electric Utility has a gross annual revenue from retail sales in excess of one million (\$1,000,000.00) dollars or less; (c) price is sixty thousand (\$60,000.00) or less and the Municipal Electric Utility has gross annual revenues from retail sales in excess of five million (\$5,000,000.00) dollars; or (d) price is eighty thousand (\$80,000.00) dollars or less and the Municipal Electric Utility has gross annual

revenues from retail sales in excess of ten million (\$10,000,000.00) dollars. In advertising for bids for any such work, or for the purchase of such equipment, the Governing Body may cause the amount of such estimate to be published therewith.

Such advertisement shall be published once each week for three (3) consecutive weeks in a legal newspaper published in or of general circulation in the Municipality, or by posting a written or printed copy thereof in each of three (3) public places in the Municipality; Provided, that in case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to life, health, or property, or war, estimates of costs and advertising for bids may be waived in the emergency ordinance when adopted by a three fourths (3/4) vote of the Governing Body.

If, after advertising for bids as provided in this Section, the Governing Body receives fewer than two (2) bids on a contract for services, material, or labor, or if the bids received by the Governing Body contain a price which exceeds the estimated cost of the project, the Governing Body shall have the authority to negotiate a contract for services, material, or labor in an attempt to complete the proposed project at a cost commensurate with the estimate given.

If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the Governing Body, or Board of Public Works, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the purchasing Municipality, the Governing Body or Board of Public Works, may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer.

The Municipal bidding procedure shall be waived when materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the state bidding procedure. (*Ref. 17-568.01, 17-613, 16-321 RS Neb.*) (*Amended by Ord. No. 265, 9/6/83; Ord. No. 596, 6/8/10*)

§1-815 FISCAL MANAGEMENT; ANNUAL AUDIT; FINANCIAL STATEMENTS.

The Governing Body shall cause an audit of the Municipal accounts to be made by a qualified accountant as expeditiously as possible following the close of the fiscal year. Such audit shall be made on a cash or accrual method at the discretion of the Governing Body. The said audit shall be completed, and the annual audit report made not later than six (6) months after the close of the fiscal year. The accountant making the audit shall submit not less than three (3) copies of the audit report to the Governing Body. All public utilities or other enterprises which substantially generate their own revenue shall be audited separately, except in Villages having a population of less than eight hundred (800), and the results of such audits shall appear separately in the annual audit report, and such audits shall be on an accrual basis and shall contain statements and materials which conform to generally accepted accounting principles. The audit report shall set forth the financial position and results of financial operations for each fund or group of accounts of the Municipality as well as an opinion by the accountant with respect to the financial statements. Two (2) copies of the annual audit report shall be filed with the Municipal Clerk, and shall become a part of the public records of the Municipal Clerk's office, and will at all times thereafter, be open for public inspection. One (1) copy shall be filed with the Auditor of Public Accounts; Provided, that all Villages may file an unaudited statement of cash receipts and disbursements annually in lieu of an annual audit. Such unaudited statement shall be filed with the Auditor of Public Accounts in a form prescribed by him. The unaudited statement of cash receipts and disbursements shall become a part of the public records of the Municipal Clerk and shall at all times thereafter be open and subject to public inspection. Every Governing Body that is required herein to submit to an audit of its accounts shall provide and file with the Municipal Clerk, not later than August 1 of each year, financial statements showing its actual and budgeted figures for the most recently completed fiscal year. (*Ref. 19-2901 through 19-2909, 23-934 RS Neb.*) (*Amended by Ord. No 285, 12/4/84*)

§1-816 FISCAL MANAGEMENT; CLAIMS.

All claims against the Municipality shall be presented to the Governing Body in writing with a full account of the items, and no claim or demand shall be audited or allowed unless presented as provided for in this Section. No costs shall be recovered against the Municipality in any action brought against it for an unliquidated claim which has not been presented to the Governing Body to be audited, nor upon claims

allowed in part, unless the recovery shall be for a greater sum than the amount allowed, with the interest due. No order, or warrant shall be drawn in excess of eighty five (85%) percent of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the Municipal treasury for the appropriate fund against which it is to be drawn; Provided, that in the event there exists obligated funds from the Federal and/or State government for the general purpose of such warrant, then such warrant may be drawn in excess of eighty five (85%) percent, but not more than one hundred (100%) percent of the current levy for the purpose for which said warrant is drawn. *(Ref. 17-714, 17-715 RS Neb.)*

§1-817 FISCAL MANAGEMENT; WARRANTS.

All warrants drawn upon the Municipal Treasury must be signed by the Chairman of the Board and countersigned by the Municipal Clerk, stating the particular fund to which the warrant is chargeable, the person to whom it is payable, and the purpose of the expenditure. No money shall be otherwise paid than upon warrants so drawn. Each warrant shall specify the amount included of such fund. *(Ref. 17-711 RS Neb.)*

§1-818 FISCAL MANAGEMENT; SPECIAL ASSESSMENT FUND.

All money received on special tax assessments shall be held by the Municipal Treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and such money shall be used for no other purpose unless to reimburse the Municipality for money expended for any such improvement. *(Ref. 17-710 RS Neb.)*

§1-819 FISCAL MANAGEMENT; SINKING FUNDS.

The Governing Body, subject to the limitations set forth herein, shall have the power to levy a tax not to exceed that prescribed by state law upon the assessed value of all taxable property within the Municipality for a term not to exceed that prescribed by state law in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the Municipality for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, or repair of the approved uses as authorized by state law. To initiate the said sinking fund, the Governing Body shall declare its purpose by resolution to submit to the qualified electors of the Municipality the proposition to provide the improvement at the next general Municipal election. The resolution shall set for the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed, and the proposition as it will appear on the ballot. Notice of the said proposition shall be published in its entirety three (3) times on successive weeks before the day of the election in a legal newspaper of general circulation in the Municipality. The sinking fund may be established after the election if a majority, or more of the legal votes were in favor of the establishment of the fund. The Governing Body may then proceed to establish the said fund in conformity with the provisions of the proposition, and applicable state law. The funds received by the Municipal Treasurer shall, as they accumulate, be immediately invested with the written approval of the Governing Body in the manner provided by state law. No sinking fund so established shall be used for any purpose or purposes contrary to the purpose as it appeared on the ballot unless the Governing Body is authorized to do so by sixty (60%) percent of the qualified electors of the Municipality voting at a general election favoring such a change in the use of the sinking fund. *(Ref. 19-1301 through 19-1304, 77-2337, 77-2339 RS Neb.)*

§1-820 FISCAL MANAGEMENT; DEPOSIT OF FUNDS.

The Governing Body, at its first (1st) meeting in each fiscal year, shall designate one (1) or more banks of approved and responsible standing in which the Municipal Treasurer shall keep at all times all money held by him; Provided, if more than one (1) bank in the Municipality meets the requirements for approved banks as herein defined, the said funds shall be deposited in each of them, and the Municipal Treasurer shall not give a preference to any one (1) or more of them in the money he shall deposit. A bond shall be required from all banks so selected in a penal sum which equals the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or a pledge of sufficient assets of the bank to secure the payment of all such deposits. *(Ref. 17-607, 77-2362 through 77-2364 RS Neb.)*

§1-821 FISCAL MANAGEMENT; INVESTMENT OF FUNDS.

Whenever a village has accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest of any such bonds which become due during the current year, the governing body of such village may invest any such surplus in certificates of deposit, in time deposits, and

in any securities in which the State Investment Officer is authorized by law and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. (Ref. 17-608, 17-609, 21-1316.01, 77-2341 RS. Neb.) (Amended by Ord. No. 342, 12/4/89)

§1-822 FISCAL MANAGEMENT; BOND ISSUES.

The Governing Body may, after meeting all the requirements of State law, issue bonds, fund bonds, and retire bonds for such purposes as may be permitted by State law. The Governing Body shall have the authority to levy special assessments for the payment of interest and principal on such bonds, and may spread the payments up to the maximum number of years permitted by State law.

Bonds issued by the Village of Mead for the purpose of refunding certain outstanding bonds of the Village; prescribing the form of said bonds, providing for a Sinking Fund and for the levy of taxes to pay said bonds; providing for the sale of the bonds; authorizing the delivery of the bonds to the purchaser; providing for the disposition of the bond proceeds and ordering the ordinance published in pamphlet form. (Ref. 10-201 through 10-411, 10-601 through 10-614, 12-1001, 17-529.01, 17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-1801 through 18-1805, 23-343.3, 39-836 RS Neb.) (Ord. No. 523, 5/7/02)

§1-823 FISCAL MANAGEMENT; MOTOR VEHICLE TAX.

The Governing Body of the Village may levy a tax on all motor vehicles owned or used in such Village, which tax shall be paid to the County Treasurer of the County in which such Village is located when the registration fees as provided in Section 60-329 to 60-339, R.S. Neb., are paid. Such taxes shall be credited by the County Treasurer to the road fund of such Village. Such funds shall be used by such Village for constructing, resurfacing, maintaining, or improving streets, roads, alleys, public ways, or parts thereof, for the amortization of bonded indebtedness when created for such purposes. (Ref. 18-1214 RS Neb.) (Ord. No. 325, 9/6/88) (Amended by Ord. No. 343, 12/4/89)

§1-824 FISCAL MANAGEMENT; PROPRIETARY FUNCTIONS; FISCAL YEAR; BUDGET STATEMENTS; FILING; HEARING; ADOPTION; RECONCILIATION.

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

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

3. If the Municipality does not include its proprietary functions in its Municipal budget statement, a proposed proprietary statement shall be prepared in writing on forms provided by the State Auditor and filed with the Municipal Clerk, at least thirty (30) days prior to the start of the fiscal year of each proprietary function, containing the following information:

A. For the immediate two (2) prior fiscal years, the revenue from all sources, the unencumbered cash balance at the beginning and end of the year, the amount received by taxation, and the amount of actual expenditure;

B. For the current fiscal year, actual and estimated revenue from all sources separately stated as to each such source, the actual unencumbered cash balance available at the beginning of the year, the amount received from taxation, and the amount of actual and estimated expenditure, whichever is applicable;

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

- D. A uniform summary of the proposed budget statement which shall include a total of all funds maintained for the proprietary function.
- E. Such statement shall contain the estimated cash reserve for each fiscal year and shall note whether or not such reserve is encumbered. The cash reserve projections shall be based upon the actual experience of prior years.
4. A. After the proposed proprietary budget statement is filed with the Municipal Clerk, the Governing Body shall conduct a public hearing on such statement. Notice of the time and place of the hearing, a summary of the proposed proprietary budget statement, and notice that the full proposed proprietary budget statement is available for public review with the Municipal Clerk during normal business hours, shall be published at least five (5) days prior to the hearing in a newspaper of general circulation within the Governing Body's jurisdiction or by mailing each resident within the Governing Body's jurisdiction.
- B. After such hearing, the proposed proprietary budget statement shall be adopted or amended and adopted as amended, and a written report shall be kept of such hearing. If the adopted proprietary budget statement reflects a change from the proposed proprietary statement presented at the hearing, a copy of the adopted proprietary budget statement shall be filed with the Municipal Clerk within twenty (20) days after its adoption and published in a newspaper of general circulation within the Governing Body's jurisdiction or by mailing to each resident within the Governing Body's jurisdiction.
5. If the actual expenditures for a proprietary function exceed the estimated expenditures in the proprietary budget statement during its fiscal year, the Governing Body shall adopt a proprietary function reconciliation statement within ninety (90) days after the end of such fiscal year which reflects any difference between the adopted proprietary budget statement for the previous fiscal year and the actual expenditures and revenues for such fiscal year. After the adoption of a proprietary function reconciliation statement, it shall be filed with the Municipal Clerk and published in a newspaper of general circulation within the Governing Body's jurisdiction or by mailing to each resident within the Governing Body's jurisdiction. If the difference between the adopted proprietary budget for the previous fiscal year and the actual expenditures and revenues for such fiscal year is greater than ten percent (10%), the proprietary function reconciliation statement shall only be adopted following a public hearing.
6. Any income from a proprietary function which is transferred to the general fund of the Municipality shall be shown as a source of revenue in the Municipal budget statement created pursuant to the Nebraska Budget Act. (*Ref. 18-2803 to 18-2808 RS Neb.*) (*Ord. No. 404, 12/13/94*)

§1-825 FISCAL MANAGEMENT; COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE.

1. The Municipality shall collect the special assessments, which it levies, and perform all other necessary functions related thereto including foreclosure. Notice that special assessments are due shall be mailed or otherwise delivered to the last-known address of the person against whom such special assessments are assessed or to the lending institution or other party responsible for paying such special assessments. Failure to receive such notice shall not relieve the taxpayer from any liability to pay such special assessments and any interest or penalties accrued thereon.
2. The Municipality shall:
- A. File notice of the assessment and the amount of assessment being levied for each lot or tract of land to the Register of Deeds; and
- B. File a release of assessment upon final payment of each assessment with the Register of Deeds.
- (*Ref. 18-1216 RS Neb.*) (*Ord. No. 473, 8/12/97*)

§1-826 FISCAL MANAGEMENT; PROPERTY TAX LEVY; AUTHORITY TO SET.

Upon receipt of the preliminary levy from the County Clerk, the Governing Body may either accept or change the amount of the preliminary levy established by the County. If the amount of the preliminary levy is deemed to be adequate and sufficient by the Governing Body, the preliminary levy shall become the final levy without further action by the Governing Body. The Governing Body may reject the preliminary levy and pass by a majority vote a resolution or ordinance setting the levy at a different amount prior to October 15. Such resolution or ordinance shall only be passed after the Governing Body holds a special public hearing called for such purpose and after notice of the hearing is published in a newspaper of general circulation within the Municipality at least five (5) days prior to the hearing. Any resolution or ordinance setting a tax levy under this Section shall be forwarded to the County Clerk and certified. (*Ref. 77-1601.01, 77-1601.02 RS Neb.*) (*Ord. No. 474, 8/12/97*)

Article 9. Compensation

§1-901 COMPENSATION; MUNICIPAL OFFICIALS. The compensation of any elective official of the Municipality shall not be increased or diminished during the term for which he shall have been elected except when there has been a merger of offices; Provided, the compensation of the members of the Governing Body, a board, or Commission may be increased or diminished at the beginning of a full term of any member whether or not the terms of one or more members commence and end at different times. No elected official may be rehired at a greater salary if he resigns and desires to be rehired during which he resigned at a greater salary.

All salaries as set by this Ordinance shall be:

Chairman of the Board	\$100.00 per regular meeting, \$25.00 per special meeting
Trustees of the Board	\$ 75.00 per regular meeting, \$25.00 per special meeting

Salaries shall be set by Ordinance of the Governing Body and will be available for public inspection at the office of the Municipal Clerk. (*Ref. 17-209.02, 17-612 RS Neb.*) (*Amended by Ord. No. 264; 9/6/83; Ord. No. 322, 6/5/88, Ord. No. 516, 11/14/00; Ord. No. 720, 11/13/18*)

§1-902 COMPENSATION; CONFLICT OF INTEREST. For purposes of this section officer shall mean a) any member of any Board or Commission of the Municipality, (b) any Appointed Official if such Municipal Official (i) serves on a Board or Commission which spends and administers its own funds and (ii) is dealing with a contract made by such Board or Commission, or (c) any elected Municipal Official. Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this section, with respect to their duties as firefighters and ambulance drivers.

No officer of the Municipality shall be permitted to benefit from any contract to which the Municipality is a party. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. Any action to have a contract declared void under this section may be brought by the Municipality or by any resident thereof and must be brought within one (1) year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor, or services furnished under the contract, to the extent that the Municipality has benefited thereby. The prohibition in this section shall apply only when the officer or his or her parent, spouse, or child (a) has a business with which the individual is associated or business association which shall mean a business: (1) in which the individual is a partner, director, or officer or (2) in which the individual or a member of the individual's immediate family is a stockholder of a closed corporation stock worth one thousand (\$1,000.00) dollars or more at fair market value or which represents more than five (5%) percent equity interest, or is a stockholder of publicly traded stock worth ten thousand (\$10,000.00) dollars or more at fair market interest or (b) will receive a direct pecuniary fee or commission as a result of the contract; Provided however, if such officer (a) is an employee of the business involved in the contract and (b) has no ownership interest or will not receive a pecuniary fee such officer shall not be deemed to have an interest within the meaning of this section.

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

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

The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any Municipality by a financial institution shall not be considered a contract under the provisions of this section. The ownership of less than five (5%) percent of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section. Notwithstanding the provisions of subsections A through C above, if an officer's parent, spouse or child is an employee of the Municipality, the officer may vote on all issues of the contract which are generally applicable to all employees or all employees within a

classification and do not single out his or her parent, spouse, or child for special action. If an officer has the power to employ personnel and he or she hires his or her parent, spouse, or child, such officer shall disclose the hiring pursuant to subsections 1 through 5 below, except that if the parent, spouse, or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made. Notwithstanding any other provision of this section, any contract entered into with an interested officer shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the Municipality.

The Municipal Clerk shall maintain, separately from other records, a ledger containing the information listed in subsections 1 through 5 of this section about every contract entered into by the Municipality in which an officer has an interest as specified above for which disclosure is made as provided in subsections A through C above. Such information shall be kept in the ledger for five (5) years from the date of the officer's last day in office and shall include the:

1. Names of the contracting parties;
2. Nature of the interest of the officer in question;
3. Date that the contract was approved by the Municipality involved;
4. Amount of the contract; and
5. Basic terms of the contract.

The information supplied relative to the contract shall be provided to the Clerk not later than ten (10) days after the contract has been signed by both parties. The ledger kept by the Clerk shall be available for public inspection during the normal working hours of the office in which it is kept.

An open account established for the benefit of any Municipality or entity thereof, with a business in which an officer has an interest, shall be deemed a contract subject to the provisions of this section. The statement required to be filed pursuant to this section shall be filed within ten (10) days after such account is opened. Thereafter, the Clerk shall maintain a running account of all amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to the provisions of this section.

Any officer who knowingly violates the provisions of sections 49-14,103.01 through 49-14,103.04 RS Neb., shall be guilty of a Class III misdemeanor. Any officer who negligently violates sections 49-14,103.01 through 49-14,103.03 RS Neb. shall be guilty of a Class V misdemeanor.

The Municipality may enact ordinances exempting from the provisions of this section, contracts involving one hundred (\$100.00) dollars or less in which an officer of such Municipality may have an interest.

No officer, including volunteer firefighters and ambulance drivers, shall receive any pay or perquisites from the Municipality other than his or her salary. The Governing Body shall not pay or appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service, or duty, which shall come within the proper scope of the duties of any officer of the Municipality. (*Ref. 17-611, 18-305 through 18-312, 49-14,103.01 through 49-14,103.03, 70-624.04 RS Neb.*) (*Amended by Ord. No 284, 12/8/84; Ord. No. 305, 9/10/86*)

Article 10. Initiative and Referendum

(Editor's Note: Article 10 was adopted in its entirety by Ordinance No. 283, Passed on 12/4/84)

§1-1001 INITIATIVE AND REFERENDUM; DEFINITIONS.

The powers of initiative and referendum are reserved to the qualified electors of the Municipality by State Law. This Article shall govern the use of initiative to enact, and the use of referendum to amend or repeal measures affecting the governance of the Municipality. For purposes of this Article, the definitions set out in this Section, unless the context otherwise requires, shall apply.

CIRCULATOR shall mean any person who solicits signatures for an initiative or referendum petition.

CLERK shall mean the Municipal Clerk or the Municipal Official in charge of elections.

GOVERNING BODY shall mean the legislative authority of the Municipality.

MEASURE shall mean an ordinance, charter provision, or resolution which is within the legislative authority of the Governing Body to pass, and which is not excluded from the operation of referendum by

the exceptions in Section 1-1012.

MUNICIPALITY shall mean the Village of Mead, Nebraska.

PETITION shall mean a document authorized for circulation pursuant to Section 1-1002, or any copy of such document.

PLACE OF RESIDENCE shall mean the street and number of the residence. If there is no street and number for the residence, place of residence shall mean the mailing address.

PROSPECTIVE PETITION shall mean a sample document containing the information necessary for a completed petition, including a sample signature sheet, which has not yet been authorized for circulation.

QUALIFIED ELECTORS shall mean all persons registered to vote, at the time the prospective petition is filed, in the jurisdiction governed or to be governed by any measure sought to be enacted by initiative, or altered or repealed by referendum.

RESIDENCE shall mean that place at which a person has established his or her home, where he or she is habitually present, and to which, when he or she departs, he or she intends to return.

SIGNATURE SHEET shall mean a sheet of paper which is part of a petition and which is signed by persons wishing to support the petition effort. (*Ref. 18-2501 thru 18-2511 RS Neb.*)

§1-1002 INITIATIVE AND REFERENDUM; PETITIONS, BALLOTS.

Before circulating an initiative or referendum petition, the petitioner shall file with the Clerk a prospective petition. The Clerk shall date the prospective petition immediately upon its receipt. The Clerk shall verify that the prospective petition is in proper form and shall provide a ballot title for the initiative or referendum proposal, as described below. If the prospective petition is in proper form, the Clerk shall authorize the circulation of the petition and such authorization shall be given within three (3) working days from the date the prospective petition was filed. If the form of the prospective petition is incorrect, the Clerk shall, within three (3) working days from the date the prospective petition was filed, inform the petitioner of necessary changes and request that those changes be made. When the requested changes have been made and the revised prospective petition has been submitted to the Clerk in proper form, the Clerk shall authorize the circulation of the petition and such authorization shall be given within two (2) working days from the receipt of the properly revised petition. Verification by the Clerk that the prospective petition is in proper form does not constitute an admission by the Clerk, Governing Body, or Municipality that the measure is subject to referendum or limited referendum or that the measure may be enacted by initiative.

The ballot title of any measure to be initiated or referred shall consist of:

- A. A briefly-worded caption by which the measure is commonly known or which accurately summarizes the measure;
- B. A briefly-worded question which plainly states the purpose of the measure, and is phrased so that an affirmative response to the question corresponds to an affirmative vote on the measure; and
- C. A concise and impartial statement, of not more than seventy-five (75) words, of the chief purpose of the measure.

The ballots used when voting on an initiative or referendum proposal shall contain the entire ballot title. Proposals for initiative or referendum shall be submitted on separate ballots and the ballots shall be printed in lower case ten-point type, except that the caption shall be in bold face type. All initiative and referendum measures shall be submitted in a nonpartisan manner without indicating or suggesting on the ballot that they have or have not been approved or endorsed by any political party or organization. (*Ref. 18-2512, 81-2513 RS Neb.*)

§1-1003 INITIATIVE AND REFERENDUM; PETITIONS; FORM; DECLARATORY JUDGMENTS.

The Secretary of State shall design the form to be used for initiative and referendum petitions, including signature sheets. These forms shall be made available to the public by the Clerk, and they shall serve as a guide for individuals preparing prospective petitions. Substantial compliance with initiative and referendum forms is required before authorization to circulate such petition shall be granted by the Clerk pursuant to Section 1-1002. Chief Petitioners or Circulators preparing prospective petitions shall be responsible for making copies of the petition for circulation, once authorization for circulation has been granted, and each petition presented for signature must be identical to the petition authorized for circulation by the Clerk pursuant to Section 1-1002.

The Municipality or any Chief Petitioner may seek a declaratory judgment regarding any questions arising

under this Article, as it may be from time to time amended, including, but not limited to, determining whether a measure is subject to referendum or limited referendum or whether a measure may be enacted by initiative. If a Chief Petitioner seeks a declaratory judgment, the Municipality shall be served by personal, residence, or certified mail service upon the Chief Executive Officer or Clerk. If the Municipality seeks a declaratory judgment, only the Chief Petitioner or Chief Petitioners shall be required to be served. Any action brought for declaratory judgment for purposes of determining whether a measure is subject to limited referendum or referendum, or whether a measure may be enacted by initiative, may be filed in the district court at any time after the filing of a referendum or initiative petition with the Municipal Clerk for signature verification until forty (40) days from the date the Governing Body received notification pursuant to Section 1-1006. If the Municipality does not bring an action for declaratory judgment to determine whether the measure is subject to limited referendum or referendum, or whether the measure may be enacted by initiative until after it has received notification pursuant to Section 1-1006, it shall be required to proceed with the initiative or referendum election in accordance with the provisions of this Article. If the Municipality does file such an action prior to receiving notification pursuant to Section 1-1006, it shall not be required to proceed to hold such election until a final decision has been rendered in the action. Any action for a declaratory judgment shall be governed generally by Sections 25-21, 149 to 25-21, 164 RS Neb., except that only the Municipality and each Chief Petitioner shall be required to be made parties. The Municipality, Clerk, Governing Body, or any of the Municipality's officers shall be entitled to rely on any order rendered by the court in any such proceeding. Any action brought for declaratory judgment pursuant to this Section shall be given priority in scheduling, hearings, and in disposition as determined by the court when an action is brought to determine whether the measure is subject to limited referendum or referendum, or whether a measure may be enacted by initiative, a decision shall be rendered by the court no later than five (5) days prior to the election. The provisions of this Section relating to declaratory judgments shall not be construed as limiting, but construed as supplemental and additional to other rights and remedies conferred by law.

Every petition shall contain the name and place of residence of not more than three (3) persons as Chief Petitioners or sponsors of the measure. The Chief Petitioners or sponsors shall be qualified electors of the Municipality potentially affected by the initiative or referendum proposal. Every petition shall contain the caption and ballot title required in Section 1-1002, and only qualified electors shall circulate petitions, when a special election is being requested, such fact shall be stated on every petition. (*Ref. 25-510.02, 25-2514, 25-515 RS Neb.*)

§1-1004 INITIATIVE AND REFERENDUM; SIGNATURE SHEETS.

Every signature sheet shall:

1. Contain the caption required in Subdivision A. of Section 1-1002 of this Article;
2. Be part of a complete and authorized petition when presented to potential signatories;
3. Provide space for signatories to write their names, residential addresses, and the date of signing; and
4. Contain a statement that anyone falsifying information on a signature sheet shall be subject to penalties provided by law.

No more than twenty five (25) signatures on each signature sheet shall be counted. In order to be valid, a signature shall be that of an individual registered to vote, at the time of signing, in the jurisdiction governed or to be governed by the measure addressed in the petition. A signature shall include the signatory's full name, his or her place of residence, and the date of signing. No signatory shall use ditto marks as a means of affixing his or her place of residence or date on any petition. A wife shall not use her husband's Christian or given name when she signs a petition and she shall sign her own Christian or given name along with her surname. (*Ref. 18-2516 RS Neb.*)

§1-1005 INITIATIVE AND REFERENDUM; PETITIONS, AFFIDAVIT.

Included in the contents of every petition shall be an affidavit, to be signed by the circulator in the presence of a notary, which states that the circulator is a qualified elector, that each person who signed the petition did so in the presence of the circulator on the date indicated and that the circulator believes that each signatory was registered to vote in the affected jurisdiction at the time he or she signed the petition and that the circulator believes that each signatory has stated his or her name and place of residence correctly. (*Ref. 18-2517 RS Neb.*)

§1-1006 INITIATIVE AND REFERENDUM; PETITIONS, NOTIFICATION.

- A. Signed petitions shall be filed with the Clerk for signature verification. Upon the filing of a petition, and passage of a resolution by the Governing Body, the Municipality and the County Clerk or Election Commissioner of the County in which such Municipality is located may by mutual agreement provide that the County Clerk or Election Commissioner shall ascertain whether the petition is signed by the requisite number of voters. The Municipality shall reimburse the county for any costs incurred by the County Clerk or Election Commissioner. When the verifying official has determined that one hundred (100%) per cent of the necessary signatures required by this Article have been obtained, he or she shall notify the Governing Body of that fact, and shall immediately forward to the Governing Body a copy of the petition.
- B. In order for an initiative or referendum proposal to be submitted to the Governing Body and the voters, the necessary signatures shall be on file with the Clerk within six (6) months from the date the prospective petition was authorized for circulation. If the necessary signatures are not obtained by such date, the petition shall be void. *(Ref. 18-2518 RS Neb.)*

§1-1007 INITIATIVE AND REFERENDUM, FREQUENCY OF OCCURRENCE.

The same measure, either in form or in essential substance, may not be submitted to the people by initiative petition, either affirmatively or negatively, more often than once every two (2) years. No attempt to repeal or alter an existing measure or portion of such measure by referendum petition may be made within two (2) years from the last attempt to do the same. Such prohibition shall apply only when the subsequent attempt to repeal or alter is designed to accomplish the same, or essentially the same purpose as the previous attempt. *(Ref. 18-2519 RS Neb.)*

§1-1008 INITIATIVE AND REFERENDUM; DIRECT VOTE.

The Executive Officer and Governing Body of the Municipality may at any time, by resolution, provide for the submission to a direct vote of the electors of any measure pending before it, passed by it, including an override of any veto, if necessary, or enacted by the electors under this Article and may provide in such resolution that such measure shall be submitted at a special election or the next regularly scheduled primary or general election. Immediately upon the passage of any such resolution for submission, the Clerk shall cause such measure to be submitted to a direct vote of the electors, at the time specified in such resolution and in the manner provided in this Article for submission of measures upon proposals and petitions filed by voters. Such matter shall become law if approved by a majority of the votes cast. *(Ref. 18-2520 RS Neb.)*

§1-1009 INITIATIVE AND REFERENDUM; ELECTIONS.

The Clerk shall call elections under this Article, either at a special election or regularly scheduled primary or general election. He or she shall cause notice of every such election to be printed in one (1) or more newspapers of general circulation in such Municipality at least once not less than thirty (30) days prior to such election and also posted in the office of the Clerk and in at least three (3) conspicuous places in such Municipality at least thirty (30) days prior to such election. The notice shall be substantially as follows:

Notice is hereby given that on Tuesday, the _____ day of _____, 20__, at (identify polling place or precinct) of the Municipality of _____, Nebraska an election will be held at which there will be submitted to the electors of the Municipality for their approval or rejection, the following measures, propositions, or issues:

(naming measures, propositions, or issues), which election will be open at 8:00 a.m. and will continue open until 8:00 p.m., of the same day

Dated this _____ day of _____, 20__.

Clerk of the City/Village of Mead, Nebraska

The Clerk shall make available for photocopying a copy in pamphlet form of measures initiated or referred. Such notice provided in this Section designate where such a copy in pamphlet form may be obtained. *(Ref. 18-2521 RS Neb.)*

§1-1010 INITIATIVE AND REFERENDUM; BALLOTS.

All ballots for use in special elections under this Article shall be prepared by the Clerk and furnished by the Governing Body, unless the Governing Body contracts with the county for such service, and shall be in form the same as provided by law for election of the Executive Officer and Governing Body of such Municipality. When ordinance under such Sections are submitted to the electors at a regularly scheduled primary or general election they shall be placed upon the official ballots as provided in this Article. (*Ref. 18-2522 RS Neb.*)

§1-1011 INITIATIVE AND REFERENDUM; INITIATIVE.

- A. The power of initiative allows citizens the right to enact measures affecting the governance of the Municipality. An initiative proposal shall not have as its primary or sole purpose the repeal or modification of existing law except if such repeal or modification is ancillary to and necessary for the adoption and effective operation of the initiative measure.
- B. An initiative shall not be effective if the direct or indirect effect of the passage of such initiative measure shall be to repeal or alter an existing law, or portion thereof, which is not subject to referendum or subject only to limited referendum pursuant to Section 1-1012.
- C. Whenever an initiative petition bearing signatures equal in number to at least fifteen (15%) per cent of the qualified electors of the Municipality has been filed with the Clerk and verified, it shall be the duty of the Governing Body to consider passage of the measure contained in the petition including an override of any veto, if necessary. If the Governing body fails to pass the measure without amendment, including an override of any veto, if necessary, within thirty (30) days from the date it received notification, the Clerk shall cause the measure to be submitted to a vote of the people at the next regularly scheduled primary or general election held within the Municipality. If the Governing Body desires to submit the measure to a vote of the people at a special election prior to the next regularly scheduled primary or general election held within the Municipality, the Governing Body, shall, by resolution, direct the Clerk to cause the measure to be submitted at a special election. Such resolution shall not be subject to referendum or limited referendum.
- D. Whenever an initiative petition bearing signatures equal in number to at least twenty (20%) per cent of the qualified electors which requests that a special election be called to submit the initiative measure to a vote of the people, has been filed with the Clerk and verified pursuant to Section 1-1006, it shall be the duty of the Governing Body to consider passage of the measure contained in the petition including an override of any veto, if necessary, within thirty (30) days from the date it received notification, the Clerk shall cause the measure to be submitted to a vote of the people at a special election called for such purpose. The date of such election shall not be less than thirty (30) nor more than sixty (60) days from the date the Governing Body received notification pursuant to Section 1-1006.
- E. If a majority of voters voting on the initiative measure shall vote in favor of such measure, it shall become a valid and binding measure of the Municipality thirty (30) days after certification of the election results, unless the Governing Body by resolution orders an earlier effective date or the measure itself provides for a later effective date, which resolution shall not be subject to referendum or limited referendum. A measure passed by such method shall not be amended or repealed except by two thirds (2/3) majority of the members of the Governing Body. No such attempt to amend or repeal shall be made within one (1) year from the passage of the measure by the electors. (*Ref. 18-2523 thru 18-2526 RS Neb.*)

§1-1012 INITIATIVE AND REFERENDUM; REFERENDUM LIMITATIONS.

The power of referendum allows citizens the right to repeal or amend existing measures, or portions thereof, affecting the governance of the Municipality.

1. The following measures shall not be subject to referendum or limited referendum:
 - A. Measures necessary to carry out contractual obligations including, but not limited to, those relating to the issuance of or provided for in bonds, notes, warrants, or other evidences of indebtedness, for projects previously approved by a measure which was, or is, subject to referendum or limited referendum or previously approved by a measure adopted prior to the effective date of this Article;
 - B. Measures relating to any industrial development projects, subsequent to measures giving initial approval to such projects;
 - C. Measures adopting proposed budget statements following compliance with procedures set forth in the Nebraska Budget Act;
 - D. Measures relating to the immediate preservation of the public peace, health, or safety which have

- been designated as urgent measures by unanimous vote of those present and voting of the Governing Body and approved by its Executive Officer;
- E. Measures relating to projects for which notice has been given as provided for in Subsection 4 of this Section for which sufficient referendum petition was not filed within the time limit stated in such notice or which received voter approval after the filing of such petition;
 - F. Resolutions directing the Clerk to cause measures to be submitted to a vote of the people at a special election as provided in Section 1-1011 Subsection C and Section 1-1013 Subsection A; and
 - G. Resolutions ordering an earlier effective date for measures enacted by initiative as provided in Section 1-1011 Subsection E.
2. The following measures shall be subject to limited referendum:
- A. Measures in furtherance of a policy of the Municipality or relating to projects previously approved by a measure which was subject to referendum or which was enacted by initiative or has been approved by the voters at an election, except that such measures shall not be subject to referendum or limited referendum for a period of one (1) year after any such policy or project was approved at a referendum election, enacted by initiative, or approved by the voters at an election;
 - B. Measures relating to the acquisition, construction, installation, improvement, or enlargement, including the financing or refinancing of the costs of public ways, public property, utility systems, and other capital projects, and measures giving initial approval for industrial development projects; and
 - C. Measures setting utility system rates and charges, except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants, or other evidences of indebtedness, and pay rates and salaries for Municipal employees other than the members of the Governing Body and the Executive Officer.
3. Measures subject to limited referendum shall ordinarily take effect thirty (30) days after their passage by the Governing Body, including an override of any veto, if necessary. Referendum petitions directed at measures subject to limited referendum shall be filed for signature verification pursuant to Section 1-1006 within thirty (30) days after such measure's passage by the Governing Body, including an override of any veto, if necessary, or after notice is first published pursuant to subdivision 4(c) of this Section. If the necessary number of signatures as provided in Section 1-1011 has been obtained within the time limitation, the effectiveness of the measure shall be suspended unless approved by the voters.
4. For any measure relating to the acquisition, construction, installation, improvement, or enlargement of public ways, public property, utility systems, or other capital projects, a Municipality may exempt all subsequent measures relating to the same project from the referendum and limited referendum procedures provided for in this Article by the following procedure.
- A. By holding a public hearing on the project, the time and place of such hearing being published at least once but not less than five (5) days prior to the date set for the hearing in a newspaper of general circulation within the Governing Body's jurisdiction;
 - B. By passing of a measure approving the project, including an override of a veto, if necessary, at a meeting held on any date subsequent to the date of the hearing; and
 - C. After passage of such measure, including an override of a veto, if necessary, by giving notice as follows:
 - (i) For those projects for which applicable statutes require an ordinance or resolution of necessity, creating a district or otherwise establishing the project, notice shall be given for such project by including either as part of such ordinance or resolution or as part of any publicized notice concerning such ordinance or resolution a statement that the project as described in the ordinance or resolution is subject to limited referendum for a period of thirty (30) days after the first (1st) publication of such notice and that, after such thirty (30) day period, the project and measures related to it will not be subject to any further right of referendum; and
 - (ii) For projects for which applicable statutes do not require an ordinance or resolution of necessity, notice shall be given by publication of a notice concerning such projects stating in general terms the nature of the project and the Engineer's estimate of costs of such project and stating that the project described in the notice is subject to limited referendum for a period of thirty (30) days after the first (1st) publication of such notice and that, after such thirty (30) day period, the project and measures related to it will not be subject to any further right of referendum. The notice required by this subdivision shall be published in at least one (1) newspaper of general circulation within the Municipality and shall be published not later than fifteen (15) days after passage by the Governing Body, including an override of a veto, if necessary, of a measure approving the project.

The right to hold such a hearing prior to the passage of the measure by the Governing Body and give such notice after passage of such measure by the Governing Body to obtain exemption for any particular project in a manner described in this Subsection is optional and the Municipality shall not be required to hold such a hearing or give such notice for any particular project.

5. All measures, except as provide in Subsection 1, 2, and 4 of this Section, shall be subject to the referendum procedure at any time after such measure has been passed by the Governing Body, including an override of a veto, if necessary, or enacted by the voters by initiative. (*Ref. 18-2527, 18-2528 RS Neb.*)

§1-1013 INITIATIVE AND REFERENDUM; REFERENDUM, PASSAGE.

A. Whenever a referendum petition bearing signatures equal in number to at least fifteen (15%) per cent of the qualified electors of the Municipality has been filed with the Clerk and verified pursuant to Section 1-1006, it shall be the duty of the Governing body to reconsider the measure or portion of such measure which is the object of the referendum. If the Governing Body fails to repeal or amend the measure or portion thereof in the manner proposed by the referendum, including an override of any veto, if necessary, within thirty (30) days from the date the Governing Body receives notification pursuant to Section 1-1006, the Clerk shall cause the measure to be submitted to a vote of the people at the next regularly scheduled primary or general election held within the Municipality. If the Governing body desires to submit the measure to a vote of the people at a special election prior to the next regularly scheduled primary or general election held within the Municipality, the Governing Body shall, by resolution, direct the Clerk to cause the measure to be submitted at a special election. Such resolution shall not be subject to referendum or limited referendum.

B. Whenever a referendum petition bearing signatures equal in number to at least twenty (20%) per cent of the qualified voters of the Municipality which requests that a special election be called to submit the referendum measure to a vote of the people, has been filed with the Clerk and verified, it shall be the duty of the Governing Body to reconsider the measure or portion of such measure which is the object of the referendum. If the Governing Body fails to repeal or amend the measure or portion thereof, in the manner proposed by the referendum, including an override of any veto, if necessary, the Clerk shall cause the measure to be submitted to a vote of the people at a special election called for such purpose within thirty (30) days from the date the Governing Body received notification. The date of such special election shall not be less than thirty (30) nor more than sixty (60) days from the date the Governing body received notification.

C. If a majority of the electors voting on the referendum measure shall vote in favor of such measure, the law subject to the referendum shall be repealed or amended. A measure repealed or amended by referendum shall not be reenacted or returned to its original form except by a two thirds (2/3) majority of the members of the Governing Body. No such attempt to reenact or return the measure to its original form shall be made within one (1) year of the repeal or amendment of the measure by the electors. If the referendum measure does not receive a majority vote, the ordinance shall immediately become effective or remain in effect. (*Ref. 18-2529 thru 18-2531 RS Neb.*)

§1-1014 INITIATIVE AND REFERENDUM; VIOLATIONS, PENALTIES.

A. Whoever knowingly or willfully makes a false affidavit or takes a false oath regarding the qualifications of any person to sign petitions under Sections 18-2501 thru 18-2531 RS Neb. shall be guilty of a Class I misdemeanor with a limit of three hundred (\$300.00) dollars on the fine.

B. Whoever falsely makes or willfully destroys a petition or any part thereof, or signs a false name thereto, or signs or files any petition knowing the same or any part thereof to be falsely made, or suppresses any petition, or any part thereof, which has been duly filed, pursuant to Sections 18-2501 thru 18-2531 RS Neb. shall be guilty of a Class I misdemeanor with a limit of five hundred (\$500.00) dollars on the fine.

C. Whoever signs any petition under Sections 18-2501 thru 18-2531 RS Neb. knowing that he or she is not a registered voter in the place where such petition is made, aids or abets any other person in doing any of the acts mentioned in this Section, bribes or gives or pays any money or thing of value to any person directly or indirectly to induce him or her to sign such petition, or engages in any deceptive practice intended to induce any person to sign a petition, shall be guilty of a Class I misdemeanor with a limit of three hundred (\$300.00) dollars on the fine.

D. Any Clerk who willfully refuses to comply with the provisions of Sections 18-2501 thru 18-2531 RS Neb. or who willfully causes unreasonable delay in the execution of his or her duties under such Sections shall be guilty of a Class I misdemeanor but imprisonment shall not be included as part of the punishment. (*Ref. 18-2532 thru 18-2535 RS Neb.*)

§1-1015 INITIATIVE AND REFERENDUM; APPLICABILITY.

The provisions of the statutes of the State of Nebraska relating to election of officers, voting places, election apparatus and blanks, preparation and form of ballots, information to voters, delivery of ballots, calling of elections, conduct of elections, manner of voting, counting of votes, records and certificates of election, and recounts of votes, so far as are applicable, shall apply to voting on ordinances by the electors pursuant to this Article.

Nothing in this Article shall apply to procedures for initiatives or referendums provided in Nebraska Revised Statutes Sections 18-412 and 18-412.02 relating to Municipal light and power plants, Sections 70-504, 70-650.01 and 70-650.02, relating to public power districts, and Sections 80-203 to 80-205 relating to soldiers and sailors monuments. (*Ref. 18-2536, 18-2537 RS Neb.*)

Chapter 2
COMMISSIONS AND BOARDS

Article 1. Standing Committees

§2-101 STANDING COMMITTEES; VISIONS.

At the organizational meeting of the Village Board, the Village Chairman shall appoint members of such standing committees as the Village Board may by ordinance, or resolution, create. The Village Chairman may change the membership of such standing committees at any time. The Village Chairman shall be a member ex officio of each standing committee. The members of the standing committees shall serve a term of office of one (1) year, unless reappointed. The following Standing Committees shall be appointed or reappointed each year until changed by the Governing Body:

1. Streets and Alleys
2. Park
3. Water
4. Finance
5. Building
6. Sewer

Article 2. Commissions and Boards

§2-201 LIBRARY BOARD.

The Library Board shall be appointed or elected. At the first (1st) regular meeting of the Governing Body in January of each even numbered year the Governing Body shall, by ordinance, adopt the manner in which the five (5) 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 Governing Body. If the members are to be elected, the usual election procedures of the Municipality shall be followed. The Board shall consist of five (5) members with at least four (4) of the members residing within the boundary limits of the Municipality, with one (1) member not residing within the boundaries of the Village of Mead, but within the 68041 postal zone. The members of the Library Board shall serve a four (4) year term of office as specified by Nebraska Statutes. The Board shall serve without compensation and may be required, in the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties. At the time of the Board's first (1st) meeting in July of each year, the Board shall organize by selecting from their number a chairman and secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings, and to make the same available for public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as the Governing Body may designate. Special meetings may be held upon the call of the chairman, or any three (3) members of the Board. The Library Board shall have the authority to appoint a librarian and all other employees. It shall be the duty of the Board to have general charge of the Municipal Library and to establish appropriate rules and regulations for the management, operation, and use of the same. The board member who does not reside within the boundaries of the Village of Mead, but within the 68041 postal zone, shall take no action regarding financial matters of the library and all formal minutes shall indicate the vote of each individual member pertaining to financial matters. The Board shall have supervisory authority over all employees of the library including the librarian. All actions of the Board shall be subject to the review and supervision of the Governing Body. The Board shall be responsible for making such reports and performing such additional duties as the Governing Body may designate from time to time. The Governing Body shall approve any personnel administrative or compensation policy before implementation of such policy or procedure by the Library Board. No member of the Governing Body shall serve as a member of the Library Board while serving a term of office as a member of the Governing Body. No member of the Library Board shall serve in the capacity of both the chairman and secretary of the Board. *(Ref. 51-202 RS Neb.) (Amended by Ord. No. 545, 2/8/05); (Ref. 51-211 RS Neb.) (Amended Ord. No. 631, 12/11/12; Ord. No. 636, 5/14/1; Ord. No. 719, 10/9/18)*

§2-202 PLANNING COMMISSION.

1. The Planning Commission shall consist of five (5) regular members who shall represent, insofar as is possible, the different professions or occupations in the Municipality and shall be appointed by the Chairperson, by and with the approval of a majority vote of the members elected to the Board of Trustees. One (1) additional person may be appointed as an alternate member to fill an occurring vacancy or to fill in where there is a quorum shortage at any official meeting. Two (2) of the regular may be residents of the area over which the Municipality is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the Municipality exercises extraterritorial zoning and subdivision regulation, one (1) regular member of the Commission shall be a resident from such area. If it is determined by the Board of Trustees 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 two hundred (200) residents. The term of each regular member shall be three (3) years, except that approximately one third (1/3) of the regular members of the first (1st) Commission shall serve for terms of one (1) year, one third (1/3) for terms of two (2) years, and one third (1/3) for terms of three (3) years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the Board of Trustees, be removed by the Chairperson with the consent of a majority vote of the members elected to the Board of Trustees for inefficiency, neglect of duty or 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 Chairperson.

2. All regular members of the Commission shall serve without compensation and shall hold no other Municipal office except when appointed to serve on the Board of Adjustment as provided in Section 19-908 RS Neb. All members of the Commission may be required, in the discretion of the Chairperson and Board of Trustees, to give bond in a sum set by resolution of the Board of Trustees, and conditioned upon the faithful performance of their duties. At the time of the Commission's first (1st) meeting in June of each year, the Commission shall organize by selecting from its membership a Chairperson and Secretary. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the Municipal Clerk where they shall be available for public inspection during office hours. The Board of Trustees from time to time out of the General Fund shall fund 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. Special meetings may be held upon the call of the Chairperson, or any three (3) members of the Commission. If a resident makes a request for a Special Meeting, the Commission shall cause to be charged to the resident seventy-five (\$75.00) dollars per meeting. It shall be the duty of the Commission to make and adopt plans for the physical development of the Municipality, including any areas outside its boundaries, which in the Commission's judgment bear relation to the planning of the Municipality. All actions by the Commission shall be subject to the review and supervision of the Chairperson and Board of Trustees. Recommendations from the Commission shall be received by the Board of Trustees within thirty (30) days after the Commission begins consideration of a matter relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning. The Commission shall be responsible for making such reports and performing such other duties as the Chairperson and Board of Trustees may, from time to time, designate. No member of the Board of Trustees or other Municipal official, except where otherwise specifically provided, shall serve as a member of the Commission while serving any other term of office. No member of the Commission shall serve in the capacity of both the Chairperson and Secretary of the Commission.

3. The Chairperson, with the approval of a majority vote of the elected members of the Board of Trustees, shall appoint one (1) alternate member to the Commission. The alternate member shall serve without compensation and shall hold no other Municipal office. The term of the alternate member shall be three (3) years, and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the Chairperson with the approval of a majority vote of the elected members of the Board of Trustees. 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. *(Ref 19-924 through 19-929 RS Neb.) (Amended by Ord. No. 399, 8/9/94; Ord. No. 451, 6/11/96; Ord. No. 520, 1/8/02; Ord. No. 565, 1/9/07, Ord. No. 627, 7/10/12; Ord. No. 793, 6/14/22)*

§2-203 BOARD OF ADJUSTMENT.

1. The Village Board of Trustees of the Village of Mead, Nebraska shall serve as the Board of Adjustment for the Village of Mead, Nebraska plus one (1) member from the Planning Commission of the Village of Mead. The Village Board of Trustees shall nominate the member at large.
2. The Chairperson for the Village Board of Trustees of the Village of Mead, Nebraska shall serve as the Chairperson for the Board of Adjustment of the Village of Mead, Nebraska. *(Ref.84-155 RS Neb.) (Ord. No. 251, 7/5/83; Amended by Ord. No. 531, 08/12/03)*

§2-204 BOARD OF HEALTH.

1. The Governing Body shall appoint a Board of Health, which shall consist of three (3) members. The members of the Board shall include the Chairperson of the Board of Trustees, who shall serve as Chairperson, and two (2) 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. If the Governing Body has appointed a Village Marshal, the Village Marshal may be appointed to the Board and serve as Secretary and quarantine officer. The members of the Board shall serve, without compensation, a one (1) year term of office, unless reappointed and unless removed by the Chairperson of the Board of Trustees with the advice and consent of the Trustees. The members of the Board shall reorganize at the first (1st) meeting in December of each year. No member of the Board of Health shall hold more than one (1) Board of Health position.
2. The Secretary shall keep full and correct minutes and records of all meetings and file the same with the Municipal Clerk where they shall be available for public inspection during office hours. The Governing Body from time to time out of the General Fund shall fund the Board of Health. A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the Governing Body may designate. Special meetings may be held upon the call of the Chairperson, or any two (2) members of the Board.
3. The Board shall enact rules and regulations, which shall have the full force and effect of law, to safeguard the health of the people of the Municipality. 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 enforce all laws of the State of Nebraska and ordinances of the Municipality relating to nuisances and to matters of sanitation, which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the Governing Body may direct. All members of the Board shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate. *(Ref 17-208 RS Neb.) (Amended by Ord. No. 475, 8/12/97)*

§2-205 BOARD OF PARKS AND RECREATION COMMISSIONERS.

There is hereby created a Board of Parks and Recreation Commissioners, hereinafter referred to as "Board" composed of five (5) members, at least three (3) of said members shall be resident freeholders of the Village. The Chairman, with the approval of the Trustees, shall appoint the Board whose terms initially shall be: two (2) to four (4) years; one (1) to three (3) years; one (1) to two (2) years; and one (1) to one (1) year. As terms expire, each successor appointed shall serve for four (4) years. Vacancies shall be filled by Chairman appointment with approval of the Trustees for the duration of the unexpired term. The Board members' terms shall coincide with the fiscal year of the Village. No more than one (1) member of the Village Board shall serve as a member of the Board. Two (2) members of the Village Board may serve as ex-officio members of the Board, but no more than a total of two (2) members of the Village Board shall serve as either ex-officio or voting members of the Board. The Board shall take immediate charge of all parks and recreational facilities belonging to the Village, or under control of the Village and shall establish rules and regulations for the care, use and management of such facilities and parks, and shall:

- A. Propose to the Board of Trustees an annual budget, in form prescribed by the Board of Trustees, for all parks and recreation activities and facilities, in sufficient time for the Board of Trustees to incorporate the same, with such changes deemed appropriate, in its annual budget.
- B. Determine and set fees for use of parks and recreational facilities for residents and non-residents of the Village.
- C. Hire, with the Trustees' approval, such personnel as are necessary to fulfill the Village's recreational programs and carry out the duties listed herein.
- D. Develop the total recreational program for Mead for all citizens, including indoor and outdoor activities, activities for persons of differing degrees of physical and mental abilities, giving consideration to athletic and non-athletic programs, as well as cultural and entertaining events.
- E. Prescribe rules and regulations for use of existing and new parks and recreational facilities.
- F. Determine recreational needs of the citizens and objectives for the village, including submission of a one (1), three (3) and five (5) year plan with the annual budget proposal.
- G. Seek out and accept funds from sources other than fees and tax monies, to include gifts, bequests, grants, memberships, program revenues and fund-raising activities.
- H. Report to Board of Trustees monthly, through a Board member and annually when budget is submitted to Board of Trustees. In addition, the Board shall report to the Board of Trustees when requested by the Chairman.
- I. Organize annually, during first month of fiscal year, and select a Chairperson, Vice-Chairperson and Secretary.
- J. Draft Bylaws for structure and meetings of Board.
- K. Set up such committees as deemed appropriate by the Board.
- L. Follow the standard procedures for expenditure of funds as prescribed for other departments by the Board of Trustees.
- M. Publicize existing and new programs and facilities among citizens of Mead and the surrounding community.
- N. Serve without compensation, but may be reimbursed for any out-of-village travel expenses incurred in the performance of their duties.
- O. Advise the Board of Trustees on the sale, exchange, lease, transfer or acceptance of any real estate or building for parks and recreational purposes. (*Ord. No. 337, 7/11/89*)

§2-206 COMMUNITY DEVELOPMENT AGENCY.

1. An agency to be known as the "Community Development Agency of the Village of Mead, Nebraska," shall consist of the Chair and Board of Trustees.
2. The Agency shall function under the direction of the Chair and Board of Trustees of the Village of Mead, Nebraska, and shall exercise such of the powers herein described or referred to as shall be determined appropriate from time to time by the Chair and Board of Trustees as the governing body of such Agency and as determined by resolution or ordinance duly adopted by said body from time to time. (*Ord. No. 550, 3/14/06*)

Article 3. Penal Provision

§2-301 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 five hundred (\$500.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. (*Ref. 18-2315 RS Neb*) (*Amended by Ord. 661, 5/12/15*)

**Chapter 3
DEPARTMENTS**

Article I. Water Department

§3-101 MUNICIPAL WATER DEPARTMENT; OPERATION AND FUNDING.

The Municipality owns and operates the Municipal Water Department through the Utilities Superintendent. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Water Department may each year levy a tax not exceeding the maximum limit prescribed by state law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the Municipal Treasurer. The Utilities Superintendent shall have the direct management and control of the Municipal Water Department and shall faithfully carry out the duties of his office. The Utilities Superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department subject to the supervision and review of the Governing Body. (*Ref 17-531, 17-534, 19-1305 RS Neb.*)

§3-102 MUNICIPAL WATER DEPARTMENT; DEFINITION OF TERMS.

The following definitions shall be applied throughout this Article. Where no definition is specified, the normal dictionary usage of the word shall apply.

MAIN. The term “main” is hereby defined to be any pipe other than a supply or service pipe that is used for the purpose of carrying water to, and dispersing the same in the Municipality.

SUPPLY PIPE. The term “supply pipe” is hereby defined to be any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer’s premise where the shut-off, stop box, or curb cock is located.

SERVICE PIPE. The term “service pipe” is hereby defined to be any pipe extending from the shut-off, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premise where the water is to be dispersed.

SEPARATE PREMISE. The term “separate premise” is hereby defined to be more than one (1) consumer procuring water from the same service or supply pipe. The second (2nd) premise may be a separate dwelling, apartment, building, or structure used for a separate business.

§3-103 MUNICIPAL WATER DEPARTMENT; CONSUMER’S APPLICATION.

Every person or persons desiring a supply of water shall make an application therefore to the Village Clerk. Before a tenant’s utility application will be accepted, the landlord shall be required to sign an owner’s consent form and agree to pay all unpaid utility charges for his or her property. The landlord and tenant shall be required to complete a Third-Party Notice form prior to service being supplied to the rental property. The Village Clerk shall require any applicant to make a service deposit of one-hundred twenty-five (\$125.00) dollars. Water may not be supplied to any house or private service pipe except upon the written order of the Utilities Superintendent. The Village Clerk shall record such deposit and give the consumer a receipt for the deposit. The deposit shall remain in a Trust Fund created by the Municipality for such purpose and for no other purposes of the Municipality except as herein provided. Upon the completion of twenty-four (24) consecutive months wherein water service charges have been timely paid the deposit shall be refunded to the consumer. Should the service be terminated either by the consumer or by the Municipality prior to the end of such twenty-four (24) month period the deposit shall first be applied to any unpaid and due water service charges as provided in this Chapter and any balance shall be refunded to the consumer upon application by the consumer. The Municipality shall make all reasonable efforts to locate the consumer at the time the refund is due as hereinbefore provided. If the Municipality is unable to locate the consumer and a balance remains due and owing to the consumer after applying the deposit as aforementioned, the Municipality shall retain said funds in the trust fund herein established for a period of two (2) years following the date when the refund is due. If at the end of the two (2) year period following

the date when the refund is due the Municipality has not been able to locate the consumer or the consumer has not requested the refund, the funds shall be transferred from the Trust Fund to the General Fund of the Municipality and used for those purposes and the consumer shall have no claim for a refund of such funds. *(Ref 17-537 RS Neb.) (Amended by Ord. No. 499, 5/11/99; Ord. No. 579, 1/13/09; Ord. No. 581, 11/11/08; Ord. No. 650, 8/12/14; Ord. No. 757, 11/10/20; Ord. No. 845, 6/10/25)*

§3-104 MUNICIPAL WATER DEPARTMENT; SERVICE TO NON-RESIDENTS.

The Department shall not supply water service to any person outside the corporate limits that are not within three-hundred (300') feet of a water main without special permission from the Governing Body; Provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the Municipality to provide water service to non-residents. *(Ref 17-537 RS Neb.) (Amended Ord. No. 708, 3/13/18)*

§3-105 MUNICIPAL WATER DEPARTMENT; WATER CONTRACT.

The Municipality through its Water Department shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid or on property that is within one (1) mile of the Village's corporate limits and within three-hundred (300') feet of a water main; provided however, any private water well in existence on or before March 29, 2018, that is within the corporate limits or one (1) mile thereof and within three-hundred (300') feet of a water main shall be permitted to continue operating until the first transfer or conveyance of the property served by such water well to occur after March 29, 2018, at which time such private water well must be closed at the property owner's expense and the property shall be hooked up to the village water supply as provided herein. The repair of existing private water wells shall require the closing of the well at the owner's expense and hooking up to the village water system as provided herein unless such repairs are strictly limited to the replacement or reconstruction of the electrical or mechanical components of the well. After March 29, 2018, replacement of the casing or reconstruction of an existing private water well that is within the village's corporate limits or one (1) mile thereof and within three-hundred (300') feet of a water main shall not be permitted but shall require the closing of the well at the owner's expense and the property shall be hooked up to the village water system as provided herein. The Municipality may also furnish water to persons whose premises are situated outside the corporate limits of the Municipality, as and when, according to law, the Governing Body may see fit to do so. The rules, regulations, and water rates hereinafter named in this Article, shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to say consumer shall constitute a contract between the consumer and the Municipality, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Utilities Superintendent or his agent, may cut off or disconnect the water service from the building or premise or place of such violation. No further connection for water service to said building, premise, or place shall again be made save or except by order of the Governing Body and upon payment of fifty (\$50.00) dollars, sixty-five (\$65.00) dollars on weekends, holidays or after-hours reconnection fee. A service deposit of one-hundred twenty-five (\$125.00) dollars shall be paid to the Village of Mead by every consumer now or hereafter served by the Village's Water Department and shall be paid at the time application for water service is made to the Village of Mead by the consumer. If the consumer is a multi-party user, such as an apartment house or mobile home park, such deposit shall be one-hundred twenty-five (\$125.00) dollars per user, i.e. per apartment or per mobile home. The per user deposit requirements of this Section shall only apply to those multi-party users applying for new or initial service after the effective date of Ordinance No. 415. *(Ref 17-537 RS Neb.) (Amended by Ord. No. 415, 11/14/95; Ord. No. 452, 6/11/95; Ord. No. 563, 9/12/06; Ord. No. 581, 11/11/08; Ord. No.*

650, 8/12/14; Ord. No. 708, 3/13/18; Ord. No. 845, 6/10/25)

§3-106 MUNICIPAL WATER DEPARTMENT; INSTALLATION PROCEDURE.

In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of twenty-four (24) hours or more, the Utilities Superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer. All installations or repairs of pipes require an inspection by the Utilities Superintendent when the connections and repairs are completed and before the pipes are covered. It is the customer's responsibility to notify the Superintendent at the time the work is ready for inspection. All installation shall be done under the supervision of the Utilities Superintendent and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the Governing Body. (*Ref 17-537 RS Neb.*)

§3-107 MUNICIPAL WATER DEPARTMENT; INSTALLATION EXPENSE.

1. The Municipality shall also furnish a meter and shut-off valve, but it is the responsibility of the consumer to install the meter and shut-off valve, with the shut-off valve to be installed before the meter. It is mandatory that all new or replacement meters installed have a shut-off valve installed at the same time, in the described manner.

2. No person other than the Utilities Superintendent or his or her agent shall tap the water main. The customer shall pay a tap fee in such sum as the Board of Trustees shall set by ordinance, a copy of which shall be available for public inspection and kept on file with the Municipal Clerk, provided that a tap for a three quarter (3/4") inch pipe shall be deemed to be the minimum or base tap fee. That an applicant for water service from the water main of the Village of Mead, Nebraska, shall pay the following connection fee:

- 3/4" – 1" connection -----\$550.00
- All other sizes-----Negotiable, \$550.00 minimum

The customer shall, at the customer's own expense, pay the expense of tapping the Village main, installing pipe, trenching, and the necessary labor to bring water service from the main to the placed of disbursement. The tapping of the water main shall be completed by a qualified plumber who is fully insured for any loss occurring as a result of the plumber's acts or omissions and shall be supervised and inspected by the Villages Utility Superintendent. Nonresidents shall pay such tap fees and installation charges in such sums as the Utilities Superintendent, pursuant to ordinance of the Village Board, shall in each case fix. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts.

3. A connection, for purposes hereof, is defined as (a) the hookup of service to a single dwelling unit or single commercial structure; (b) in the case of a multiple-dwelling structure, each individual unit shall be deemed to constitute a connection; or (c) in the case of a commercial structure with multiple tenants in subdivided units, each subdivided unit shall be deemed to constitute a connection.

4. At the time a final plat of a new subdivision is filed with the Village, a water/supply/distribution main connection charge as provided for in the subdivision agreement with the Village shall be paid to the Village Clerk in cash or warrants immediately convertible into cash. Where the property for which a water connection is sought has not previously been assessed for or paid such a water/supply/distribution main connection charge, then in addition to the connection fees, such water/supply/distribution main connection charge as determined by the Village shall be paid to the Village Clerk. (*Amended by Ord. No. 501, 10/12/99; Ord. No. 502, 10/12/99; Ord. No. 541, 7/13/04, Ord. No. 620, 12/13/11; Ord. No. 734, 11/12/19; Ord. No. 749 4/14/20*)

§3-108 MUNICIPAL WATER DEPARTMENT; REPAIRS AND MAINTENANCE.

1. The customer shall replace and keep in repair all service and supply pipes and any valves, fittings and valve boxes from the commercial main to the place of disbursement.

When leaks occur in service or supply pipes, the Utility Superintendent or the Village's representative shall shut off water service until such leak is repaired at the expense of the customer and to the satisfaction of the Utility Superintendent or the Village's representative. All repairs made from the commercial main to the place of disbursement shall have a permit issued and shall be inspected by a village representative. All water meters shall be kept in repair by the Village; provided, if the customer permits or allows a water meter to be damaged, injured, or destroyed through his own recklessness, carelessness, or neglect so that the meter must be repaired or replaced, the Utility Superintendent or the Village's representative shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water rent is collected. All homeowners shall be required to purchase a meter after the first replacement has been furnished by the Municipality. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer.

2. All meters shall be tested at the customer's request and at the customer's expense any reasonable number of times; provided, if the test shows the water meter to be running two (2%) percent or faster, the expense of such test shall be borne by the Village. The Village reserves the right to test any water service meter at any time and if said meter is found to be beyond repair, the Village shall always have the right to place a new meter on the customer's water service fixtures at Village expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the monthly consumption during the same month of the preceding year; provided, if no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the Utility Superintendent or Village's representative. It shall be unlawful for any person to tamper with any water meter or by any means or device to divert water from the supply or service pipe so that the same shall not pass through said meter or while passing through said meter, to cause the same to register inaccurately. *(Ref 17-537 RS Neb.) (Amended by Ord. 734, 11/12/19)*

§3-109 MUNICIPAL WATER DEPARTMENT; MINIMUM RATES.

1. All water consumers shall be liable for the following rates for the use of water unless, and until the consumer shall, by written order, direct the Utility Superintendent to shut off the water at the stop box, at which case, the consumer shall not be liable thereafter for water rental until the water is turned on again. All water consumers shall be charged a monthly service fee, as follows and a separate rate shall be established for non-resident water use.

• 5/8" - 3/4" meter	\$ 75.00 per month resident
• 5/8" - 3/4" meter	\$ 85.00 per month non-resident
• 1" meter single family dwelling	\$ 75.00 per month resident
• 1" meter single family dwelling	\$ 85.00 per month non-resident
• 1" Multiple family dwelling	\$ 85.00 per month resident
• 1" Multiple family dwelling	\$100.00 per month non-resident
• 1 1/2" or larger meter	\$105.00 per month resident
• 1 1/2" or larger meter	\$130.00 per month non-resident
• Bulk Sales Customers	\$.01 per gallon + \$20.00 fee per day

For the use of water, all water consumers shall pay a metered rate as follows:

ALL CUSTOMERS ... \$1.75 per thousand gallons

(Ref. 17-542 RS Neb.) (Amended by Ord. No. 254, 8/9/83; Ord No. 368 7/9/91; Ord. No. 407, 2/14/95; Ord. No. 418, 11/14/95; Ord. No. 488, 11/11/97; Ord. No. 512, 7/11/00; Ord. No. 535, 11/11/03; Res. 05-11, 5/17/05; Res. 07-12, 7/10/07; Ord. No. 590, 7/14/09, Ord. No. 612 Rescind 3-109 2, 3/8/11; Ord. No. 618, 1/10/12; Ord. No. 665, 6/9/15; Ord. No. 699, 9/12/17; Ord No. 703, 3/13/18; Ord. No. 715, 9/11/18; Ord. No. 763, 5/11/21; Ord. No. 816, 7/11/23; Ord. No. 845, 6/10/25)

§3-110 MUNICIPAL WATER DEPARTMENT; WATER BILLS.

1. Water bills shall be due and payable monthly. It shall be the duty of the customers of the Water Department to pay their bills in one of the following manners:

- A. Cash or check, in person, at the Village Office or the Bank of Mead;
 - B. Cash or check, deposited in the depository box outside of the Village Office;
 - C. Check, via U.S. mail;
 - D. Debit or Credit Card;
 - E. ACH Auto Pay.
2. The Utility Superintendent shall provide to the Municipal Treasurer the amount to charge and collect from each customer for the amount of water consumed since the last examination, together with any other charges, properly itemized, due the Water Department. Bills shall be mailed not later than the first (1st) working day of each billing month and shall be payable by the fifteenth (15th) calendar day of the month billed.
3. Bills not paid by the fifteenth (15th) day of the month billed shall be deemed delinquent. If a payment is returned due to insufficient funds using the automatic bank withdrawal process more than two (2) times within a twelve (12) month period, the payee shall no longer be allowed to use this process. Application for automatic withdrawal may be applied for after a one (1) year waiting period. If payments are returned due to insufficient funds when paying with check more than two (2) times within a twelve (12) month period, the payee shall no longer be permitted to use this process and shall be required to pay with cash or credit/debit card. Application for submitting payments by check may be applied for after a one (1) year waiting period. In the event that the bill is not paid by the fifteenth (15th) calendar day of the month billed, a ten (\$10.00) dollar late fee will be added to the customer water account. In addition, a shut-off notice will be provided to the water customer, notifying them that their water is due to be shut off in ten (10) business days after the postmark of said notice. If the bill is not paid by the end of the ten (10) day period, the Municipal Clerk will refer the water customer to the Utilities Superintendent for disconnection procedures in accordance with Section 3-701. *(Ref. 17-542, 18-416 RS Neb.) (Amended by Ord. No. 341, 12/4/89; Ord. No. 368, 7/9/9; Ord. No. 407, 2/14/95; Ord. No. 522, 4/9/02; Ord. No. 544, 11/9/04; Ord. No. 559, 9/12/06, Ord. No. 597, 6/8/10; Ord. No. 746, 2/11/20; Ord. No. 833, 6/11/24)*

§3-111 MUNICIPAL WATER DEPARTMENT; LIEN.

In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for water service furnished such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The Village Clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are thirty (30) days or more delinquent in the payment of water rent. It shall be the duty of the Village Clerk with respect to any delinquent water charges, to report the same to the Governing Body, listing all unpaid accounts due for water together with a description of the premises upon which the same was used. The report shall be examined, and if approved by the Governing Body, shall be certified by the Village Clerk to the County Register of Deeds and County Treasurer to be collected as a special tax or special assessment in the manner specified by law. *(Ref. 17-538 RS Neb.) (Amended by Ord. No. 308, 8/4/87; Ord. No. 341, 12/4/89)*

§3-112 MUNICIPAL WATER DEPARTMENT; SINGLE PREMISE.

No consumer shall supply water to other families, or allow them to take water from his premise, nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premise for alteration, extension, or attachment without the written permission of the Utilities Superintendent. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through said meter to cause the meter to register inaccurately. *(Ref. 17-537 RS Neb.)*

§3-113 MUNICIPAL WATER DEPARTMENT; RESTRICTED USE.

The Governing Body or the Utilities Superintendent may order a reduction in the use of water or shut off the water on any premise in the event of a water shortage due to fire or other good and sufficient cause. The Municipality shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the Municipality has no control. *(Ord. No. 553, 5/9/06)*

§3-113.1 DROUGHT EMERGENCY CONTINGENCY PLAN.

The Village of Mead shall address any short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals, and actions. Each stage is more

stringent in water use than the previous stage since there will be a greater deterioration in water supply conditions. The Chairman of the Board is hereby authorized to implement the appropriate conservation measures as set forth in this Section, when any of the conditions have been reached which would qualify for any of the specific stages. The Chairman of the Board is given discretion to declare each particular stage as deemed appropriate by the Chairman of the Board by reviewing the severity of the trigger conditions and other additional information, and is further authorized to implement conservation measures within the guidelines provided for each particular stage. (*Ord. No. 553, 5/9/06*)

§3-113.2 DROUGHT EMERGENCY; STAGE ONE: WATER WATCH

This stage is triggered by any one of the following conditions:

1. Ground water levels have fallen five (5') feet below normal seasonal levels.
2. System pressure falls below thirty-five (35#) pounds per square inch.
3. Demand for one (1) day is in excess of five hundred thousand (500,000) gallons per day.

GOALS:

The goals of this stage are to heighten awareness of the public of the water conditions and to maintain the integrity of the system.

MANAGEMENT ACTIONS:

1. Leaks will be repaired within forty-eight (48) hours of detection.
2. The Village will monitor its use of water and will curtail activities such as hydrant flushing and street cleaning.

REGULATION ACTIONS:

The public will be informed through the local media of the water watch and be asked to voluntarily reduce outdoor water use and to efficiently use water for indoor purposes, for example, washing full loads of clothing and/or dishes, limiting the length and frequency of showers, checking for water leaks and dripping of faucets, to prevent any unnecessary use of water. (*Ord. No. 553, 5/9/06*)

§3-113.3 DROUGHT EMERGENCY; STAGE TWO: WATER WARNING

This stage is triggered by any one of the following conditions:

1. Ground water levels have fallen ten (10') feet below normal seasonal levels.
2. System pressure falls below thirty-five (35#) pounds per square inch.
3. Plant operations are at eighty (80%) percent capacity for more than three (3) consecutive days.
4. Demand for one (1) day is in excess of five hundred thousand (500,000) gallons per day.

GOALS:

The goals of this stage are to reduce peak demands by twenty (20%) percent and to reduce overall weekly consumption by ten (10%) percent.

MANAGEMENT ACTIONS:

1. Water supply will be monitored daily.
2. Leaks will be repaired within twenty-four (24) hours of detection.
3. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
4. Village will curtail its water usage, including watering of Village grounds and washing of vehicles.

REGULATION ACTIONS: In addition to the regulation actions under Stage One, the Chairman of the Board may exercise the following regulatory authority:

1. An odd/even lawn watering system will be imposed on Village residents. Residents with odd-numbered houses will water on odd days, even-numbered houses, on even days.
2. Outdoor water use, including lawn watering and car washing will be restricted to before ten (10:00) o'clock a.m. and after nine (9:00) o'clock p.m.
3. Refilling of swimming pools will be limited to one (1) day a week after sunset.
4. Excess water use charges for usage of water over the amount used in the winter will be imposed at a rate twice (2) the normal rate for water usage.

5. Waste of water will be prohibited. (*Ord. No. 553, 5/9/06*)

§3-113.4 DROUGHT EMERGENCY; STAGE THREE: WATER EMERGENCY

This stage is triggered by any one of the following conditions:

1. Ground water levels have fallen fifteen (15') feet below normal seasonal levels.
2. System pressure falls below thirty-five (35#) pounds per square inch.
3. Pumping lowers water levels to within five (5') feet of the top of the well screens.
4. Plant operations are at ninety (90%) percent capacity for more than three (3) consecutive days.
5. Demand for one (1) day is in excess of five hundred thousand (500,000) gallons per day.

GOALS:

The goals of this stage are to reduce peak demands by fifty (50%) percent and to reduce overall consumption by twenty-five (25%) percent.

EDUCATION ACTIONS:

1. The Village will make news releases to local media describing current conditions and indicate the water supply outlook for the Village.
2. The Village will hold public meeting(s) to discuss the emergency, the status of the water supply and further actions which need to be taken.

MANAGEMENT ACTIONS:

1. The Village water supplies will be monitored daily.
2. Leaks will be repaired within twenty-four (24) hours of detection.
3. Standby wells will be activated for contingency operation.
4. Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.
5. Village will seek additional emergency supplies from other users, the state or federal government.

REGULATION ACTIONS: In addition to the regulation actions available under Stage Two, the following regulatory authority may be exercised by the Chairman of the Board.

1. Outdoor water use will be banned, except for businesses which require outdoor water use to operate.
2. Waste of water will be prohibited. (*Ord. No. 553, 5/9/06*)

§3-113.5 DROUGHT EMERGENCY; ENFORCEMENT.

In the event that any water consumer fails to comply with the regulatory action taken by the Village, then the Chairman of the Board may direct the immediate discontinuance of water service to the location which is not in compliance with the restrictions imposed. Water service may be resumed upon the Chairman of the Board being provided adequate evidence to show that compliance has been instituted and that compliance will continue under the restrictions imposed. (*Ref 17-537 RS Neb.*) (*Ord. No. 553, 5/9/06*)

§3-114 MUNICIPAL WATER DEPARTMENT; FIRE HYDRANTS.

All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the Municipal Fire Department under the orders of the Fire Chief, or the Assistant Fire Chief; or members of the Water Department to open or attempt to open any of the hydrants and draw water from the same, or in any manner to interfere with the hydrants.

§3-115 MUNICIPAL WATER DEPARTMENT; POLLUTION.

It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Municipal Water Department. (*Ref. 17-536 RS Neb.*)

§3-116 MUNICIPAL WATER DEPARTMENT; WATER SERVICE CONTRACTS.

Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premise where service is furnished, or if fire or other casualty destroys the said premise, he shall at once inform the Utilities Superintendent who shall cause the water service to be shut off at the said premise. If the consumer

should fail to give such notice, he shall be charged for all water used on the said premise until the Utilities Superintendent is otherwise advised of such circumstances. *(Ref. 17-537 RS Neb.)*

§3-116.01 MUNICIPAL WATER DEPARTMENT; DRILLING PROHIBITED; PERMIT REQUIRED WITHIN CORPORATE BOUNDARIES AND IN EXTRATERRITORIAL ZONING JURISDICTION; PROPERTIES WITHIN CORPORATE BOUNDARIES AND WITHIN THREE-HUNDRED (300') FEET OF WATER MAIN REQUIRED TO CONNECT TO PUBLIC WATER SUPPLY.

1. It shall be unlawful for any person, individual, or entity to construct, drill or drive a well to be used for any extraction of water for any purpose within the corporate limits of the Village of Mead, Saunders County, Nebraska and within one (1) mile of the corporate limits of the Village without a permit approved by the Village Board. Permission will not be granted unless and until the applicant can show that the purpose is environmentally safe, does not violate any other provisions of state, federal or local laws and regulations, and is incapable of contaminating underground water in any manner.
2. Permit fees under subsection 1 shall be based on the fees established for building permits and fees, if any, charged by the Village Engineer for review of the application, in the same manner as is established in section 3-116.02. The burden to show that the private well shall be maintained shall be upon the applicant.
3. All properties within the Village corporate limits and/or within three-hundred (300') feet of an established Village water main, shall be required to connect to the Village water system provided, however, any private water well within the Village's corporate limits and/or within three-hundred (300') feet of a water main in existence on or before March 29, 2018 shall be permitted to continue operating without the approval of the Board of Trustees until the property is transferred or conveyed, at which time such well must be closed at the property owner's expense absent the approval of the Board of Trustees to continue operating the private well. The repair or replacement of existing private water wells in existence on or before March 29, 2018 within the Village's corporate limits and/or within three-hundred (300') feet of a water main shall require the closing of the well at the owner's expense, unless such replacement or repairs are approved by the Board of Trustees.
4. A request to maintain, replace or repair an existing well shall be made by application to the Village Board.

(Ord. No. 392, 4/12/94; Amended by Ord. No. 716, 9/11/18)

§3-116.02 MUNICIPAL WATER DEPARTMENT: PLACEMENT, MAINTENANCE, CONSTRUCTION OR REPLACEMENT OF WATERWELLS; PREVENTION OF CONTAMINATION.

1. The intent of this Section is to establish control by the Village of Mead over the location of future potential sources of contamination within the Village, and its extra-territorial jurisdiction, of the Village's drinking water system, so as to prevent or minimize any hazard to the safety of the Village's drinking water.
2. For purposes of this Section, "water well" shall mean any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for ground water, monitoring ground water, utilizing the geothermal properties of the ground or extracting water from or injecting water into the underground water. Water well shall not include any excavation made for obtaining or prospecting for oil, natural gas, minerals, or products mined or quarried or inserting media to repressor oil or natural gas bearing formations.
3. It shall be unlawful to place, maintain, construct, or replace any of the following structures or conduct any of the following activities within the distance specified below from existing Municipal water well:

CATEGORY	DISTANCE
Water Well	1,000 feet
Sewage Lagoon	1,000 feet
Land application of municipal / industrial waste material	1,000 feet
Feedlot or Feedlot Runoff	1,000 feet
Underground disposal system (septic system, cesspool, etc.)	500 feet
Corral	500 feet
Pit Toilet	500 feet
Wastewater Holding Tanks	500 feet
Sanitary Landfill / Dump	500 feet
Chemical or Petroleum Product Storage	500 feet
Sewage Treatment Plant	500 feet
Sewage Wet Well	500 feet

Sanitary Sewer Connection	100 feet
Sanitary Sewer Manhole	100 feet
Sanitary Sewer Line	50 feet

4. The placing, maintaining, constructing or replacing of any structure or activity as set forth in Section (3) of 3-116.02, here in after termed a Section (3) Structure or Activity, within the corporate limits or within one (1) mile of the corporate limits of the Village shall not occur unless a permit approved by the Village Board of Trustees has been obtained.

5. The Governing Body may consider allowing a Section (3) Structure or Activity closer to a Municipal water well than the limitations set forth in Section (3) hereof. Closer placement shall be allowed only under the following conditions:

A. An application must first be filed with the Village. Preference for approval will be given to Section (3) Structures or Activities that do not disturb any water bearing strata. The Village shall refer the application to its engineer for evaluation and report. The estimated cost of the engineer's fees must be paid at the time of filing the application. The applicant, in addition to any previously paid estimated costs should pay any additional costs, which are reasonably incurred by the engineer in making their examination and report.

B. The Governing Body shall consider the engineer's report and any additional information submitted by the applicant. In reaching its decision on whether to allow the placement of a Section (3) Structure or Activity, as above defined, the Governing Body must act to prevent all sources of possible or likely water contamination. If the Governing Body approves the installation, it shall submit the application, together with the engineer's report, to the Department of Health of the State of Nebraska for final approval or denial. No installation shall be made without the approval of both the Governing Body and the Department of Health of the State of Nebraska.

6. Section (3) Structures or Activities in existence and use, as of the effective date of this Section, shall continue to be permitted unless such continued existence or use presents a hazard to the quality or quantity of the drinking water available for public use as the Village's drinking water. The owner of any Section (3) Structure or Activity shall have the burden of establishing the existence and use of said Section (3) Structure or Activity at the time of the effective date of this Section. (*Ord. No. 409, 1/10/95; Amended by Ord. No. 668, 8/11/15; Ord. No. 708, 3/13/18; Ord. No. 716, 9/11/18*)

§3-117 MUNICIPAL WATER DEPARTMENT; INSPECTION.

The Utilities Superintendent, or his duly authorized agents, shall have free access, at any reasonable time, to all parts of each premise and building to, or in which, water is delivered for the purpose of examining the pipes, fixtures, and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water. (*Ref. 17-537 RS Neb.*)

§3-118 MUNICIPAL WATER DEPARTMENT; DESTRUCTION OF PROPERTY.

It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Municipal Water Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above-mentioned property without the written permission of the Utilities Superintendent.

§3-119 MUNICIPAL WATER DEPARTMENT; FEES AND COLLECTIONS.

The Governing Body has the power and authority to fix the rates to be paid by the water consumers for the use of water from the Water Department. All such fees shall be on file for public inspection at the office of the Municipal Clerk. No water service shall be furnished to any customer at a rate that is different from other customers of the same class or type. Persons, firms, or corporations desiring to use water temporarily shall pay such rates as the Governing Body shall set. Without respect to schedule of rates for other customers, the Governing Body may enter into special contracts with large consumers of water, but never at a rate less than the cost of production; Provided, that the contract shall always provide that the said large consumer shall always pay the minimum rate for other customers and the contract shall be made on the basis of water consumed in excess of said minimum. (*Ref. 17-540 RS Neb.*)

§3-120 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; STATEMENT OF POLICY.

1. Purpose: The purpose of Sections 3-120 through 3-132 is:

- A. To protect the public potable water supply of the Village of Mead, Nebraska, water system from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants, which could backflow through the service connection into the public potable water supply system.
 - B. To promote the elimination, containment, isolation, or control of existing cross connections, actual or potential, between the public or consumer's potable water systems and non-potable water systems, plumbing fixtures and industrial-process systems.
 - C. To provide for the maintenance of a continuing program of cross connection control, which will systematically and effectively prevent the contamination or pollution of all potable water systems.
2. Application: Sections 3-120 through 3-132 shall apply to all premises served by the public potable water system of the Village of Mead.
3. Policy: Sections 3-120 through 3-132 will be reasonably interpreted. It is the Village's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard. The Municipal Water Department shall be primarily responsible for protection of the public potable water distributions system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The consumer is responsible for preventing contamination of the water system within the consumer's own premises. (*Ord. No. 385, 6/8/92*)

§3-121 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of sections 3-120 through 3-132.

- 1. "Air gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the overflow level rim of the receptacle.
- 2. "Approved tester" means a person qualified to make inspections; to test and repair backflow prevention/cross connection control devices; and who is approved by the Village.
- 3. "Authorized representative" means any person designated by the Village to administer Sections 3-120 through 3-132.
- 4. "Auxiliary water supply" means any water source system, other than the public water supply, that may be available in the building or premises.
- 5. "Backflow" means the flow other than the intended direction of flow, of any foreign liquids, gases, or substances into the distribution system of a public water system.
- 6. "Backsiphonage" means the flowing back of water, or other foreign liquids, gases, or substances into the water distribution system due to negative pressure in the piping of the water distribution system.
- 7. "Backflow prevention device" means any device, method, or type of construction intended to prevent backflow into a potable water system provided backflow preventers have been tested and approved by a reputable testing laboratory.
- 8. "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.
- 9. "Containment" means protection of the public water supply by installing a cross connection control device or air gap separation on the main service line to a facility, or as an installation within equipment handling potentially hazardous materials.
- 10. "Contamination" means an impairment of the quality of the water by sewage, process fluids, or other wastes to a degree, which could create an actual hazard to the public health through poisoning or through spread of disease by exposure.
- 11. "Cross connection" means any physical link between a potable water supply and any other substance, fluid, or source, which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.
- 12. "Hazard, Degree of," means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.
 - A. Hazard-Health - any condition, device, or practice in the water supply system and its operation, which could create or may create a danger to the health and well being of the water consumer.
 - B. Hazard-Plumbing - a plumbing type cross connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air gap separation or backflow prevention device.

C. Hazard-Pollutional - an actual or potential threat to the physical properties of the water system or to the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be dangerous to health.

D. Hazard-System - an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system, or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

13. "Isolation" means protection of a facility service line by installing a cross connection control device or air gap separation on an individual fixture, appurtenance, or system.

14. "Pollution" means the presence of any foreign substance (organic, inorganic, or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

15. "Public Potable Water System" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary, and domestic purposes and meets the requirements of the Nebraska Department of Health and the drinking water standards.

16. "Service Connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.

17. "Water Department" means the Municipal Water Department of the Village of Mead, Nebraska. (*Ord. No. 385, 6/8/92*)

§3-122 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; CROSS CONNECTIONS PROHIBITED.

1. No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public water supply system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the Village or its authorized representative.

2. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public water supply system.

3. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities, and fixtures have not been constructed and installed using acceptable plumbing practices considered by the Municipal Water Department as necessary for the protection of health and safety. (*Ord. No. 385, 6/8/92*)

§3-123 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; SURVEY AND INVESTIGATION.

1. The consumer's premises shall be open at all reasonable times to the Village or its authorized representative for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections in the consumer's water system.

2. On request by the Village or its authorized representative, the consumer shall furnish requested information on water use practices within his premises and in the consumer's water system.

3. On request by the Village or its authorized representative, the consumer shall conduct periodic surveys of water use practices on the premises of the consumer's water system to determine whether there are actual or potential cross connections. The consumer shall provide the survey results to the Village or its authorized representative within thirty (30) days after its issuance, with the due date noted on the survey form, or the water supply to the residence shall be turned off by the Utility Superintendent. (*Ord. No. 385, 6/8/92; Ord. No. 621, 12/13/11*)

§3-124 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; WHERE PROTECTION IS REQUIRED.

1. An approved backflow prevention device shall be installed between the service connection and the point of potential backflow into a consumer's water supply system when in the judgment of the Village or authorized representative a health, plumbing, pollution or system hazard exists.

2. An approved air gap separation or reduced pressure principle backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the Municipal Water Department, the nature and extent of activities on the premises, or the materials used in connection with the activities, or materials stored on the premises, would present an immediate and dangerous hazard to health

should a cross connection occur, even though such cross connection may not exist at the time the backflow prevention device is required to be installed. This includes, but is not limited to, the following situations:

- A. Premises having internal cross connections that are not correctable, or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.
 - B. Premises where entry is restricted so that inspections for cross connections cannot be made with sufficient frequency or at sufficiently short notice to assure the cross connections do not exist.
 - C. Premises having a repeated history of cross connections being established or re-established.
 - D. Premises which, due to the nature of the enterprise therein, are subject to recurring modification or expansion.
 - E. Premises on which any substance is handled under pressure so as to permit entry into the public water supply system or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 - F. Premises where toxic or hazardous materials are handled.
3. The following types of facilities fall into one or more of the categories or premises where an approved air gap separation or reduced pressure principle backflow prevention. The Village or its authorized representative or the Nebraska Department of Health may require device to protect the public water supply and must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the Village or its authorized representative and the Nebraska Department of Health:
- A. Agricultural chemical facilities;
 - B. Auxiliary water systems, wells;
 - C. Premises having water-recirculating system as used for boilers or cooling systems;
 - D. Bulk water-loading facilities;
 - E. Car washes, automobile-servicing facilities;
 - F. Chill water systems;
 - G. Feedlots;
 - H. Fire protection systems;
 - I. Hazardous waste storage and disposal sites;
 - J. Irrigation and lawn sprinkler systems;
 - K. Laundries and dry cleaning;
 - L. Petroleum processing or storage plants;
 - M. Beauty salons;
 - N. Schools;
 - O. Sewage pumping stations;
 - P. Livestock watering;
 - Q. Nursing homes;
 - R. Dental offices;
 - S. Mortuaries;
 - T. Hospitals;
 - U. Other commercial or industrial facilities that may constitute potential cross connection. (*Ord. No. 385, 6/8/92*)

§3-125 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; TYPE OF PROTECTION REQUIRED.

The type of protection required by Sections 3-120 through 3-132 shall depend on the degree of hazard, which exists, as follows:

- A. An approved air gap separation shall be installed where the potable water system may be contaminated with substances that could cause a severe health hazard.
- B. An approved air gap separation or an approved reduced pressure principle backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a health hazard.
- C. An approved air gap separation or an approved reduced pressure principle backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollution hazard not dangerous to health.
- D. In addition to the devices mentioned above, the Village may require the installation of an approved vacuum breaker on all sill cocks, service sinks and any threaded pipe to which a hose may potentially be attached. (*Ord. No. 385, 6/8/92*)

§3-126 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; BACKFLOW PREVENTION DEVICES.

The Village or its authorized representative and the Nebraska Department of Health shall of a model or construction approve any backflow prevention device required by Sections 3-120 through 3-132.

1. Air gap separation to be approved shall be at least twice (2) the diameter of the supply pipe, measured vertically above the top rim of the vessel, but in no case less than one (1") inch.
2. Double check valve assemblies, reduced pressure principle backflow prevention devices and vacuum breakers shall appear on the current list of approved backflow prevention devices established by the Nebraska Department of Health unless the device was installed at the time Sections 3-120 through 3-132 were passed and complies with required inspection and maintenance. (*Ord. No. 385, 6/8/92*)

§3-127 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; INSTALLATION.

1. Backflow prevention devices required by this policy shall be installed at a location and in a manner approved by the Village or its authorized agent. All devices shall be installed at the expense of the consumer, unless the Village or its authorized representative agrees otherwise.
2. Backflow prevention devices installed at the service connection shall be located on the consumer's side of the water meter (if one (1) is installed) or the corporation stop, as close to the meter or corporation stop as is reasonably practical, and prior to any other connection.
3. Backflow prevention devices shall be conveniently accessible for maintenance and testing, protected from freezing, and where no part of the device will be submerged or subject to flooding by any fluid. All devices shall be installed according to manufacturer's recommendations.
4. An approved thermal expansion control device shall be installed in accordance with manufacturer's installation instructions on each domestic water supply system in addition to the T and P safety relief valve in the water heater. (*Ord. No. 385, 6/8/92*)

§3-128 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; TESTING.

Backflow and backsiphonage prevention devices designed to be tested shall be tested for proper operation annually or when necessary, in the opinion of the Village or its authorized representative. Actual testing shall be at the expense of the consumer, unless the Village or its authorized representative agrees otherwise. Any required maintenance or repairs should be at the expense of the consumer and subject to the approval of the Village. If testing shall require entry into the premises, the Village's authorized representative shall give notice setting forth a proposed date and time to the consumer at least ten (10) days in advance by first class mail, return receipt requested. If the consumer cannot make the premises available for inspection on that date and time, the consumer shall contact the Village's authorized representative to arrange another date and time. (*Ord. No. 385, 6/8/92*)

§3-129 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; AUTHORIZED REPRESENTATIVE; AUTHORITY.

The authorized representative shall have the authority to issue any order consistent with the provisions of Sections 3-120 through 3-132 in order to protect the public health and safety. Any order of the authorized representative shall be in writing and shall clearly state the nature of the order, compliance requirements and set a reasonable date by which compliance must be met. First Class Mail will mail all orders to the consumer, return receipt requested. (*Ord. No. 385, 6/8/92*)

§3-130 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; APPEALS.

In the event that it is claimed that the true intent and meaning of Sections 3-120 through 3-132 have been wrongfully interpreted by the authorized representative; that the time allowed for compliance with any order of the authorized representative is too short; or that conditions peculiar to a particular premise make it unreasonably difficult to meet the literal requirements prescribed by Sections 3-120 through 3-132, the owner may file a written notice of appeal with the Municipal Clerk within ten (10) days after the decision or order of the authorized representative has been made. The Governing Body shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the authorized representative. Such a decision shall be final, subject only to any remedy, which the aggrieved party may have at law or equity. Appeals shall be in writing and shall state the reason for the appeal. (*Ord. No. 385, 6/8/92*)

§3-131 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; VIOLATION AND PENALTIES.

1. The Village or its authorized representative shall deny or discontinue the water service to any premises or any consumer wherein any backflow prevention device required by this policy is not installed, tested, and maintained in a manner acceptable to the Village or its authorized representative, or if it is found that the backflow prevention device has been removed or bypassed, or if an unprotected cross connection exists.
2. Water service to such premises shall not be restored until the consumer is in compliance with the cross-connection Sections to the satisfaction of the Village or its authorized representative. (*Ord. No. 385, 6/8/92*)

§3-132 MUNICIPAL WATER DEPARTMENT; BACKFLOW/BACKSIPHONAGE PREVENTION; LIABILITY CLAIMS.

The authorized representative shall be relieved from personal liability. The Village shall hold harmless the authorized representative when acting in good faith and without malice from all personal liability for any damage that may occur to any person or property as a result of any act required or authorized by Sections 3-120 through 3-132, or by reason of any act or omission of the authorized representative in the discharge of his duties hereunder. Any suit brought carrying out the provisions of Sections 3-120 through 3-132 shall be defended by the Village, or the Village's insurance carrier, if any, through final determination of such proceeding. (*Ord. No. 385, 6/8/92*)

Article 2. Sewer Department

§3-201 MUNICIPAL SEWER DEPARTMENT; OPERATION AND FUNDING.

The Municipality owns and operates the Municipal Sewer System through the Utilities Superintendent. The Governing Body, for the purpose of defraying the cost of the operation, maintenance and replacement (OM&R) of the Municipal Sewer System may establish a user charge system based on actual use and revise the charges, if necessary, to accomplish the following:

1. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;
2. Generate adequate revenues to pay the costs of OM&R;
3. Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly. The revenue from the said user charge system based on actual use shall be known as the Sewer Maintenance Fund. The Utilities Superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the Governing Body. (*Ref. 17-925.01 RS Neb.*)

§3-202 MUNICIPAL SEWER DEPARTMENT; DEFINITION OF TERMS.

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

BIOLOGICAL OXYGEN DEMAND. The term "Biological Oxygen Demand" (BOD) shall mean and include the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20°) degrees C., expressed in parts per million by weight.

BUILDING OR HOUSE DRAIN. The term "Building Drain" and "House Drain" shall mean and include that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, or other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5') feet, (one and one half (1.5) meters) outside the inner face of the building wall.

BUILDING SEWER. The term "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

COMBINED SEWER. The term "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

GARBAGE. The term "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES. The term "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

MAY. The term "May" is permissive; the term "Shall" is mandatory.

MUNICIPALITY. The term "Municipality" shall mean the Village of Mead, Nebraska.

NATURAL OUTLET. The term "Natural Outlet" shall mean any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

NORMAL SEWAGE. The term "Normal Sewage" shall mean sewage not exceeding maximum tolerance of contamination of three hundred (300) milligrams per liter BOD or three hundred fifty (350) milligrams per liter of Suspended Solids.

PARTS PER MILLION. The term "Parts Per Million" shall mean a weight-to-weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

PERSON. The term "Person" shall mean any individual, firm, company, association, society, corporation, or group.

pH. The term "pH" shall mean and include the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE. The term "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (1/2") inch (one point twenty-seven (1.27) centimeters) in any dimension.

PUBLIC SEWER. The term "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

SANITARY SEWER. The term "Sanitary Sewer" shall mean and include a sewer that carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE. The term "Sewage" shall mean and include a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments together with such ground, surface, and storm waters as may be present.

SEWAGE TREATMENT PLANT. The term "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. The term "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

SEWER. The term "Sewer" shall mean a pipe or conduit for carrying sewage.

SHALL. The term "Shall" is mandatory; the term "May" is permissive.

SLUG. The term "Slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

STORM SEWER. The term "Storm Sewer" shall mean a sewer, which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT. The term "Superintendent" shall mean the Utilities Superintendent of the Village, of Mead, or his authorized deputy, agent, or representative.

SUSPENDED SOLIDS. The term "Suspended Solids" shall mean and include solids that either float on the surface of, or are in immersion in water, sewage, or other liquids, and are removable by filtering.

WATERCOURSE. The term "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

§3-203 MUNICIPAL SEWER DEPARTMENT; CONSUMER'S APPLICATION.

Any person wishing to connect to the Sewer System shall make an application therefore to the Village Clerk. The Village Clerk shall require any applicant to make a service deposit of one-hundred twenty-five (\$125.00) dollars. Sewer service may not be supplied to any house or building except upon the written order of the Utilities Superintendent. The Village Clerk shall record such deposit and give the consumer a receipt for the deposit. The deposit shall remain in a trust fund created by the Municipality for such purpose and for no other purposes of the Municipality except as herein provided. Upon the completion of twenty-four (24) consecutive months wherein sewer service charges have been timely paid the deposit shall be refunded to the consumer. Should the service be terminated either by the consumer or by the Municipality prior to the end of such twenty-four (24) month period the deposit shall first be applied to any unpaid and due sewer service charges as provided in this Chapter and any balance shall be refunded to the consumer upon application by the consumer. The Municipality shall make all reasonable efforts to locate the consumer at the time the refund is due as hereinbefore provided. If the Municipality is unable to locate the consumer and a balance remains due and owing to the consumer after applying the deposit as aforementioned, the Municipality shall retain said funds in the trust fund herein established for a period of two (2) years following the date when the refund is due. If at the end of the two (2) year period following the date when the refund is due the Municipality has not been able to locate the consumer or the consumer has not requested the refund, the funds shall be transferred from the trust fund to the General Fund of the Municipality and used for those purposes and the consumer shall have no claim for a refund of such funds.

(Amended by Ord. No. 498, 5/11/99; Ord. No. 563, 9/12/06; Ord. No. 580, 1/13/09; Ord. No. 581, 11/11/08; Ord. No. 650, 8/12/14; Ord. No. 845, 6/10/25)

§3-204 MUNICIPAL SEWER DEPARTMENT; SERVICE TO NON-RESIDENTS.

The Department shall not supply sewer service to any person outside the corporate limits without special permission from the Governing Body; Provided, that such consumers shall pay the entire cost of pipe and other installation charges. Nothing herein shall be construed to obligate the Municipality to provide sewer service to non-residents. *(Ref. 17-902 RS Neb.)*

§3-205 MUNICIPAL SEWER DEPARTMENT; SEWER CONTRACT.

The Municipality through the Municipal Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The Municipality may also furnish sewer service to persons whose premises are situated outside the corporate limits of the Municipality, as and when, according to law; the Governing Body may see fit to do so. The rules, regulations, and sewer rental rates hereinafter named in this Article shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the Municipality to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Utilities Superintendent, or his agent, may cut off or disconnect the sewer service from the building or premise of such violation. No further connection for sewer service to said building or premise shall again be made save or except by order of the Governing Body and upon payment of fifty (\$50.00) dollars, sixty-five (\$65.00) dollars on weekends, holidays or after-hours reconnection fee. A service deposit of one-hundred twenty-five (\$125.00) dollars shall be paid to the Village of Mead by every consumer now or hereafter served by the Village's Sewer Department and shall be paid at the time application for sewer service is made to the Village of Mead by the consumer. If the consumer is a multi-party user, such as an apartment house or mobile home park, such deposit shall be one-hundred twenty-five (\$125.00) dollars per user, i.e. per apartment or per mobile home. The per user deposit requirements of this Section shall only apply to those multi-party users applying for new or initial service after the effective date of Ordinance No. 415. *(Amended by Ord. No. 415, 11/14/95; Ord. No. 452, 6/11/95, Ord. No. 563, 9/12/06; Ord. No. 581, 11/11/08; Ord. No. 650, 8/12/14; Ord. No.845, 6/10/25)*

§3-206 MUNICIPAL SEWER DEPARTMENT; SERVICE CONTRACTS.

Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premise where service is furnished, or if fire or other casualty destroys the said premise, he shall at once inform the Utilities Superintendent who shall cause the sewer service to be shut off from the said premise. If the customer should fail to give notice, he shall be charged for that period of time until the official in charge of sewers is otherwise advised of such circumstances.

§3-207 MUNICIPAL SEWER DEPARTMENT; RATE SETTING.

(1) Customers of the Municipal Sewer Department shall be charged a flat rate for the use of sewer services. Rates shall be set, by ordinance, by the Governing Body. All consumers shall, by written order, direct the Utility Superintendent to shut off water at the stop box in which case the consumer shall not be liable thereafter for sewer services until the water is turned on again. The flat rate for use of sewer services shall be as follows, based upon the size of the water meter, and a separate rate shall be established for non-resident sewer use, to wit:

5/8" - 3/4" meter	\$40.00 per month resident
5/8" - 3/4" meter	\$50.00 per month non-resident
1" meter	\$50.00 per month resident
1" meter	\$65.00 per month non-resident
1 1/2" or larger meter	\$70.00 per month resident
1 1/2" or larger meter	\$95.00 per month non-resident

(2) A monthly service charge for use of sewer services shall be as follows, based upon the size of the water meter and a volume charge.

- A. For residential customers – The rate shall be a monthly service charge and a volume charge, said volume charge to be based upon the monthly average of water usage, per gallons, during the previous months of January, February and March. If the user does not have an established monthly average of water usage, per gallons, during the previous months, then the Utilities General Manager shall establish said monthly average for said months based on the user’s family size and current usage for similar water users. The rates become effective annually on April first (1).
- B. For non-residential customers – The rates shall be a monthly Customer Service Charge based upon the size of the water meter servicing the premises served, and a volume charge based upon the current water usage, per gallons, during the current billing cycle.
- C. Minimum monthly charges shall be the Customer Service Charge.

Table of Rates – Sewer

RESIDENTIAL

A. Customer Service Charge:	5/8” – 3/4" meter	\$40.00 per month
	1” meter	\$50.00 per month
	1 1/2" or larger meter	\$70.00 per month
B. Volume Rate Charge:	\$1.10 per 1,000-gallons/per month	

NON-RESIDENTIAL

A. Customer Service Charge:	5/8 “ – 3/4 “ meter	\$50.00 per month
	1” meter	\$65.00 per month
	1 1/2” or larger meter	\$95.00 per month
B. Volume Rate Charge	\$1.10 per 1,000 gallons/per month	

(Amended by Ord. No. 255, 8/9/83; Ord. No. 368, 7/9/91; Ord. No. 407, 2/14/95; Ord. No.418, 11/14/95; Ord. No. 488, 11/11/97; Ord. No. 512, 7/11/00; Ord. No. 532, 10/14/03; Ord. No. 536, 11/11/03; Res. 05-11, 5/17/05; Ord. No. 549, 5/9/06; Res. 07-12, 7/10/07; Ord. No. 590, 7/14/09; Ord. No. 612, Rescind 3-10 .2 & 3-207 .3, 3/8/11; Ord. No. 619, 1/10/12; Ord. No. 642, 12/10/13; Ord. No.643, 3/11/14)

§3-208 MUNICIPAL SEWER DEPARTMENT; SURCHARGES.

In addition to other elements of the total user charge system in Sections 3-233 and 3-239, the ordinance on file with the Municipal Clerk shall provide for the following surcharges:

- A. A high strength waste surcharge established for pollutant levels (BOD, SS, etc.), which exceed the levels contained in the domestic strength wastewater of the service area. The surcharge shall be expressed as a formula with a per unit charge established for each applicable pollutant. (See Appendix B of 40 CFR 35.900)
- B. The authority and intent shall be established to require each user discharging any toxic pollutants to pay the increased costs of managing the effluent or the sludge of the treatment works resulting from such discharge.

§3-209 MUNICIPAL SEWER DEPARTMENT; USER CHARGE REVIEW.

The Governing Body shall review, at least annually, the user charge system and revise the charges, if necessary, to accomplish the following:

- A. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes.
- B. Generate adequate revenues to pay the costs of OM&R;
- C. Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

§3-210 MUNICIPAL SEWER DEPARTMENT; USER NOTIFICATION.

Each user will be notified, at least annually, with a regular bill, of the rate and that portion of the user charges, which are attributable to wastewater treatment.

§3-211 MUNICIPAL SEWER DEPARTMENT; SEWER MAINTENANCE FUND.

The operation, maintenance and replacement (OM&R) portion of the total sewer user charges shall be deposited in a non-lapsing Sewer Maintenance Fund, or set of funds, and the revenues so deposited will be used only for the purposes of defraying the OM&R costs of the treatment works. Funds transferred from other revenue sources to meet temporary shortages in the OM&R accounts shall be refunded following an appropriate adjustment in the user charges for OM&R the Sewer Maintenance Fund will have a minimum of two primary accounts:

A. An O&M account with provision for carry-over of the fiscal year end balance to meet the overall O&M costs in the subsequent fiscal year;

B. A non-lapsing sinking fund for replacement costs which accrues funds through deposits made at least annually from OM&R use charge revenues. The deposits shall provide adequate revenues to meet the "replacement" needs of the treatment works over its service life and shall be used for no other purpose. For purposes of maintaining said fund on a perpetual basis, the Municipality shall budget a sum of money not less than twenty (20%) percent of its annual projected operation and maintenance budget for the sewer treatment works. Fiscal year-end balances in the non-lapsing sinking fund will be carried over to the same fund in the subsequent year.

§3-212 MUNICIPAL SEWER DEPARTMENT; CLASSIFICATION.

The Governing Body may classify for the purpose of rental fees the customers of the Municipal Sewer Department; Provided, that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. The classification must be approved by the Environmental Protection Agency, relative to the user charge grant condition. (*Ref. 17-925.02 RS Neb.*)

§3-213 MUNICIPAL SEWER DEPARTMENT; COLLECTION OF SEWER USE FEES.

Sewer rental bills shall be due and payable at the same time and in the same manner as water bills are due and payable. All penalties and procedures concerning delinquent accounts with the Municipal Water Department shall also be applicable to delinquent accounts with the Municipal Sewer Department.

§3-214 MUNICIPAL SEWER DEPARTMENT; LIEN.

In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for sewer service furnished, such amount due, together with any rents and charges in arrears shall be considered a delinquent sewer rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The Village Clerk shall notify in writing or cause to be notified in writing, all owners of premises or their agents whenever their tenants or lessees are sixty (60) days or more delinquent in the payment of sewer rent. It shall be the duty of the Village Clerk, at least quarterly, to report to the Governing Body a list of all unpaid accounts due for sewer service together with a description of the premise served. The report shall be examined, and if approved by the Governing Body, shall be certified by the Village Clerk to the County Register of Deeds and County Treasurer to be collected as a special tax or special assessment in the manner provided by law. (*Ref. 17-925.01 RS Neb.*) (*Amended by Ord. No. 309, 8/4/87; Ord. No.341, 12/4/89*)

§3-215 SANITARY SUPPLY SYSTEM; DESTRUCTION OF PROPERTY.

No person or persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is part of the wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§3-216 PUBLIC SEWERS REQUIRED; UNLAWFUL DEPOSIT OF WASTES.

It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Municipality or within one (1) mile of the corporate limits thereof, or in any area under the jurisdiction of said Municipality, any human or animal excrement, garbage, or other objectionable waste.

§3-217 PUBLIC SEWERS REQUIRED; UNLAWFUL DISCHARGE OF UNTREATED SEWAGE.

It shall be unlawful to discharge to any natural outlet within the Municipality, or within one (1) mile of the corporate limits thereof, or in any area under the jurisdiction of said Municipality, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

§3-218 PUBLIC SEWERS REQUIRED; CESSPOOLS, PRIVIES AND SEPTIC TANKS PROHIBITED IN CORPORATE LIMITS; PERMIT REQUIRED WITHIN ONE (1) MILE OF CORPORATE LIMIT.

Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage. The owner of any property located within one (1) mile of the corporate limits of the Village shall be required to obtain a building permit from the municipality to install a septic tank and required attachments and appurtenances on or after September 11, 2018. Said permit fees shall be based upon the building permit fees adopted by the Village Board. The application shall require the applicant to comply with Nebraska Administrative Code Title 124 (Nebraska Department of Environmental Quality) and submit a layout of the system. Upon acquisition of the permit, the system shall be registered with the State of Nebraska as provided in Title 124 and proof of registration shall be filed with the Village. *(Amended by Ord. No. 716, 9/11/18)*

§3-219 PUBLIC SEWERS REQUIRED; MANDATORY HOOK-UP.

The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the Municipality and abutting on any street, alley, or right-of-way in which there is now located or within three-hundred (300') feet of a sanitary sewer main, is hereby required at the owner's expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article. *(Amended by Ord. No. 716, 9/11/18)*

§3-220 BUILDING SEWER INSTALLATION; PERMIT REQUIRED.

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

§3-221 BUILDING SEWER INSTALLATION; CLASSIFICATION; PERMIT APPLICATION.

There shall be two (2) classes of building sewer permits:

- A. For residential and commercial service; and
- B. For service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.

§3-222 BUILDING SEWER INSTALLATION; EXPENSE.

All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§3-223 MUNICIPAL SEWER SYSTEM; REPAIRS AND REPLACEMENT.

The Municipal Sewer Department may require the owner of any property which is within the Municipality and connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main.

The Municipal Clerk shall give the property owner notice by registered letter or certified mail, directed to the last-known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within thirty (30) days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Utilities Superintendent may cause such work to be done and assess the cost upon the property served by such connection. *(Ref. 18-1748 RS Neb.) (Amended by Ord. No. 286, 12/4/84)*

§3-224 BUILDING SEWER INSTALLATION; SINGLE PREMISE.

A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer, but the Municipality does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

§3-225 BUILDING SEWER INSTALLATION; USE OF EXISTING SEWERS.

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Article.

§3-226 BUILDING SEWER INSTALLATION; CONSTRUCTION CODES.

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Municipality. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Municipality, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing. The Superintendent before installation must approve any deviation from the prescribed procedures and materials.

§3-227 BUILDING SEWER INSTALLATION; UNLAWFUL CONNECTION.

No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage; Provided, that if responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.

§3-228 BUILDING SEWER INSTALLATION; INSPECTIONS.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.

§3-229 BUILDING SEWER INSTALLATION; EXCAVATIONS.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Municipality.

§3-230 PROHIBITED DISCHARGES; STORMWATER, SURFACE WATER, GROUNDWATER, COOLING WATER AND PROCESS WATER.

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, contaminated cooling water, or unpolluted industrial waters to any sanitary sewer. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the Municipality for such costs. The Superintendent with the approval of the Governing Body shall determine the costs.

§3-231 HAZARDOUS AND PROHIBITED DISCHARGES; FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES; PRELIMINARY TREATMENT.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

C. Any waters or wastes having a pH lower than five and one half (5.5), or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.

D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, grounded garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

E. Any waters or wastes having:

1. A five (5) day BOD greater than three hundred (300) parts per million by weight or,
2. Containing more than three hundred fifty (350) parts per million by weight of suspended solids, or
3. Having an average daily flow greater than two (2%) percent of the average sewage flow of the Municipality, or
4. A chlorine requirement greater than demanded by normal sewage as evaluated by the Utility Superintendent.

Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

- A. Reduce the biochemical oxygen demand to three hundred (300) parts per million by weight, or
- B. Reduce the suspended solids to three hundred fifty (350) parts per million by weight, or
- C. Control the quantities and rates of discharge of such waters or wastes, or
- D. Reduce the chlorine requirement to conform to normal sewage. Plans, specifications, and other pertinent information relating to propose preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commenced until said approvals are obtained in writing.

§3-232 HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY SUPERINTENDENT.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- A. Any liquid or vapor having a temperature higher than one hundred fifty (150°) degrees Fahrenheit (sixty five (65°) degrees Celsius).
- B. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between thirty two (32°) degrees and one hundred fifty (150°) degrees F (0 and 65° C).
- C. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor three fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Superintendent.
- D. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
- E. Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
- F. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet the requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

H. Any waters or wastes having a pH in excess of nine and one half [9.5].

I. Materials, which exert or cause:

1. Unusual concentrations of inert suspended solids (such as, but not limited to Fuller's earth, lime slurries, and lime residues) or of dissolved solids, (such as but not limited to, sodium chloride or sodium sulfate).

2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.

4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.

J. Waters or wastes containing substances, which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§3-233 DISCHARGE OF HAZARDOUS AND PROHIBITED SUBSTANCES; REJECTION; PRETREATMENT CONTROL OF DISCHARGE RATE OR USE FEE SURCHARGE.

If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 3-232, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

A. Reject the wastes,

B. Require pretreatment to an acceptable condition for discharge to the public sewers,

C. Require control over the quantities and rates of discharge, and/or

D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of Section 3-239. If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent, and subject to the requirements of all applicable codes, ordinances and laws.

§3-234 GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal that are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

§3-235 PRELIMINARY TREATMENT OR FLOW EQUALIZING FACILITIES; MAINTENANCE BY OWNER

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, the owner at his expense shall maintain them continuously in satisfactory and effective operation.

§3-236 CONTROL MANHOLES/SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

§3-237 CONTROL MANHOLES/SAMPLING STATIONS; METHOD.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article, shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from periodic grab samples.)

§3-238 SANITARY SUPPLY SYSTEM; DESTRUCTION OF PROPERTY.

No person or persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment, which is part of the wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§3-239 HAZARDOUS AND PROHIBITED SUBSTANCES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Municipality for treatment, subject to payment therefore, by the industrial concern.

§3-240 COMPLIANCE WITH ARTICLE; INSPECTIONS GENERALLY.

The Superintendent and other duly authorized employees of the Municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing system in accordance with the provisions of this Article. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§3-241 COMPLIANCE WITH ARTICLE; INSPECTIONS; INJURY LIABILITY.

While performing the necessary work on private properties referred to in Section 3-240 above, the Superintendent or duly authorized employees of the Municipality shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Municipal employees and the Municipality shall indemnify the company against loss or damage to its property by Municipal employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Section 3-236.

§3-242 COMPLIANCE WITH ARTICLE; INSPECTIONS; EASEMENTS.

The Superintendent and other duly authorized employees of the Municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the Municipality holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§3-243 VIOLATION; NOTICE AND LIABILITY.

Any person found to be violating any provision of this Article except Section 3-238 shall be served by the Municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. Any person violating any of the provisions of this Article shall become

liable to the Municipality for any expense, loss, or damage occasioned the Municipality by reason of such violation.

§3-244 MUNICIPAL SEWER DEPARTMENT; MUNICIPAL POWERS.

The Municipality has the legal authority to enforce its system of user charges, industrial cost recovery charge, and sewer use regulations on all existing or future users of the system whether located inside or outside the Municipal limits.

§3-245 SEVERABILITY CLAUSE.

The invalidity of any Section, clause, sentence, or provision of this Article shall not affect the validity of any other part of this Article, which can be given effect without such invalid part or parts.

Article 3. Fire Department

§3-301 MUNICIPAL FIRE DEPARTMENT; OPERATION AND FUNDING.

The Fire Department consists of a combined Fire Department, which is governed by a mutual agreement between the Village of Mead and the Rural Fire District. Expenses of the Department are split between the two (2) parties.

Article 4. Park Department

§3-401 MUNICIPAL PARKS; OPERATION AND FUNDING.

The Municipality owns and operates the Municipal Parks and other recreational areas through the Utilities Superintendent. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Park 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 Municipal Treasurer. The Governing Body may adopt rules and regulations for the efficient management of the Municipal Parks and other recreational areas of the Municipality, including a five (\$5.00) dollar deposit on the use of the lights at the ball park. The Utilities Superintendent shall not enter into a contract of any nature, which involves an expenditure of funds, except for ordinary operating expenses, unless the contract has been approved by resolution of the majority of the members of the Governing Body prior to the contractual agreement. *(Ref. 17-948 through 17-952 RS Neb.)*

Article 5. Municipal Dump

§3-501 MUNICIPAL DUMP; OPERATION AND FUNDING.

The Village of Mead, Nebraska, shall have the power to lease, purchase, or acquire in any legal manner, construct, maintain, and improve Municipal Dumping Grounds within or without its corporate limits and to purchase equipment for the operation thereof for the use of the Village and the inhabitants thereof. For the purpose of deferring the cost of the acquisition, care, management, maintenance and improvement of the Municipal Dumping Grounds, and for the management and operation thereof, the Village may;

- A. Levy a tax not to exceed the maximum limits prescribed by Nebraska Statutes on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation, and/or
- B. Establish by resolution a schedule of fees, and or rates for resident and/or non-resident users of the Municipal Dumping Grounds, including, but not limited to, the collection and disposal of garbage and the manner of payment and collection thereof, and
- C. Establish by resolution rules and regulations for the management and operation of the Municipal Dumping Grounds and to do whatever is necessary to protect the general health in the manner of the removal and disposal of garbage. Any person violating any provision of this ordinance or the resolutions enacted there under shall be punishable under the penalty section of the Chapter of the Municipal Code of the Village of Mead, Nebraska, wherein this ordinance is placed. *(Ref. 19-2101 through 19-2106 RS Neb.) (Amended by Ord. No. 271, 4/3/84)*

~~**§3-502 MUNICIPAL DUMP; RATES.** The following rates shall be charged for use of the Municipal Dump:~~

~~Residents: Two (\$2.00) dollars per load (No dumping by non-residents is permitted). *(Amended by Ord. No. 252, 7/5/83; Ord. No. 534, 12/9/03; Ord. No. 542 5/11/04, Repeal by Ord. No. 810, 4/11/23)*~~

Article 6. Community Building

§3-601 COMMUNITY BUILDING; OWNERSHIP.

The Municipality owns and manages the Community Building through the Village Board. The Governing Body, for the purpose of defraying the cost of the management, maintenance, and improvements on the Community Building 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 Municipality that is subject to taxation. The revenue from the said tax shall include all gifts, grants, deed of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the Community Building. The Village Board shall have the power to hire and supervise such employees as they may deem necessary and shall pass such rules and regulations for the operation of the Community Building as may be proper for its efficient management. *(Ref. 17-953 through 17-955 RS Neb.)*

§3-602 COMMUNITY BUILDING; RENTALS.

The Village Board may, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the Community Building, make a reasonable rental charge for the use by any person or organization of the Community Building. The Village Board shall prescribe rules and regulations for such rentals subject to the review of the Governing Body. Rental rates may be structured for classes of persons and organizations in a reasonable manner; Provided, that 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. *(Ref. 17-953 RS Neb.)*

Article 7. Utilities Generally

§3-701 UTILITIES GENERALLY; DISCONTINUANCE OF SERVICE; NOTICE PROCEDURE.

1. The Municipality shall not discontinue utility service to any domestic subscriber for nonpayment of any past-due account unless the Municipality first gives written notice by mail to any subscriber whose service is proposed to be terminated at least ten (10) days prior to termination, weekends and holidays excluded. A Disconnect Notice shall be provided to the delinquent account holder following the ten-day termination notice. If the delinquent account is not paid on the date and time indicated, the subscriber shall pay the utility service reconnection fee termed as an Administration Fee, whether the meter was actually turned off or not. As to any subscriber who has previously been identified as a welfare recipient to the Municipality by the Department of Health and Human Services, such notice shall be by certified mail and notice of such proposed termination shall be given to the Department of Health and Human Services.

2. Prior to the discontinuance of service to any domestic subscriber by the Municipality, the domestic subscriber, upon request, shall be provided a conference with the Governing Body. The Governing Body has established procedures to resolve utility bills when a conference is requested by a domestic subscriber. These procedures, three (3) copies of which are on file in the office of the Municipal Clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part of this Section as though set out in full. A copy of such procedures shall be furnished upon the request of any domestic subscriber. The Governing Body shall notify the domestic subscriber of the time, place, and date scheduled for such conference.

3. Prior to the disconnection to service, a customer may elect to enter into an agreement with the Village of Mead for an Installment Payment Plan.

Installment Payment Plan:

1. The customer is to make payment arrangements no later than 9:00 a.m. on the disconnect day as stated in the disconnection notice. An Installment Payment Plan must be completed and signed by the customer and signed by the Village Clerk for approval.
2. If arrangements are made by the shut off day established in the disconnection notice, the customer is to pay at least twenty-five (25%) percent of the balance due and has until 9:00 a.m. on the first day of the following month to pay the payment plan balance due.
3. If the customer defaults on the Installment Payment Plan the village will terminate services immediately. The customer will be required to pay all amounts owed on the payment plan, the reconnection fee and will also be required to pay the current month's bill so that the account balance is \$0.
4. Customers will be eligible for installment plans three (3) times during a twelve (12) month period of time. The twelve (12) months start at the time of the first installment plan rather than being a calendar twelve (12) months.

4. To have your utility service reconnected, the subscriber must pay the delinquent account in full, plus a reconnection fee of fifty (\$50.00) dollars. If a reconnection request is made to restore service after hours, weekends, or holidays, the reconnection fee shall be sixty-five (\$65.00) dollars.

5. This Section shall not apply to any disconnections or interruptions of services made necessary by the Municipality for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or the general public. (*Ref. 70-1603, 70-1604, 70-1605 RS Neb.*) (*Amended by Ord. No. 287, 12/4/84; Ord. No. 476, 8/12/97; Ord. No. 563, 9/12/06, Ord. No. 597, 6/8/10; Ord. No. 632, 2/12/13; Ord. No. 658, 3/10/15*)

§3-702 UTILITIES GENERALLY; DIVERSION OF SERVICES; PENALTY.

The Municipality may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts (a) bypassing, (b) tampering, or (c) unauthorized metering when such act results in damages to a Municipal Utility. A Municipality may bring a civil action for damages pursuant to this Section against any person receiving the benefit of utility service through means of bypassing, tampering or unauthorized metering. In any civil action brought pursuant to this Section, the Municipality shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering to recover as damages:

- A. The amount of actual damage or loss if the amount of the damage or loss is susceptible of reasonable calculation; or
- B. Liquidated damages of (i) until July 1, 1985, five hundred (\$500.00) dollars and (ii) on July 1, 1985, and thereafter, seven hundred fifty (\$750.00) dollars if the amount of actual damage or loss is not susceptible of reasonable calculation.

In addition to damage or loss under subdivision A or B of this Section, the Municipality may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering including, but not limited to, disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorneys' fees in cases within the scope of Section 25-1801 Reissue Revised Statutes of Nebraska 1943.

There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the tenant or occupant (a) had access to the part of the utility supply system on the premises where the bypassing, tampering or unauthorized metering is proven to exist and (b) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering or unauthorized metering if the customer-controlled access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering was proven to exist.

The remedies provided by this Section shall be deemed to be supplemental and additional to powers conferred by existing laws and the remedies provided in this Section are in addition to and not in limitation of any other civil or criminal statutory or common law remedies. (*Ref. 86-331.01 through 86-331.04 RS Neb.*) (*Ord. No. 262, 9/6/83*)

§3-703 UTILITIES GENERALLY; DIVERSION OF SERVICES. METER TAMPERING; UNAUTHORIZED RECONNECTION. PROHIBITED: EVIDENCE.

1. Any person who connects any pipe or conduit supplying water, without the knowledge and consent of the Municipality, in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without passing through the meter provided for measuring or registering the amount or quantity passing through it, and any person who knowingly uses or knowingly permits the use of water obtained in the above mentioned unauthorized ways, shall be deemed guilty of an offense.

2. Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interferes with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or quantity of water passing through it, without the knowledge and consent of the Municipality shall be deemed guilty of an offense.

3. When water service has been disconnected pursuant to Sections 70-1601 to 70-1615 RS Neb., or Section 3-701 of this Code, any person who reconnects such service without the knowledge and consent of the Municipality shall be deemed guilty of an offense.

4. Proof of the existence of any pipe or conduit connection or reconnection or of any injury, alteration, or obstruction of a meter, as provided in this Section, shall be taken as prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, or obstruction is proved to exist. (*Ref. 86-329 through 86-331 RS Neb.*) (*Amended by Ord. No. 431, 4/9/96*)

Article 8. Police

[*Editor's Note: Article 8 was adopted in its entirety by Ordinance No. 302, Passed September 10, 1986*]

§3-801 POLICE DEPARTMENT; RESERVE OFFICER BOND.

No appointment of a law enforcement reserve officer shall be valid until a bond in the amount of two thousand (\$2,000.00) dollars, payable to the City, has been filed with the Municipal Clerk by the individual appointed, or a blanket surety bond arranged and paid for by the Governing Body and bonding all such officers of the Governing Body has been filed. Such bonds shall be subject to the provisions of Chapter 11, Article 1, Nebraska Revised Statutes (*Ref. 91-1444 RS Neb.*)

§3-802 POLICE DEPARTMENT; POLICE OFFICERS; DISCIPLINE OR REMOVAL FROM DUTY; NOTICE AND HEARING; DETERMINATION.

1. No police officer, including the Village Marshal, shall be disciplined, suspended, demoted, removed, or discharged except upon written notice stating the reasons for such disciplinary action, suspension, demotion, removal, or discharge. Such notice shall also contain a statement informing the police officer of his or her right to a hearing before the Board of Trustees.

2. Any police officer so disciplined, suspended, demoted, removed, or discharged may, within ten (10) days after being notified of such disciplinary action, suspension, demotion, removal, or discharge, file with the Municipal Clerk a written demand for a hearing before the Board of Trustees. The Board of Trustees shall set the matter for hearing not less than ten (10) nor more than twenty (20) days after the filing of the written demand for a hearing. The Board of Trustees shall give the police officer written notice of the hearing not less than seven (7) nor more than fourteen (14) days prior to the hearing.

3. At the hearing, the police officer shall have the right to: (a) respond in person to the charges and to present witnesses and documentary evidence; (b) confront and cross-examine available adverse witnesses; and (c) to be represented by counsel.

4. Not later than thirty (30) days following the adjournment of the meeting at which the hearing was held, the Board of Trustees shall vote to uphold, reverse, or modify the disciplinary action, suspension, demotion, removal, or discharge. The failure of the Board of Trustees to act within thirty (30) days or the failure of a majority of the elected Board members to vote to reverse or modify the disciplinary action, suspension, demotion, removal, or discharge shall be construed as a vote to uphold the disciplinary action, suspension, demotion, removal, or discharge. The decision of the Board of Trustees shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged disciplinary action, suspension, demotion, removal, or discharge was necessary for the proper management and the effective operation of the Police Department in the performance of its duties under the State Statutes.

5. Nothing in this Section shall be construed to prevent the preemptory suspension or immediate removal from duty of an officer, pending the hearing authorized by this Section, in cases of gross misconduct, neglect of duty, or disobedience of orders.

6. If the initial decision to discipline, suspend, demote, remove, or discharge a police officer is made by the Chairperson of the Board of Trustees, the Chairperson shall not be considered a member of the Board of Trustees for purposes of the appeal from his or her decision. (*Ref. 17-208 RS Neb.*) (*Ord. No. 432, 4/9/96*)

§3-803 POLICE DEPARTMENT; JURISDICTION BEYOND CORPORATE LIMITS.

The Police Department of the Village of Mead, Nebraska shall have jurisdiction to enforce the ordinances of the Village of Mead, Nebraska, and all applicable resolutions of the Saunders County Board of Supervisors, and statutes of the State of Nebraska, within the corporate limits of the Village of Mead, Nebraska, and for the area lying between said corporate limits and one (1) mile beyond said corporate limits with no exceptions. (*Ord. No. 491, 12/8/98*)

§3-804 POLICE DEPARTMENT; ARREST JURISDICTION.

1. Every Municipal police officer shall have the power and authority to enforce the laws of this state and the city or otherwise perform the functions of that office anywhere within his or her primary jurisdiction. Primary jurisdiction shall mean the geographic area within territorial limits of the Village of Mead.

2. Any Municipal police officer who is within this state but beyond the territorial limits of his or her primary jurisdiction, shall have the power and authority to enforce the laws of this state or any legal ordinance of the city or otherwise perform the functions of his or her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within the territorial limits of his or her primary jurisdiction in the following cases:

A. Any Municipal police officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow such person into any other jurisdiction in this state and their arrest and detain such person and return such person to the officer's primary jurisdiction;

B. Any Municipal police officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow such person anywhere in an area within twenty-five (25) miles of the boundaries of the officer's primary jurisdiction and their arrest and detain such person and return such person to the officer's primary jurisdiction:

C. Any Municipal police officer shall have such enforcement and arrest and detention authority when responding to a call in which a local, state, or federal law enforcement officer in need of assistance shall mean (i) a law enforcement officer whose life is in danger or (ii) a law enforcement officer who needs assistance in making an arrest and the suspect (A) will not be apprehended unless immediately arrested. (B) may cause injury to himself or herself or others or damage to property unless immediately arrested, or (C) may destroy or conceal evidence of the commission of a crime;

D. If the Village, under the provisions of the Interlocal Cooperation Act, enters into a contract with any other municipality or county for law enforcement services or joint law enforcement services, law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, the Village shall provide liability insurance coverage for its own law enforcement personnel as provided in Section 13-1802 RS Neb. (*Ref. 29-215 RS Neb.*) (*Ord. No. 492, 12/8/98*)

§3-805 POLICE DEPARTMENT; EDUCATION.

All law enforcement officers shall have twenty (20) hours of continuing education every year. Ten (10) hours can be completed on the internet annually, and shall be of a type which has application to and seeks to maintain and improve the skills of the law enforcement officer in carrying out his or her duties and responsibilities. This includes any reserve officers. (*Ref. 81-1414.05 RS Neb.*) (*Ord. No. 631, 12/11/12*)

Article 9. Penal Provision

§3-901 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 five hundred (\$500.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. In addition, the Village may obtain injunctive relief, and sue for damages and remediation, and pursue any other remedy available to it under the laws of the State of Nebraska or other authority having jurisdiction over such matters. (*Ref. 18-2315 RS Neb*) (*Amended by Ord. 661, 5/12/15; Ord. No. 716, 9/11/18*)

**Chapter 4
HEALTH AND SANITATION**

Article 1. General Provisions

§4-101 HEALTH; REGULATION.

For the purpose of promoting the health and safety of the residents of the Municipality, the Board of Health shall, from time to time, adopt rules and regulations relative thereto, and shall make such inspections, prescribe such penalties, and make such reports as may be necessary toward that purpose. *(Ref. 17-208 RS Neb.)*

§4-102 HEALTH; ENFORCEMENT OFFICIAL.

The Village Marshal, as the Quarantine Office, shall be the chief health officer of the Municipality. It shall be his duty to notify the governing Body and the Board of Health of health nuisances within the Municipality and its zoning jurisdiction. *(Ref. 17-208 RS Neb.)*

§4-103 HEALTH; STATE RULES.

The "Rules and Regulations Relating to Public Health", Department of Health of the State of Nebraska are hereby incorporated by reference when the same are applicable to the Municipality, in their present form and as they may hereafter be amended. Three (3) copies of the said pamphlet are filed at the office of the Municipal Clerk and shall be available for public inspection at any reasonable time. *(Ref. 18-132, 19-902 RS Neb.)*

§4-104 HEALTH; 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 Municipality.

Article 2. Garbage Disposal

§4-201 GARBAGE; DEFINED.

The term "garbage" as used herein shall be defined to mean kitchen refuse, decayed waste, dead animals, or anything that may decompose and become offensive to the public health.

§4-202 RUBBISH; DEFINED.

The terms "rubbish" or "trash" as used herein shall be defined as discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags or any other litter or debris that is not an immediate hazard to the health of the residents of the Municipality.

§4-203 WASTE; DEFINED.

The term "waste" as herein defined shall mean cinders, ashes, plaster, brick, stone, sawdust, or sand.

§4-204 GARBAGE; TRASH AND WASTE.

It shall be unlawful for any person to keep in, on, or about any dwelling, building, or premise, or any other place in the Municipality, decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the Municipality unless the same is kept in receptacles not exceeding a thirty (30) gallon capacity and as nearly air-tight as may be practical. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, waste, or rubbish of any kind. No person may permit garbage, rubbish, waste, or refuse to collect and all persons shall remove the same from their property within twenty-four (24) hours after being notified to do so by the Municipal Police Chief who shall represent the Board of Health. Any person having garbage, rubbish, waste, or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover, or a durable plastic container that is securely tied at its opening. *(Ref. 19-2106 RS Neb.)*

§4-205 GARBAGE AND REFUSE COLLECTION; AUTHORITY.

The Governing Body for the Village may provide for the collection and removal of garbage or refuse found upon any lot or land within its corporate roads, or alleys abutting such lot or land which constitutes a public nuisance. The village may require the owner, duly authorized agent, or tenant of such lot or land to remove the garbage or refuse from such lot or land and streets, roads, or alleys. *(Ref. 18-1303 RS Neb.) (Ord. No. 326, 9/6/88)*

§4-206 GARBAGE AND REFUSE COLLECTION; NOTICE REMOVAL.

Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant if any. Such notice shall be provided by personal service or by certified mail. After providing such notice, the village through its proper offices shall, in addition to other proper remedies, remove the garbage or refuse, or cause it to be removed, from such lot or land and streets, roads, or alleys. (Ref. 18-1303 RS Neb.) (Ord. No. 326, 9/6/88)

§4-207 GARBAGE AND REFUSE COLLECTION; NUISANCE.

If the chairperson declares that the accumulation of such garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the village shall remove the garbage or refuse, or cause it to be removed, from such lot or land within forty-eight (48) hours after notice by personal service or following receipt of a certified letter in accordance with Section 4-206 if such garbage or refuse has not been removed. (Ref. 18-1303 RS Neb.) (Ord. No. 326, 9/6/88)

§4-208 GARBAGE AND REFUSE COLLECTION; LIEN.

Whenever a village removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this Article, it shall, after a hearing conducted by the Governing Board, assess the cost of the removal against such lot or land. (Ref. 18-1303 RS Neb.) (Ord. No. 326, 9/6/88)

Article 3. Nuisances

§4-301 PURPOSE.

The Village of Mead, by this Article defines its authority to define, regulate, suppress and prevent nuisances, and to declare what shall be a nuisance for its jurisdiction and to provide services to abate same for the health and sanitation of the Village (NRS 18-1720) (Amended by Ord. No. 657, 4/14/15)

§4-302 NUISANCE REGULATIONS; DEFINITIONS.

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

1. Injures or endangers the comfort, repose, health, or safety of others;
2. Offends decency;
3. Is offensive to the senses;
4. Unlawfully interferes with, obstructs, tends to obstruct, or renders dangerous for any public park, parkway, street, or highway within the zoning jurisdiction of the municipality;
5. In any way renders other persons insecure in life or the use of property; or
6. Essentially interferes with the comfortable enjoyment of life and property; or
7. Tends to depreciate the value of the property of others.

(B) Nuisance includes, but is not limited to, the maintaining, using, placing, depositing, leaving, or permitting of any of the following specific acts, omissions, places, conditions, and things of:

1. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish or fowl;
2. The emission of smoke, dust, fumes, gases, mists, odors, or polluted air from any source that is injurious or dangerous to human health and safety;
3. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies, rats or other insects and rodents, or which are foul or malodorous;
4. Filthy, littered or trash-covered cellars, house yards, barnyards, stable yards, factory yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings or premises;
5. Dead animals or dead animals buried within the zoning regulations of the municipality;
6. Animal manure in any quantity, which is not securely protected from flies and the elements, or which, is kept or handled in violation of any ordinance of the Municipality;
7. Hauling any garbage, waste, or refuse matter through the streets, alleys, and public ways except when the same is loaded and conveyed in such a way when none of the contents shall be spilled;
8. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; Provided, nothing herein contained shall prevent the temporary retention of waste in receptacles nor the dumping of non-putrefying waste in a place and manner approved by the Municipality;
9. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken

- stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles;
10. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old vehicles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate values in the vicinity thereof;
 11. Any unsafe building, unsightly building, billboard or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which buildings, billboards, or other structures are a fire hazard, or a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity;
 12. All places used or maintained as junk yards, or dumping grounds, or for the wrecking and disassembling of automobiles, trucks, tractors or vehicles and machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors or vehicles and machinery of any kind or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof;
 13. Any vehicle which is not properly registered, or is inoperable, wrecked, junked, or partially dismantled or remaining longer than thirty (30) days on private property. This does not apply to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful place and manner, when necessary to the lawful operation of such business enterprise (such as a licensed salvage dealer, motor vehicle dealer or farm implement dealer), or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner, **and** so long as the premises which said vehicle is located is not a nuisance and is maintained in a healthful and safe condition. "Vehicle" means the same as defined by NRS Section 60-136: a "motor vehicle, all-terrain vehicle, minibike, trailer, or semitrailer". "Properly registered" means as required by Nebraska Statutes;
 14. Stagnant water permitted or maintained on any lot or piece of ground;
 15. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animals or vegetable matter including grain is being processed, when said places in which said animals are confined, or said premises on which said vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate there from, to the annoyance of inhabitants or the Municipality, or are maintained and kept in such a manner as to be injurious to the public health;
 16. Weeds, grasses and other worthless vegetation that is more than twelve (12") inches in height. Weeds shall include, but not be limited to, bindweed, puncture vine, leafy spurge, Canada thistle, perennial peppergrass, Russian knapweed, Johnson grass, nodding or musk thistle, quack grass, perennial sow thistle, horse nettle, bull thistle, buckthorn, hemp plant and ragweed;
 17. Dead or diseased trees within the right-of-way of streets within the corporate limits of the Village, or on private property within the one-mile zoning jurisdiction beyond the corporate limits (§NRS 17-555);
 18. Undrained lots which hold or may hold stagnant water or any other nuisance;
 19. Any condition which allows the perpetuating of insects and rodents;
 20. Storage, accumulation, keeping, placing, or allowing to remain trash, garage, scrap and wrecked, worn-out, broken or inoperative, or partially destroyed or disassembled personal or real property of any kind, including any junk or abandoned motor vehicles, tractors, machinery, and equipment;
 21. Lots, pieces of ground, and the adjoining streets and alleys with growth of weeds or noxious growth;
 22. Obstructions, overhanging branches in or over the public right of way, street or sidewalk.
 23. All other things specifically designated as nuisances elsewhere in this code. (§NRS 18-1720) *(Amended by Ord. No. 519, 1/8/02 and Rescinded and Amended by Ord. No. 526, 10/10/02; Ord. No. 657, 4/14/15; Ord. No. 735, 11/12/19)*

§4-303 ABATEMENT SERVICES AND NOTICE PROCEDURE FOR NUISANCES.

- A. **NUISANCE OFFICER.** The Village shall appoint an individual or organization to identify and enforce abatement of nuisances within the zoning jurisdiction of the Village. Said individual or organization shall be identified as the "Nuisance Officer" and said appointment shall be identified by resolution of the Village.
- B. **IDENTIFYING NUISANCES**

1. The Village may identify suspected nuisances, in which case the Village Clerk, shall upon direction of the Village Board, notify Nuisance Officer of the suspected location, person or persons in violation of any provision of this chapter and provide the address of such alleged nuisance and investigate the same.
2. The Village may request that the Nuisance Officer audit the Village for nuisances within the zoning jurisdiction of the Village as defined by the Village Code. The Nuisance Officer shall then view the property or area for any violations of the nuisances of the Village. Nuisance Officer shall not go upon private property for said audit unless granted permission by the resident/owner of suspected property.

C. CONFIRMING, DOCUMENTING AND PRESENTING NUISANCES.

Nuisance Officer shall identify and confirm that in his or her opinion a nuisance exists as defined by Federal, State or Village law.

1. Upon confirming that nuisance appears to exist the Nuisance Officer shall document said nuisance with photographs and other evidence pertinent to the situation. Nuisance Officer will also obtain the legal description of the property and identify the current owners and, if possible, the occupants of the property upon which the nuisance exists.
2. The Nuisance Officer may declare that a nuisance exists as stated in Section 4-304.
3. In the event the nuisance is the growth of weeds, grasses and/or useless vegetation in excess of twelve (12) inches, a notice shall be sent by the Village Clerk or Nuisance Officer by First Class Mail (in such case the mail shall be conspicuously marked as to its importance) or personal service to the owner and occupant, if any indicating a day not less than six (6) days after service in which the nuisance must be abated and setting forth that an appeal may be filed as set forth hereafter. Presentation of this matter is not required to be made to the Village Board for confirmation. Within five (5) days after receipt of such notice, (or six (6) days after First Class Mail is deposited in the mail), the owner and/or occupant of the lot or piece of ground may request a hearing with the Village to appeal the decision to abate or remove the nuisance by filing a written appeal with the office of the Village Clerk. If the Nuisance Officer determines the nuisance is not remedied and abated within the time period designated and no appeal is taken, the Village shall cause the abatement of the nuisance to be completed and the process to assess the expenses of the abatement followed as provided elsewhere in this Chapter. If a hearing is requested, then the process contained in this Chapter shall be followed.

(Amended by Ord. No. 526, 10/10/02; Ord. No. 641, 12/10/13; Ord. No. 657, 4/14/15; Ord. No. 664, 5/12/1; Ord. No.735, 11/12/19)

§4-304 ENFORCEMENT PROCEDURES.

The nuisance, health and/or sanitation violation may be declared by the Nuisance Officer, or submitted to the Governing Body by the Nuisance Officer for consideration of declaration of nuisance. The Governing Body may declare by resolution that a nuisance exists, (or the Nuisance Officer may make said declaration), and order that the nuisance be abated and removed no later than a date certain. The nuisance, health, and/or sanitation ordinances may be enforced by: (1) Village administrative procedures; (2) penal prosecutions through the Courts, and/or; (3) by civil procedures in the Courts. Any of these procedures, or any combination of these procedures may be used to enforce the nuisance, health and/or sanitation ordinances of the Village.

- A. ADMINISTRATIVE PROCEDURE – The Village may proceed with abatement of the nuisance, sanitation, and/or health violation with or without court involvement after the following procedure is followed:
 1. After a nuisance is declared the Nuisance Officer shall serve notice upon the violator(s).
 2. The Nuisance Officer shall prepare and serve notice which shall describe the found nuisance and state the required date of abatement and removal of the nuisance shall be accomplished. The notice shall also provide information as to how the interested parties may request a hearing before the Governing Body described in paragraph 4 herein.
 3. The notice shall be given to each owner or owners duly authorized agent and to the occupant, if any, by personal service or certified mail. If notice by personal service or certified mail is unsuccessful, said notice shall be given by a single publication in a newspaper of general circulation in the Village or County of the Village, and by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed. The date of service is determined by the later of certified mail receipt, personal service or publication date.

4. The accused violator (owner/agent/occupant) may request in writing an appeal hearing before the Governing Body of the Village within five (5) days after notice of violation is served or published. For tree nuisance violations the period for requesting a hearing is extended to thirty (30) days after service.
5. If no request for a hearing is received in the required time period, the Governing Body **may** cause a hearing to be held. This option is at the sole **discretion** of the Governing Body to be used in exceptional cases, otherwise, if no request is filed timely or fails to comply with the order to abate and remove the nuisance, the village may have the work done and the costs and expenses of any such work paid by the owner.
6. If a hearing is requested, the Village Clerk shall fix date of said hearing to be no later than fourteen (14) days from receipt of the request for the hearing. Notice of said hearing and with the date and time shall be served upon the agent, owner, and of the nuisance property by regular mail such mail conspicuously marked as to its importance, such as "IMPORTANT - NOTICE OF HEARING".
7. The hearing shall be a "show cause" hearing in which the agent, owner, occupant of the nuisance property (objecting property) shall provide evidence why the alleged condition should not be found to be a public nuisance and remedied. This hearing shall be heard by a hearing officer. The presiding official of the Governing Body may conduct the hearing or said presiding official may appoint another person as the hearing officer to conduct the hearing. At the hearing the hearing officer shall mark and receive evidence which was presented when the finding of a nuisance was made, relevant evidence of the nuisance since that time, and evidence that the notices were properly given. The objecting party shall then provide its evidence. The rules of evidence are not required at said hearing, but all evidence must be relevant to the particular nuisance being heard. Testimony shall be under oath as administered by the hearing officer or any person so designated by the hearing officer, and the person providing the testimony is subject to the laws of perjury.
8. No later than five days after the hearing and consideration of the evidence, the hearing officer shall render a decision on the appeal. If the appeals fail the resolution of violation is not rescinded, it shall stand. Furthermore, if the Objector or its designated agent fails to appear at the hearing or does not provide evidence, the nuisance shall stand. If the appeal is successful, the Governing Body shall rescind the resolution. Notice of the hearing officer's decision shall be sent by first class mail or by personal service within twenty-four (24) hours of the decision to the person who requested the hearing. The finding of this hearing is final, provided that an interested party or parties may appeal such decision to the appropriate court for adjudication.
9. If the Nuisance Officer determines the nuisance is not remedied and abated within the time period designated, the Village shall cause the abatement of the nuisance to be completed.
10. If an interested party properly appeals to an appropriate court the findings and orders of the Village, the Village actions shall be stayed until such time that the legal proceedings are completed or dismissed. In cases of appeal from an action of the Village condemning real property as a nuisance or as dangerous under the police powers of the municipality, the owners of the adjoining property may intervene in the action at any time before trial. (Neb. RS 19-710)

B. PENAL COURT ENFORCEMENT PROCEDURE. If the declared nuisance, health, and/or sanitation are not abated within five (5) days that the notice is served upon the owner and/or occupant, and the Village Clerk has not received a request for hearing, the Nuisance Officer may cause issue of a citation for the code violation.

1. The citation shall be prosecuted to the appropriate court by the Village Attorney or other designated prosecutor for the Village.
2. A person or persons found guilty of these violations shall be guilty of a misdemeanor and fined up to five-hundred dollars (\$500.00) for each offense.
3. Each day that the nuisance as identified in the nuisance resolution and notice, is not abated shall be a separate offense and subject to a separate fine.

C. CIVIL COURT PROCEDURE. The Governing Board may instruct by resolution the Village Attorney to file a civil action for the abatement of a nuisance. Said civil suit may commence after five (5) days notice has been served as set forth above and may be filed and prosecuted at the same time any other enforcement procedure has commenced, terminated or in progress. (*Amended by Ord. No. 526, 10/10/02; Ord. No. 657, 4/14/15; Ord. No. 735, 11/12/19*)

§4-305 EXPENSES

- A. When the Village has affected the abatement of the nuisance, health and/or sanitation violation through either Village employees or through contract with a third party and has incurred expenses and costs thereof, the actual cost thereof shall be charged to the owner of such property. The billing shall be calculated at the actual cost of abating the nuisance plus a twenty-five dollar (\$25.00) administrative fee.
- B. This billing shall be submitted to the last known address of the Owner of the nuisance property as found in the County Treasurer's office by regular US Mail.
- C. If said costs are not paid within two (2) months after the work is done and after the expenses and costs are submitted to the owner and/or occupant, the Village may levy and assess the expenses and costs upon the real estate benefitted by the actions in the same manner as other special assessments are levied and assessed, and the Village may collect said assessments in the same procedure as other special assessments are collected. The Village may also recover said expenses and costs of abating the nuisance, health and/or sanitation violation(s) in a civil action in the courts of the appropriate county in Nebraska. *(Amended by Ord. No. 526, 10/10/02; Ord. No. 657, 4/14/15; Ord. No. 687, 10/11/16)*

§4-306 NUISANCES; JURISDICTION.

The Nuisance Officer of the Municipality is directed to enforce this Municipal Code against all nuisances. The jurisdiction of the Nuisance Officer, and court shall extend to, and the territorial application of this Chapter shall include, all territory within the zoning jurisdiction of the Municipality. *(Ref. 18-1720 RS Neb.) (Amended by Ord. No. 526, 10/10/02; Ord. No. 657, 4/14/15)*

Article 4. Penal Provision

§4-401 VIOLATION; PENALTY.

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred (\$500.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. *(Ref. 18-2315 RS Neb.) (Amended by Ord. No. 526, 10/10/02; Ord. 661, 5/12/15)*

§4-402 ABATEMENT OF NUISANCE.

Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law. 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 part of the judgment in the case. *(Ref. 18-1720, 18-1722 RS Neb.)*

Chapter 5
TRAFFIC REGULATIONS

Article 1. Rules of the Road

§5-101 RULES OF THE ROAD; INCORPORATED BY REFERENCE.

The Nebraska Rules of the Road, together with all subsequent amendments thereto, as adopted by the State of Nebraska relating to traffic regulations are incorporated by reference into this Section and made a part of this Article as though spread at large herein, except those provisions in conflict with this Article when the Governing Body has the authority to alter such regulations. Three (3) copies of the Nebraska Rules of the Road and amendments shall be on file with the Municipal Clerk and shall be available for public inspection at any reasonable time.

§5-102 TRUCK ROUTES.

The Governing Body may, by resolution, designate certain streets in the Municipality that trucks shall travel upon, and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise, and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through, or about the Municipality. The Governing Body shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes. *(Ref. 39-6,189 RS Neb.)*

§5-103 ONE-WAY TRAFFIC.

The Governing Body may, by resolution, provide for one-way travel in any street, or alley located in the Municipality and shall provide for appropriate signs and markings when said streets have been so designated by resolution. *(Ref. 39-697 RS Neb.)*

§5-104 TRAFFIC LANES; DESIGNATION.

The Governing Body may, by resolution, mark lanes for traffic on street pavements at such places as they may deem advisable. *(Ref. 39-697 RS Neb.)*

§5-105 ARTERIAL STREETS; DESIGNATION.

The Governing Body may, by resolution, designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when such street has been so designated. *(Ref. 39-697 RS Neb.)*

§5-106 TURNING; "U" TURNS.

No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection. No vehicle shall be turned so as to proceed in the opposite direction at any intersection where an automatic signal is in operation, or where a sign is posted indicating that U-turns are prohibited. *(Ref. 39-651, 39-697 RS Neb.)*

§5-107 CROSSWALKS.

The Governing Body may, by resolution, establish and maintain, by appropriate devices, markers, or lines upon the street, crosswalks, at intersections where there is particular danger to pedestrians crossing the street, and at such other places as they may deem necessary. *(Ref. 39-697 RS Neb.)*

§5-108 SIGNS, SIGNALS.

The Governing Body may, by resolution, provide for the placing of stop signs, or other signs, signals, standards, or mechanical devices in any street or alley under the Municipality's jurisdiction for the purpose of regulating, or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect, or refuse to comply with such regulation, or prohibition. *(Ref. 39-609 though 39-611, 39-697 RS Neb.)*

§5-109 EMERGENCY REGULATIONS.

The Village Marshal is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. *(Ref. 60-435 RS Neb.)*

§5-110 LOUD AND DISTURBING NOISES.

It shall be unlawful for any person to drive a motor vehicle, motorcycle or snowmobile within the Village in such a manner that it creates or causes loud, disturbing, unnecessary, or unusual engine noises or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace or safety of others. The following acts, among others, are declared to be loud, disturbing and unusual noises in violation of this Section.

A. The sounding of any horn or other signal device on any motor vehicle or motorcycle on any street or public place in the Village except as a danger warning device; the sounding of such a device for an unnecessary reason or any unreasonable length of time; the use of a siren on other than emergency vehicles; the use of Citizen Band Radio, Public Address Systems other than on emergency vehicles; and acknowledging or giving a greeting to another by use of a horn.

B. Acceleration of stopping of said vehicles causing tire squeal; operating the vehicles in such a manner as to simulate a temporary race sometimes referred to as "dragging," "gunning," "peeling," or an acceleration contest or exhibition.

C. Driving a motor vehicle, motorcycle, or snowmobile unless it is equipped with a muffler, including a baffle, which is in good working order and which is in constant operation so that excessive or annoying noises or annoying smoke is prevented: said mufflers shall have the noise suppressant capabilities of mufflers originally installed on the vehicle; driving said motor vehicles using a muffler cut-out. (*Ref. 17-505, 39-6.137, 60-2209 RS Neb.*)

§5-111 MOTORCYCLE; HELMET.

Commencing January 1, 1989, a person shall not operate or be a passenger on a motorcycle or moped on any highway, as deemed in Section 39-602 R.S. Neb., unless such person is wearing a protective helmet of the type and design manufactured for use by operators of such vehicles and unless such helmet is secured properly on his or her head with a chin strap while the vehicle is in motion. All such protective helmets shall be designed to reduce injuries to the user resulting from head impacts and shall be designed to protect the user by remaining on the user's head, deflecting blows, resisting penetration, and spreading the force of impact. Each such helmet shall consist of lining, padding, visor, and chin strap and shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218.49 C.F.R. 571.218 for motorcycle helmets. (*Ref. 39-669.26 RS Neb.*) (*Ord. No. 327, 9/6/88*)

§5-112 DRIVING ON SHOULDERS OF HIGHWAY.

No person shall drive on the shoulders of highways, except that (1) vehicles may be driven onto the shoulders of roadways (a) by federal mail carriers while delivering the United States mail or (b) to safely remove a vehicle from traffic lanes and (2) implements of husbandry may be driven onto the shoulders of roadways. (*Ref. 39-631 RS Neb.*) (*Ord No. 328, 9/6/88*)

§5-113 SIGNS, TRAFFIC CONTROL DEVICES, TRAFFIC SURVEILLANCE DEVICES; DEFACING OR INTERFERING WITH.

It shall be unlawful for any person to willfully or maliciously deface, injure, remove, obstruct, knock down or interfere with any official traffic sign or signal, traffic control device, or traffic control surveillance device. (*Ref. 39-619, 39-619.01 RS Neb.*) (*Ord. No. 344, 12/4/89*)

§5-114 DRIVING UNDER THE INFLUENCE; PERSON UNDER TWENTY-ONE YEARS OF AGE.

1. It shall be unlawful for any person under twenty one (21) years of age to operate or be in the actual physical control of any motor vehicle:

A. When such person has a concentration of two (200's) hundredths of one gram or more by weight of alcohol per one hundred (100) milliliters of his or her blood but less than the concentration prescribed under Subdivision (1) (b) of Neb. RS 60-6,196; or

B. When such person has a concentration of two (200's) hundredths of one gram or more by weight of alcohol per two (210) hundred ten liters of his or her breath but less than the concentration prescribed under Subdivision (1)(c) of Neb. RS 60-6, 196.

2. Any person who operates or has in his or her actual physical control a motor vehicle in the state shall be deemed to have given his or her consent to submit to a chemical test or tests of his or her blood or breath for the purposes of determining the concentration of alcohol in such blood or breath.

3. Any Peace Officer who has been duly authorized to make arrests for violations of traffic laws of this state or of ordinances of the municipality may require any person under twenty one (21) years of age to submit to a chemical test or tests of his or her blood or breath for the purpose of determining the concentration of alcohol in such blood or breath when the officer has probable cause to believe that such person was driving or was in actual physical control of a motor vehicle in the Municipality in violation of this Section. Such Peace Officer may require such person to submit to a preliminary breath test. Any person who refuses to submit to such preliminary breath test or whose preliminary breath test results indicate an alcohol concentration in violation of this Section shall be placed under arrest.

4. Any person arrested as provided in this Section may, upon the direction of a peace officer, be required to submit to a chemical test or tests of his or her blood or breath for a determination of the concentration of alcohol. If the chemical test discloses the presence of a concentration of alcohol in violation of this section, or such person refuses to submit to such test or tests required pursuant to this section shall be guilty of an offense.

Upon the conviction of any person for the violation of this Section, there shall be assessed as part of the court costs the fee charged by any physician or any agency administering tests pursuant to a permit issued in accordance with Neb. RS 60-6,201, for the test administered and the analysis thereof if such test was actually made. (*Neb. RS 60-6,211.01, 60-6,211.02, 60-6,203*) (*Ord. No. 503, 12/14/99*)

Article 2. Operator and Vehicle Qualifications

§5-201 REGISTRATION; OPERATOR AND VEHICLE LICENSE.

1. No person shall operate or park a motor vehicle upon any street, alley, or public highway within the Municipality without having first registered the same in accordance with Chapter 60, Article 3, RS Neb., and Section 60-321 RS Neb., except as provided in this Subsection. A person may operate a motor vehicle without registration for a period not to exceed thirty (30) days from the date of purchase. Upon registration, such vehicle shall have the required number plates displayed upon said vehicle in the manner and places provided for by Section 60-323 RS Neb. If a citation is issued to an owner or operator of a vehicle for a violation of this subsection and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten (10) days after the issuance of the citation, no prosecution for the offense cited shall occur.

2. No person shall operate a motor vehicle upon any street, alley, or public highway without having obtained a motor vehicle operator's license in accordance with Chapter 60, Article 4, RS Neb. It shall be unlawful for any person to operate a motor vehicle upon any street, alley, or public highway during the period that his or her operator's license has been revoked or canceled. (*Ref. 60-302, 60-320, 60-320.01, 60-321, 60-323, 60-4186 RS Neb.*) (*Amended by Ord. No. 433, 4/9/96*)

§5-202 REGISTRATION; TRAILERS.

No trailer, semi-trailer, or cabin trailer shall be operated or parked on any street, alley, or public highway within the Municipality without having first registered the same in accordance with Chapter 60, Article 3, RS Neb., and Section 60-321 RS Neb., except as provided in this Section. A person may pull such trailer, semi-trailer, or cabin trailer without registration for a period not to exceed thirty (30) days from the date of purchase. Upon registration, such trailer, semi-trailer, or cabin trailer shall have the required number plate displayed upon said trailer as provided for by Section 60-311 RS Neb. If a citation is issued to an owner or operator of a vehicle for a violation of this Section and the owner properly registers and licenses the vehicle not in compliance and pays all taxes and fees due and the owner or operator provides proof of such registration to the prosecuting attorney within ten (10) days after the issuance of the citation, no prosecution for the offense cited shall occur. (*Ref. 60-302, 60-320, 60-321 RS Neb.*) (*Amended by Ord. No. 434, 4/9/96*)

§5-203 LICENSE PLATES.

The license plates, required on every motor vehicle by laws of the State of Nebraska, or by laws of any other state while such vehicle is operated within the corporate limits, shall be kept clear and free from grease, dust, or other blurring matter so they will be plainly visible at all times, and shall be attached in such manner as to be clearly readable at a distance of one hundred (100') feet and under no circumstances shall they be obstructed by any portion of the vehicle. (*Ref. 60-324, 60-325 RS Neb.*)

§5-204 VEHICLES; EQUIPMENT AND MAINTENANCE.

Every motor vehicle, while in use on the streets, alleys, or highways of the Municipality shall be equipped with efficient brakes adequate to control the movement of, to stop, and to hold such vehicle, including two (2) separate means of applying the brakes, and shall be further equipped with a good and sufficient horn in good working order, or other efficient signal devices. From sunset to sunrise, and any other time when there is not sufficient light to render clearly discernible persons or vehicles upon the street, alley, or highway at a distance of five hundred (500') feet, every motor vehicle shall be equipped with lighted headlights, and every motor vehicle and trailer shall be equipped with one (1) or more taillights, at the rear of the motor vehicle or trailer, exhibiting a red light visible from a distance of at least five hundred (500') feet to the rear of such vehicle. No person shall operate any vehicle, which is equipped with an electric light or lights that confuse travelers or pedestrians on streets or crosswalks within the Municipality. Every motor vehicle having a width of eighty (80") inches or more shall display clearance lights as required by State law. All vehicle brakes shall be maintained in good working order; provided, motorcycles need only be equipped with one (1) brake. All horns on motor vehicles shall be capable of emitting sound audible under normal conditions from a distance of not less than two hundred (200') feet; Provided, no vehicle except as herein provided, shall be equipped with, nor shall any person use upon a vehicle, any siren, or horn otherwise than as reasonable warning; nor shall any person use any horn or warning device upon a vehicle to make any unnecessary, loud, or harsh sound; and provided further that, every Police and Fire Department vehicle, ambulance, or other authorized emergency vehicle used for emergency calls shall be equipped with a bell, siren, or whistle of the type approved by the Governing Body. (Ref. 60-6.219, 60-6.220, 60-6.224, 60-6.235, 60-6.244, 60-6.285 RS Neb.) (Ord. No. 435, 4/9/96)

Article 3. Parking

§5-301 VEHICLES; UNATTENDED.

No person having control or charge of a motor vehicle shall allow such vehicle to stand unattended without first effectively setting the brakes thereon and, when standing upon any grade, without turning the front wheels of such vehicle to the curb or side of the street. The driver of a motor vehicle, when traveling upon a downgrade upon any street, shall not coast with the gears of the vehicle in neutral. (Ref 39-674 RS Neb.)

§5-302 PARKING; GENERALLY.

No person shall park any vehicle, or approach the curb with a vehicle, except when headed in the direction of the traffic. Vehicles, when parked, shall stand parallel with and adjacent to the curb or edge of the roadway, in such manner as to have both right wheels within twelve (12") inches of the curb or edge of the roadway, and so as to leave at least four (4') feet between the vehicle so parked and any other parked vehicles, except where the Governing Body designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. (Ref 39-673, 39-697 RS Neb.)

§5-302.1 PARKING; CURRENT LICENSE.

It shall be unlawful to park, or place on the streets, alleys, or other public property any motor vehicle without first securing a current license as provided by law, and no such licensed motor vehicle shall be allowed to stand for a longer period than twenty four (24) hours. (Ref 60-323 RS Neb.) (Ord. No. 495, 2/9/99)

2. **CERTAIN VEHICLES; PROHIBITED AND EXCEPTIONS.**

It shall be unlawful for the owner or operator of a semi-tractor-truck with trailer attached or unattached, any trailer unattached, any other motor vehicle with trailer, bed or box attached, which exceeds nine (9') feet in length, or in excess of the gross weight of five (5) tons, or any motor home exceeding twenty (20') feet in length measured bumper to bumper, except emergency vehicles, to park on any streets, alleys, public ways, or portions thereof, within the Village, except when being used for the purpose of delivering or collecting goods, wares, merchandise, or materials and then only for a period of time no longer than is necessary for the expeditious delivery or collecting of goods, wares, merchandise or materials to and from residences and/or businesses within the Village. The provisions of this Section shall not apply to trucks or motor vehicles being used within the city in connection with building, repair, or service or moving operations or to trucks or motor vehicles parked off of the travel lanes of the street in industrial/commercial zoned area. (Ord. No. 517, 5/8/01; Ord. No. 527, 2/11/03; Ord. No. 747 5/12/20)

§5-303 PARKING; DESIGNATION.

The Governing Body may, by resolution, designate any street, or portion thereof, where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb. *(Ref 39-673, 39-697 RS Neb.)*

§5-304 PARKING; CONGESTED DISTRICT DESIGNATION.

The following streets and alleys shall constitute the Congested District: Vine Street from Third (3rd) to Fifth (5th) Streets and Fourth (4th) Street from alley adjacent to Blocks Twenty four (24) and Thirty three (33) to Vine Street and from alley adjacent to Blocks Twenty five (25) and Thirty two (32) to Vine Street and including such other public streets as the Chairman and Board shall, by resolution from time to time, designate.

§5-305 PARKING; AREAS.

The Governing Body may, by resolution, set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited, or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way, or portion thereof, longer than a period of time necessary to load and unload freight or passengers. *(Ref 39-697 RS Neb.)*

§5-306 PARKING; CURB.

No vehicle shall park on any street with its left side to the curb, unless said street has been designated to be a “one-way” street by the Governing Body. Vehicles must not be parked at any curb in such a position as to prevent another vehicle already parked at the curb from moving away. *(Ref 39-673 RS Neb.)*

§5-307 PARKING; CURBS, PAINTED.

It shall be the duty of the Utilities Superintendent to cause the curb space to be painted and keep the same painted as provided in this Article. No person, firm, or corporation shall paint the curb of any street, or in any manner set aside, or attempt to prevent the parking of vehicles in any street, or part thereof, except at such places where the parking of vehicles is prohibited by the provisions of this Article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the Municipality through its proper officers, at the direction of the Governing Body. *(Ref 39-697 RS Neb.)*

§5-308 PARKING; REPAIR.

No person shall adjust or repair any automobile or motorcycle, or race the motor of same, while standing on the public streets or alleys of this Municipality, excepting in case of breakdown or other emergency requiring same. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. *(Ref 39-697 RS Neb.)*

§5-309 PARKING; TIME LIMIT.

The Governing Body may, by resolution, entirely prohibit, or fix a time limit for, the parking and stopping of vehicles on any street, streets, or district designated by such resolution, and the parking, or stopping, of any vehicle in any such street, streets, or district, for a period of time longer than fixed in such resolution shall constitute a violation of this Article. *(Ref 39-697 RS Neb.)*

§5-310 PARKING; MAXIMUM TIME LIMIT.

No motor vehicle shall be parked continuously upon any street in the Village for more than forty eight (48) hours. The mere moving of a vehicle to another space upon the same street or around the block shall not, for the purpose of this Chapter, be considered as breaking the continuity of parking. *(Amended by Ord No. 494, 2/9/99)*

§5-311 PARKING; SNOW REMOVAL.

Upon a snowfall of two (2”) inches or more it shall be unlawful to park or stand any vehicle on any street within the Village of Mead until the street has been cleared of snow. *(Ref 17-557 RS Neb.) (Amended by Ord. No. 290, 12/4/84; Ord. No. 566, 7/10/07; Ord. No. 640, 11/12/13; Ord. No. 728, 5/14/19)*

§5-311.1 PARKING; REMOVAL OF IMPROPERLY PARKED VEHICLE OR OF PARKED VEHICLES OBSTRUCTING THE REMOVAL OF SNOW OR THE REPAIR OF A STREET OR ALLEY.

Any vehicle parked in violation of any traffic regulations or any vehicle parked so as to obstruct the free movement of traffic or to cause a traffic hazard, or any vehicle parked on any street or alley obstructing the removal of snow or the repair of said street or alley, may be immediately removed upon order of the Police Department. (*Ref 39-671, 39-697 RS Neb.*) (*Ord. No. 496, 2/9/99*)

§5-312 PARKING; EMERGENCY VEHICLES.

The provisions of this Article regulating the movement, parking, and standing of vehicles shall not apply to authorized emergency vehicles, as defined in this Article, while the driver of such vehicle is operating the same in an emergency in the necessary performance of public duties. (*Ref 39-608 RS Neb.*)

§5-313 PARKING; PRESUMPTION.

In any prosecution charging a violation of any provision of Chapter 5, Article 3, "Parking," proof that the particular vehicle described in the citation was parked in violation of such Chapter and Article, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima fade presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which such violation occurred. (*Ref 39-697 RS Neb.*) (*Ord. No. 267, 9/6/83*)

§5-314 PARKING; CITATION.

1. It shall be the duty of the Police Officers of the Village of Mead, whenever they observe a violation of Chapter 5, Article 3 of the Municipal Code of Mead, Nebraska, to attach to such vehicle at the time such vehicle is found in violation, a citation to the owner or operator thereof that such vehicle is or has been parked in violation of a provision of Chapter 5, Article 3 of the Municipal Code of the Village of Mead, Nebraska, which citation shall describe such violation and instruct only when the motor vehicle for which it was issued is being used for the transportation of a handicapped or disabled or temporarily handicapped or disabled person and such person will enter or exit the motor vehicle while it is parked in such designated spaces.

2. The Municipal Clerk shall not accept the application for a permit of any person making application contrary to the provisions of Section 18-1738.02 RS Neb.

3. A person applying for a permit or for the renewal of a permit pursuant to this Section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, shall complete such forms as are provided to the Municipal Clerk by the Department of Motor Vehicles, and shall demonstrate to the Municipal Clerk that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. A copy of the completed application form shall be given to each applicant.

4. No more than one such permit shall be issued for each motor vehicle. A person may hold either a permit under this Section or a permit under Section 5-320.03, but not both.

5. The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this Section. (*Ref 18-1738.01, 18-1738.02 RS Neb.*) (*Ord. No. 439, 4/9/96*) (*Amended by Ord. No. 481, 8/12/97*)

§5-315 BUREAU OF VIOLATIONS; FINES AND COSTS.

There is hereby created the Bureau of Violations within the powers and duties of the Office of the Village Clerk. A copy of each citation issued for a non-moving traffic violation shall be deposited by the Village Police Officers, with the Village Clerk, whose duty it shall be to collect all fines and administrative costs and to maintain appropriate and accurate records of all such fines and administrative costs paid to her. Fines and administrative costs shall be payable at the office of the Village Clerk during hours which her office shall be open to the public for the transaction of business. (*Ref. 18-1729, 39-697 RS Neb.*) (*Ord. No. 267, 9/6/83*)

§5-316 PARKING; SCHEDULE OF FINES; VIOLATIONS.

Any such violator of Chapter 5, Article 3 of the Village Code of the Village of Mead, Nebraska desiring to plead guilty and waive court appearance shall present the official police citation and pay the Village Clerk according to the following schedule based upon elapsed time from the occurrence of the violation:

- A. The first forty eight (48) hours the sum of ten (\$10.00) dollars.
- B. After forty eight (48) hours the sum of twenty five (\$25.00) dollars.
- C. After forty eight (48) hours, the vehicle will be towed at the owner's expense.

D. After thirty (30) days the matter will be turned over to the Village Legal Counsel at additional cost to the violator. (Ref. 39-697 RS Neb.) (Ord. No. 267, 9/6/83) (Amended by Ord. No. 493, 2/9/99; Ord. No. 567, 5/8/07)

§5-317 FAILURE TO PAY WITHIN FIVE DAYS; NOTICE.

Should any such fine and administrative costs not be paid within said five (5) day period, as above noted, the Police Chief or Enforcement Officer shall send to the owner of the motor vehicle to which the official police citation was affixed, a written notice informing him of the violation and warning him that he will be held responsible for the fine and administrative costs and that in the event that the violator or owner of the vehicle to which the official police citation was attached, fails to appear at the Bureau of Violations within five (5) days, excluding weekends and legal holidays, after the date of issuance of such written notice, a complaint will be issued. The fine and administrative costs for such violation, if paid within five (5) days, as above noted, after the date of sending the notice plus administrative costs shall be ten (\$10.00) dollars. (Ref. 39-697 RS Neb.) (Ord. No. 267, 9/6/83; Ord. No. 747, 5/12/20)

§5-318 FAILURE TO PAY AFTER NOTICE; PROSECUTION.

In the event that such violator fails to appear in response to such notice within five (5) days of such notice, excluding weekends and legal holidays, such violator or the owner of the offending motor vehicle shall be liable to prosecution in the Saunders County Court for the offense or offenses charged and subject to the penalty provided for by the General Penalties provision of Chapter 5 of the Municipal Code of the Village of Mead, Nebraska. (Ref. 39-697 RS Neb.) (Ord. No. 267, 9/6/83)

§5-319 PARKING; REMOVAL OF ILLEGALLY PARKED VEHICLES.

Whenever any Police Officer shall find a vehicle standing upon a street or alley in violation of any of the provisions of the Article, such individual may remove or have such vehicle removed, or require the driver or other person in charge of the vehicle to move such vehicle, to a position off the roadway of such street or alley or from such street or alley. The owner or other person lawfully entitled to the possession of any vehicle towed or stored shall be charged with the reasonable cost of towing and storage fees. Any such towing or storage fee shall be a lien upon the vehicle prior to all other claims. Any person towing or storing a vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this Section shall not apply to the contents of any vehicles. (Ref. 39-671, 39-697 RS Neb.) (Ord. No. 288, 12/4/84) (Amended by Ord. No. 329, 9/6/88)

§5-320 PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF ONSTREET PARKING SPACES; DISPLAY OF PERMITS.

1. The Governing Body may designate parking spaces for the exclusive use of (a) handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to handicapped or disabled persons pursuant to section 60-311.14 RS Neb., (b) handicapped or disabled persons whose motor vehicles display a distinguishing license plate issued to a handicapped or disabled person by another state, (c) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Municipality, whose motor vehicles display the permit specified in Section 18-1739 RS Neb., and (d) such other motor vehicles, as certified by the Municipality, which display such permit. All such permits shall be displayed by attaching the permit to the motor vehicle's rearview mirror so as to be clearly visible through the front windshield. When there is no rearview mirror, the permit shall be displayed on the dashboard.

2. If the Governing Body so designates a parking space, it shall be indicated by posting aboveground and immediately adjacent to and visible from each space a sign which is in conformance with the Manual on Uniform Traffic Control Devices. In addition to such sign, the space may also be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. (Ref. 18-1736, 18-1737 RS Neb.) (Ord. No. 345, 12/4/89) (Amended by Ord. No. 436, 4/9/96; Ord. No. 477, 8/12/97)

§5-320.01 PARKING; HANDICAPPED OR DISABLED PERSONS; DESIGNATION OF OFFSTREET PARKING STALLS OR SPACES.

The Governing Body and any person in lawful possession of any off-street parking facility may designate stalls or spaces in such facility for the exclusive use of (a) handicapped or disabled persons whose motor vehicles display the distinguishing license plates issued to such individuals pursuant to Section 60-311.14 RS Neb., (b) such other handicapped or disabled persons or temporarily handicapped or disabled persons, as certified by the Municipality, whose vehicles display the permit specified in Section 18-1739 RS Neb., and (c) such other motor vehicles, as certified by the Municipality, which display such permit. Such

designation shall be made by posting above-ground and immediately adjacent to and visible from each stall or space a sign that is in conformance with the Manual on Uniform Traffic Control Devices. (*Ref. 18-1737 RS Neb.*) (*Ord. No. 478, 8/12/97*)

§5-320.02 PARKING; HANDICAPPED OR DISABLED PERSONS; DEFINITIONS.

For purposes of this Article:

1. Handicapped or disabled person shall mean any individual with a severe visual or physical impairment which limits personal mobility and results in an inability to travel unassisted more than two hundred (200') feet without the use of a wheel-chair, crutch, walker, or prosthetic, orthotic, or other assistant device, any individual whose personal mobility is limited as a result of respiratory problems, any individual who has a cardiac condition to the extent that his or her functional limitations are classified in severity as being Class III or Class IV, according to standards set by the American Heart Association, and any individual who has permanently lost all or substantially all the use of one or more limbs;
2. Temporarily handicapped or disabled person shall mean any handicapped or disabled person whose personal mobility is expected to be limited in such manner for no longer than one (1) year; and
3. Handicapped parking infraction shall mean the violation of any Section of this Article regulating (a) the use of parking spaces designated for use by handicapped or disabled persons or (b) the obstruction of any wheelchair ramps constructed or created in accordance and in conformity with the federal Americans with Disabilities Act of 1990. (*Ref. 18-1738, 18-1741.01 RS Neb.*) (*Ord. No. 437, 4/9/96*) (*Amended by Ord. No. 479, 8/12/97*)

§5-320.03 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMIT ISSUANCE.

1. The Municipal Clerk shall take an application from a handicapped or disabled person or temporarily handicapped or disabled person or his or her parent, legal guardian, or foster parent for a permit which will entitle the holder thereof or a person driving a motor vehicle for the purpose of transporting such holder to park in those spaces provided for by this Article when the holder of the permit will enter or exit the motor vehicle while it is parked in such spaces. For purposes of this Section, the handicapped or disabled person shall be considered the holder of the permit.
2. The Municipal Clerk shall not accept the application for a permit of any person making application contrary to the provisions of Section 18-1738.02 RS Neb.
3. A person applying for a permit or for the renewal of a permit shall complete an application, shall provide proof of identity, and shall submit a completed medical form signed by a physician, physician assistant, or nurse practitioner certifying that the person who will be the holder meets the definition of handicapped or disabled person or temporarily handicapped or disabled person. In the case of a temporarily handicapped or disabled person, the certifying physician, physician assistant, or nurse practitioner shall indicate the estimated date of recovery or that the temporary handicap or disability will continue for a period of six (6) months, whichever is less.
4. A person may hold only one permit under this Section and may hold either a permit under this Section or a permit under Section 5-320.04, but not both.
5. The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this Section. (*Ref. 18-1738, 18-1738.02 RS Neb.*) (*Ord. No. 438, 4/9/96*) (*Amended by Ord. No. 480, 8/12/97*)

§5-320.04 PARKING; HANDICAPPED OR DISABLED PERSONS; MOTOR VEHICLE PERMIT ISSUANCE.

- 1, The Municipal Clerk shall take an application from any person for a motor vehicle permit which will entitle the holder thereof or a person driving the motor vehicle for the purpose of transporting handicapped or disabled persons or temporarily handicapped or disabled persons to park in those spaces provided for by this Article if the motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. Such parking permit shall be used only when the motor vehicle for which it was issued is being used for the transportation of a handicapped or disabled or temporarily handicapped or disabled person and such person will enter or exit the motor vehicle while it is parked in such designated spaces.
2. The Municipal Clerk shall not accept the application for a permit of any person making application contrary to the provisions of Section 18-1738.02 RS Neb.
3. A person applying for a permit or for the renewal of a permit pursuant to this Section shall apply for a permit for each motor vehicle used for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons, shall complete such forms as are provided to the Municipal Clerk by the

Department of Motor Vehicles, and shall demonstrate to the Municipal Clerk that each such motor vehicle is used primarily for the transportation of handicapped or disabled persons or temporarily handicapped or disabled persons. A copy of the completed application form shall be given to each applicant.

4. No more than one such permit shall be issued for each motor vehicle. A person may hold either a permit under this Section or a permit under Section 5-320.03, but not both.

5. The Municipal Clerk shall submit to the Department of Motor Vehicles the name, address, and license number of all persons applying for a permit pursuant to this Section. (*Ref. 18-1738.01, 18-1738.02 RS Neb.*) (*Ord. No. 439, 4/9/96*) (*Amended by Ord. No. 481, 8/12/97*)

§5-320.05 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMIT CONTENTS, PROHIBITED ISSUANCE; DUPLICATE PERMITS.

1. The permit issued for handicapped or disabled parking shall be constructed of a durable plastic designed to resist normal wear or fading for the term of the permit's issuance and printed so as to minimize the possibility of alteration following issuance. The permit shall be of a design, size, configuration, color, and construction and contain such information as specified in the rules and regulations adopted and promulgated by the United States Department of Transportation in the Uniform System for Handicapped Parking, 23 C.F.R. parts 1235.

2. In addition to the requirements of Subsection (1) of this Section, the permit shall show such identifying information with regard to the handicapped or disabled person or temporarily handicapped or disabled person to whom it is issued as is necessary to the enforcement of this Article.

3. No permit shall be issued to any person or for any motor vehicle if any parking permit has been issued to such person or for such motor vehicle and such permit has been suspended pursuant to Section 5-320.07. At the expiration of such suspension, a permit may be renewed upon the payment of the permit fee.

4. A duplicate permit may be provided without cost if the original permit is destroyed, lost, or stolen. Such duplicate permit shall be issued in the same manner as the original permit, except that a newly completed medical form need not be provided if a completed medical form submitted at the time of the most recent application for a permit or its renewal is on file with the Municipal Clerk. A duplicate permit shall be valid for the remainder of the period for which the original permit was issued. (*Ref 18-1739 RS Neb.*) (*Ord No. 440, 4/9/96*) (*Amended by Ord. No. 482, 8/12/97*)

§5-320.06 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS; PERIOD VALID; RENEWAL FEE.

1. All permits authorized under this Article for handicapped or disabled parking prior to September 10, 1993, shall be issued for a period ending January 1 of the fourth year following the date of issuance. All permits authorized under this Article for handicapped or disabled parking after September 9, 1993, and before September 10, 1995, shall be issued for a period of three (3) years. Upon the expiration of a permanent permit, it may be renewed pursuant to the provisions of this Section and Section 5-320.03 or 5-320.04. After September 9, 1995, all permanently issued permits authorized by this Article shall be issued for a period ending September 30 of the third year following the date of issuance and shall expire on that date, except that an application for the renewal of a permit filed with the Municipal Clerk within thirty (30) days of the date after its expiration shall be deemed to have been filed prior to the date of its expiration. The possession of an expired but otherwise valid handicapped parking permit with thirty (30) days following the date of its expiration shall serve as a full and complete defense in any action for a handicapped parking infraction resulting from the absence of a handicapped parking permit arising during that thirty (30) day period. Permanently issued permits shall be valid for a period ending on the last day of the month of the applicant's birthday in the third (3rd) year after issuance and shall expire on that day. Expiration dates of handicapped parking permits shall be on the anniversary of the permit holder's birthday.

2. All permits authorized under this Article after September 9, 1995, for temporarily handicapped or disabled parking shall be issued for a period ending not more than six (6) months after the date of issuance but may be renewed for a one time period not to exceed six (6) months. For the renewal period, there shall be submitted an additional application with proof of a handicap or disability and the required permit fee. (*Ref 18-1740 RS Neb.*) (*Ord. No. 441, 4/9/96*) (*Amended by Ord. No. 483, 8/12/97; Ord. No. 545, 12/13/05; Ord No. 548, 12/13/05*)

§5-320.07 PARKING; HANDICAPPED OR DISABLED PERSONS; PERMITS NONTRANSFERABLE; VIOLATIONS; SUSPENSION.

Permits issued under this Article shall not be transferable and shall be used only by the party to whom issued or for the motor vehicle for which issued and only for the purpose for which it is issued. No person shall alter or reproduce in any manner a permit issued pursuant to this Article. No person shall knowingly hold more than one (1) permit or knowingly provide false information on an application for a permit. Any violation of this Section shall be cause for suspension of such permit for a period of six (6) months. At the expiration of such period, a suspended permit may be renewed upon payment of the permit fee. (*Ref 18-1741 RS Neb.*) (*Ord. No. 442, 4/9/96*) (*Amended by Ord. No. 484, 8/12/97*)

§5-320.08 PARKING; HANDICAPPED OR DISABLED PERSONS; CITATION, ISSUANCE; COMPLAINT; TRIAL DISMISSAL

1. For any offense classified as a handicapped-parking infraction, a handicapped-parking citation may be issued by any peace officer or by any person designated by ordinance by the Governing Body to exercise the authority to issue a citation for any handicapped parking infraction.
2. When a handicapped parking citation is issued for a handicapped parking infraction, the person issuing the handicapped parking citation shall enter thereon all required information, including the name and address of the cited person or, if not known, the license number and description of the offending motor vehicle, the offense charged, and the time and place the person cited is to appear in court. Unless the person cited requests an earlier date, the time of appearance shall be at least three (3) days after the issuance of the handicapped parking citation. One (1) copy of the handicapped parking citation shall be delivered to the person cited or attached to the offending motor vehicle.
3. At least twenty four (24) hours before the time set for the appearance of the cited person, either the Municipal Attorney or other person authorized by law to issue a complaint for the particular offense shall issue and file a complaint charging such person with a handicapped parking infraction or such person shall be released from the obligation to appear as specified.
4. The trial of any person for a handicapped parking infraction shall be by the court without a jury. A person cited for a handicapped parking violation may waive his or her right to trial.
5. For any handicapped parking citation issued for a handicapped parking infraction by reason of the failure of a vehicle to display a handicapped parking permit issued pursuant to Section 18-1738 or 18-1738.01 RS Neb., the complaint shall be dismissed if, within seven (7) business days after the date of issuance of the citation, the person cited files with the court the affidavit included on the citation, signed by a peace officer certifying that the recipient is the lawful possessor in his or her own right of a handicapped parking permit issued under Section 18-1738 or 18-1738.01 RS Neb. and that the peace officer has personally viewed the permit. (*Ref. 18-1741.01, 18-1741.04, 18-1741.06 RS Neb.*) (*Ord. No. 485, 8/12/97*)

§5-320.09 PARKING; HANDICAPPED OR DISABLED PERSONS; REMOVAL OF UNAUTHORIZED VEHICLE; PENALTY.

1. The owner or person in lawful possession of an off street parking facility, after notifying the Police or Sheriffs Department, and the Municipality providing on street parking or owning, operating, or providing an off street parking facility may cause the removal, from a stall or space designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of such persons, of any vehicle not displaying the proper permit or the distinguishing license plates specified in this Article if there is posted aboveground and immediately adjacent to and visible from such stall or space a sign which clearly and conspicuously states the area so designated as a tow-in zone.
2. Anyone who parks a vehicle in any on street parking space which has been designated exclusively for handicapped or disabled persons or temporarily handicapped or disabled persons or motor vehicles for the transportation of such persons, or in any so exclusively designated parking space in any off street parking facility, without properly displaying the proper permit or when the handicapped or disabled person to whom or for whom the license plate or permit is issued will not enter or exit the vehicle while it is parked in the designated space shall be guilty of a handicapped parking infraction as defined in Section 5-320.02 and shall be subject to the procedures set forth in Section 5-320.08 and the penalty provided for in this Chapter. The display on a motor vehicle of a distinguishing license plate or permit issued to a handicapped

or disabled person by and under the duly constituted authority of another state shall constitute a full and complete defense in any action for a handicapped parking infraction. If the identity of the person who parked the vehicle in violation of this Section cannot be readily determined, the owner or person in whose name the vehicle is registered shall be held prima facie responsible for such violation and shall be guilty and subject to the penalty provided for in this Chapter.

3. In the case of a privately owned off street parking facility, the owner or person in lawful possession of such facility shall not be required to inform the Municipality of a violation of this Section prior to the Municipality issuing the violator a handicapped parking infraction citation. (*Ref 18-1737 RS Neb.*) (*Ord. No. 443, 4/9/96*) (*Amended by Ord. No. 486, 8/12/97*)

§5-321 CHILD PASSENGER RESTRAINT SYSTEM.

A. Any person driving any motor vehicle which has or is required to have seat safety belts, shall ensure that all children under the age of four (4) or weighing less than forty (40#) pounds being transported in such vehicle use a child restraint system, of a type which meets Federal Motor Vehicle Safety Standard 213 as developed by the Highway Safety Administration as of the effective date of this act and which is correctly installed in such vehicle and all children weighing forty (40#) pounds or more or at least four (4) years of age and younger than five (5) years of age being transported in such vehicle use a seat safety belt. Provided, however, this Section does not apply to taxicabs, mopeds, motorcycles, and any other vehicle designated by the manufacturer as a 1963 year model or earlier which is not equipped with a seat safety belt.

B. Whenever any physician licensed to practice medicine in Nebraska determines through accepted medical procedures, that use of a child passenger restraint system by a particular child would be harmful by reason of the child's weight, physical condition or other medical reason, the provisions of Subsection A of this Section shall be waived. The driver of any vehicle transporting such a child shall carry on his or her person or in the vehicle a signed written statement of the physician identifying the child and stating the grounds for such waiver.

C. The drivers of authorized emergency vehicles as defined in 39-602 RS Neb., shall not be subject to the requirements of Subsection A of this Section when operating such authorized emergency vehicles pursuant to their employment.

D. The Department of Motor Vehicles shall develop and implement an ongoing public information and education program regarding the use of child passenger restraint systems and seat safety belts. (*Ref 39-6,103.01 RS Neb.*) (*Ord. No. 361, 4/2/91*)

Article 4. Mini-bikes

§5-401 MINIBIKES; PUBLIC LANDS.

Mini-bikes shall be prohibited upon the public lands owned by the municipality except where allowed by resolution of the Governing Body. (*Ref 60-2106 RS Neb.*)

Article 5. All-terrain, Utility-type Vehicles.

§5-501 ALL-TERRAIN VEHICLES; UTILITY-TYPE VEHICLES; DEFINED.

- A. All-terrain vehicle: As used in this Article, unless the context otherwise requires, all-terrain vehicle shall mean any motorized off-highway vehicle which (1) is fifty (50") inches or less in width, (2) has a dry weight of twelve hundred (1200#) pounds or less, (3) travels on three (3) or more nonhighway tires, (4) is designed for operator use only with no passengers or is designed by the original manufacturer for the operator and one (1) passenger.
- B. Utility-type vehicle: As used in this Article, unless the context otherwise requires, a utility-type vehicle means any motorized off-highway vehicle which (1) is seventy-four (74") inches in width or less, (2) is not more than one hundred eighty (180") inches including the bumper, in length, (3) has a dry weight of two thousand (2000#) pounds or less, (4) travels on four (4) or more nonhighway tires, (5) is designated for operator use with one passenger per designated passenger seat. Utility-type vehicle does not include all-terrain vehicles, golf car vehicles, or low-speed vehicles.
- C. All-terrain vehicles and utility-type vehicles which have been modified or retrofitted with after-market parts to include additional equipment not required by Neb. Rev. Stat. §§60-6,357 and 60-6,358 shall not be registered under the Motor Vehicle Registration Act or any other category of

vehicle under the Act. *Ref 60-6,355 RS Neb. (Amended by Ord. No. 685, 7/12/16; Ord. No. 792, 6/14/22)*

§5-502 ALL-TERRAIN VEHICLES; UTILITY-TYPE VEHICLE; OPERATION.

- A. Except as provided in this Section, an all-terrain vehicle or utility-type vehicle shall not be operated on any controlled-access highway with more than two (2) marked traffic lanes. The crossing of any controlled-access highway with more than two (2) marked traffic lanes shall be permitted by a utility-type vehicle if the operation is in accordance with the operation requirements of subsection C of this section and if the following requirements are met: (i) the crossing is made at an intersection that: is controlled by a traffic control signal; (ii) the crossing at such intersection is made in compliance with the traffic control signal; and (iii) the crossing at such intersection is specifically authorized as provided in this municipal code section, which the governing body authorizes herein.
- B. The crossing of a highway other than a controlled access highway with more than two (2) marked traffic lanes shall be permitted by an all-terrain vehicle or a utility-type vehicle only if:
 - 1. The crossing is made at an angle of approximately ninety (90°) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing;
 - 2. The vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway;
 - 3. The operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard;
 - 4. In crossing a divided highway the crossing is made only at an intersection of highway with another highway; and;
 - 5. Both the headlight and taillight of the vehicle are on when the crossing is made.
- C. All-terrain or utility-type vehicles may be operated without complying with subsection 5-509 of this article on public streets, roads and highways in parades that have been authorized by the State of Nebraska or any department, board, commission, or political subdivision of the state.
- D. The Village has no jurisdiction over operation of such vehicles outside of the corporate limits of the municipality. *(Ref. 60-6,356 RS Neb.) (Amended by Ord. No. 346, 12/4/89; Ord. No. 685, 7/12/16; Ord. 778, 12/14/21; Ord. No. 792 6/14/22)*

§5-503 ALL-TERRAIN VEHICLES; UTILITY-TYPE VEHICLES; EQUIPMENT; REQUIREMENT.

Every all-terrain vehicle shall be equipped with:

- A. A brake system maintained in good operating condition;
- B. An adequate muffler system in good working condition; and
- C. A United States Forest Service qualified spark arrester. *(Ref. 60-6,358 RS Neb.) (Amended by Ord. No. 685, 7/12/16)*

§5-504 ALL-TERRAIN VEHICLES; UTILITY-TYPE VEHICLES; PROHIBITIONS.

No person shall:

- A. Equip the exhaust system of an all-terrain or utility-type vehicle with a cutout, bypass, or similar device;
- B. Operate an all-terrain or utility-type vehicle with an exhaust system so modified; or
- C. Operate an all-terrain or a utility-type vehicle with the spark arrester removed or modified except for use in closed-course competition events. *(Ref. 60-6,359 RS Neb.) (Amended by Ord. No. 685, 7/12/16)*

§5-505 ALL-TERRAIN VEHICLES; UTILITY-TYPE VEHICLES; COMPETITION.

All-terrain and utility-type vehicles participating in competitive events may be exempted from Neb. Rev. Stat. §§60-6,357 to 60-6,359 at the discretion of the Director of Motor Vehicles. *(Ref 60-6,360 RS Neb.) (Amended by Ord. No. 685, 7/12/16)*

§5-506 ALL-TERRAIN VEHICLES; UTILITY-TYPE VEHICLES; ACCIDENT REPORT.

If an accident results in the death of any person or in the injury of any person that requires the treatment of the person by a physician, the operator of each all-terrain or utility-type vehicle involved in the accident shall give notice of the accident in the same manner as provided in Neb. Rev. Stat. 60,699. *(Ref 60-6,361 RS Neb.) (Amended by Ord. No. 685, 7/12/16)*

§5-507 ALL-TERRAIN VEHICLES; UTILITY-TYPE VEHICLES; PENALTY.

Any violation of Sections 5-502 to 5-506 of this may be punished under the penalty provisions of such Chapter or violations of Neb. Rev. Stat. §§60-6,356 to 60-6,361 shall be guilty of a Class III Misdemeanor, except that if such person is convicted of a second or subsequent offense within any period of one (1) year, he or she shall be guilty of a Class II Misdemeanor. *(Ref. 60-6,362 RS Neb.) (Amended by Ord. No. 685, 7/12/16)*

§5-508 ALL-TERRAIN VEHICLES; UTILITY-TYPE VEHICLES; ENFORCEMENT.

Any peace officer of the State or of any political subdivision, including conservation officers of the Game and Parks Commission shall be charged with the enforcement of the provisions of this Article. *(Amended by Ord. No. 685, 7/12/16)*

§5-509 ALL-TERRAIN VEHICLES; UTILITY-TYPE VEHICLES; OPERATION.

1. Permit: All-Terrain or Utility-Type vehicles shall not be operated on the streets of the Village of Mead without a valid permit. In order to obtain said permit, the applicant shall provide the Village Clerk:
 - (a) A current certificate of liability insurance, a copy of which will be kept on file in the Village office by the Village Clerk: said liability insurance coverage shall be subject to limits, exclusive of interest and costs as follows: Twenty-five thousand (\$25,000) bodily injury to or death of one (1) person in any one (1) accident and subject to such limit for one (1) person, fifty thousand (\$50,000) dollars because of bodily injury to or death of two (2) or more persons in any one (1) accident, and twenty-five thousand (\$25,000) because of injury to or destruction of property of others in any one (1) accident, and;
 - (b) Proof of insurance, operator's license, and present the vehicle to the Police Chief, Mead Police Department, for inspection.
 - (c) Payment of an annual permit fee of fifty (\$50.00) dollars, due annually, on or before April 1st, there shall be no proration of the annual permit fee for any permits issued after April 1st.

2. Operation: Upon satisfaction of the above conditions, the Clerk may issue a special permit for the operation of said vehicle on the streets of the Village of Mead under the following terms and conditions:
 - (a) Such operation shall be only between the hours of sunrise and sunset, with the headlight and taillight turned on;
 - (b) Such vehicle shall be equipped with a pole and an orange flag, containing at least thirty (30) square inches of material day-glow in color, and extending not less than five (5') feet above ground attached to the rear of such vehicle;
 - (c) Such vehicle shall be operated by the person issued the permit and any person authorized by the permit holder, provided the operator has a valid Class O operator's license or a farm permit as provided in Neb. Rev. Stat. §60-4,1236;
 - (d) Such person shall operate the vehicle at all times in compliance with the rules and regulations of the Village of Mead, Nebraska, with respect to its public streets;
 - (e) The operator shall not operate such vehicle in excess of twenty-five (25) miles per hour;
 - (f) Operation of the vehicle shall comply with the rules contained in this Article;
 - (g) Such permit shall be subject to revocation by the Police Chief, Mead Police Department or the Village of Mead Board of Trustees upon the violation of any of the terms and conditions of the issuance of said permit, or these conditions of operation;
 - (h) The person operating the all-terrain vehicle or utility-type vehicle shall provide proof of such insurance coverage to any peace officer requesting such proof within five (5) days of such a request.
 - (i) Permit must be posted on the vehicle in a conspicuous place;
 - (j) Said vehicle shall only be operated in the following area within the corporate limits of the Village of Mead, the outer boundaries of said area being as follows, to wit: Oak Street on the West; Eighth Street on the South; Co Rd 10 on the East; and North Third Street on the North;
 - (k) A map of the Village indicating the area in which the vehicle may be operated shall be given to the applicant along with the applicant's permit;
 - (l) Said vehicle will not be operated on public streets during inclement weather;
 - (m) Said vehicle will be equipped with a rear view or outside mirror, and;

- (n) Any violation to this ordinance will result in immediate revocation of this permit and renewal will be disallowed until the next permit year. *(Added by Ord. No. 685, 7/12/16) (Amended by Ord. 778, 12/14/21; Ord. 792, 6/14/22)*

Article 6, Golf Car Vehicles.

§5-601 GOLF CAR VEHICLES.: PERMIT OPERATION.

1. Golf car vehicles shall not be operated on the streets of the Village of Mead without a valid permit. In order to obtain a permit, the applicant shall supply the Village Clerk the following:
 - (a) A current certificate of liability insurance, a copy of which will be kept on file in the Village office by the Village Clerk; said liability insurance coverage shall be subject to limits, exclusive of interest and costs as follows: Twenty-five thousand (\$25,000) dollars bodily injury to or death of one (1) person in any one (1) accident and subject to such limit for one (1) person, fifty thousand (\$50,000) dollars because of bodily injury to or death of two (2) or more persons in any one (1) accident, and twenty-five thousand (\$25,000) dollars because of injury to or destruction of property of others in any one (1) accident, and;
 - (b) Proof of insurance, operator's license, and present the golf car vehicle to the Police Chief, Mead Police Department, for inspection.
 - (c) Payment of an annual permit fee of fifty (\$50.00) dollars, due annually, on or before April 1st, there shall be no proration of the annual permit fee for any permits issued after April 1st.
2. Upon satisfaction of the above conditions, the Clerk may issue a special permit for the operation of a golf car vehicle on the streets of the Village of Mead under the following terms and conditions:
 - (a) Such operation shall be only between the hours of sunrise and sunset with the headlight and taillight turned on;
 - (b) Such golf car vehicle shall be equipped with a pole and an orange flag, containing at least 30 (thirty) square inches of material day-glow in color and extending not less than five (5') feet above ground attached to the rear of such vehicle;
 - (c) Such golf car vehicle shall be operated by the person issued the permit and anyone authorized by the permit holder of the vehicle, provided the operator has a valid Class O operator's license;
 - (d) Such person shall operate the golf car vehicle at all times in compliance with the rules and regulations of the Village of Mead, Nebraska, with respect to its public streets;
 - (e) The operator shall not operate such vehicle in excess of twenty (20) miles per hour;
 - (f) Such vehicle shall not be operated at any time on any state or federal highway but may be operated upon such highway in order to cross a portion of the highway system which intersects a street provided that the crossing of the highway is made at a right angel of approximately ninety (90) degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing: (i) the golf car vehicle is brought to a complete stop before crossing the shoulder or roadway of the highway; (ii) the operator yields the right-of-way to all oncoming traffic that constitutes an immediate potential hazard, and; (iii) in crossing a divided highway, the crossing is made only at an intersection of such highway with a street. Street means a public way for purposes of vehicular travel in a village and includes the entire area within the right-of way;
 - (g) Such permit shall be subject to revocation by the Police Chief, Mead Police Department or the Village of Mead Board of Trustees, upon the violation of any of the terms and conditions of the issuance of said permit, or these conditions of operation;
 - (h) Such golf car vehicle shall not be used to transport more than one (1) passenger per designated passenger seat, in addition to the operator;
 - (i) Permit must be posted on the vehicle in a conspicuous place;
 - (j) Said golf car vehicle shall only be operated in the following area within the corporate limits of the Village of Mead, the outer boundaries of said area being as follows, to wit: Oak Street on the West; Eighth Street on the South; Co Rd 10 on the East; and North Third Street on the North;
 - (k) A map of the Village indicating the area in which the vehicle may be operated shall be given to the applicant along with the applicant's permit;
 - (l) Said golf car vehicle will not be operated on public streets during inclement weather;
 - (m) Said golf car vehicle will be equipped with a rear view or outside mirror, and;
 - (n) Any violation to this ordinance will result in immediate revocation of this permit and renewal

will be disallowed until the next permit year. (*Ref 60-6,381 RS Neb.*) (*Ord. No. 515, 10/10/00; Amended by Ord. No. 589, 8/11/09; Ord. No. 685, 7/12/16; Ord. 778, 12/14/21; Ord. 792, 6/14/22*)

Article 6. Penal Provision

§5-701 VIOLATION; PENALTY.

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred (\$500.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. (*Ref. 18-2315 RS Neb*) (*Amended by Ord. 661, 5/12/15*)

Chapter 6
POLICE REGULATIONS

Article 1. Dogs and Cats

(Editor's Note: This Article was amended in its entirety by Ordinance No. 248, passed December 6, 1982)

§6-101 DOGS; DEFINITIONS.

As used in this Article the following terms mean:

Animal: Any live, vertebrate creature, domestic or wild.

Animal Shelter: Any facility operated by a Humane Society, or Municipal Agency or it's authorized agents for the purpose of impounding or caring for animals held under the authority of this Article or State law.

Commercial Animal Establishment: Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, or kennel.

Dog: Any canine animal, male or female, sexed or neutered.

Grooming Shop: A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Humane Officer: Any person designated by the State of Nebraska, a Municipal government, or a Humane Society as a law enforcement officer who is qualified to perform such duties under the laws of this State.

Kennel: The ownership, possession, keeping or harboring of more than three (3) dogs or cats, but not more than ten (10) dogs or cats, over the age of six (6) months for the purposes of breeding. Feeding, buying or selling, or raising of such animals, or any of said purposes, or permitting more than three (3) dogs or cats, but not more than ten (10) dogs or cats, over the age of six (6) months, to be or to remain upon premises.

Licensing Authority: The Village of Mead, Nebraska.

Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

Pet: Any licensed animal kept for pleasure rather than utility.

Pet Shop: Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise except for a licensed kennel that buys, sells or boards any species of animal.

Public Nuisance: Any animal or animals which: (1) molests passersby or passing vehicles; (2) attacks other animals; (3) trespasses on school grounds; (4) is repeatedly at large; (5) damages private or public property; or (6) barks, whines, or howls in an excessive, continuous or untimely fashion.

Restraint: Any animal secured by a leash or lead or within the real property limits of its owner.

Stray Animal: Any unlicensed animal found roaming at large, frequenting or remaining on private or public property without the consent of the owner or tenant of said property.

Vicious Animals: Any animal that constitutes a physical threat to human beings or other animals.

Wild Animal: Any live monkey (non-human primate), raccoon, skunk, fox, poisonous or dangerous snake, poisonous or dangerous insect, leopard, panther, tiger, lion, lynx. or any other warm-blooded animal which can normally be found in the wild state; or

Zoological Park: Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation, or government agency.

(Amended by Ord. No. 354, 2/6/91)

§6-102 DOGS; LICENSE.

Any person who shall own, keep, or harbor a dog over the age of three (3) months within the Municipality shall within thirty (30) days after acquisition of the said dog acquire a license for each such dog annually by or before the first (1st) of May of each year. The said tax shall be delinquent from and after June first (1st); Provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to May first (1st) of any year, shall be liable for the payment of the dog tax levied herein and such tax shall be delinquent if not paid within ten (10) days thereafter. Licenses shall be issued by a person designated by the Governing Body upon the payment of a license fee of four (\$4.00) dollars for neutered males and spayed females and six (\$6.00) dollars for unsprayed females and unneutered males.

Such license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog. Owners of dogs three (3) to nine (9) months old shall pay a ten (\$10.00) dollar fee to be held in trust by the Village of Mead for the owner if the animal is not vaccinated for rabies due to age or other reasons verified by a licensed veterinarian. The ten (\$10.00) dollar fee shall be refunded

at any time before said animal reaches the age of one (1) year upon showing proof of rabies vaccination to the Village of Mead. After the expiration of the nine (9) month period, any claim that animal has died, become lost or stolen, shall not in itself be cause to refund the trust. License fees shall not be required for seeing-eye dogs or governmental police dogs. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his name and address and the name, breed, color, and sex of each dog owned and kept by him. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no tag or license shall be issued until the certificate is shown. (*Ref. 17-526, 54-603, 71-4412 RS Neb.*) (*Amended by Ord. No. 365, 4/2/91, Ord. No. 599, 6/8/10*)

§6-102.1 DOGS; LICENSE COLLECTION FEE.

Any village that imposes a license tax on the owner or harborer of any dog or dogs under this Section shall, in addition to the license tax imposed by the licensing jurisdiction, collect from the licensee a fee of one (\$1.00) dollar. The person designated by the licensing jurisdiction to collect and administer the license tax shall act as agent for the State of Nebraska in the collection of the fee. From each one (\$1.00) dollar fee collected, such person shall retain three (3) cents and remit the balance to the State Treasurer for credit to the Commercial Dog and Cat Operator Inspection Program Cash Fund. (*Ord. No. 599, 6/8/10*)

§6-103 DOGS; LICENSE TAGS.

Upon payment of the license fee, the person designated by the Licensing Authority shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs so licensed and shall entitle the owner to keep or harbor the said dog until the thirtieth (30th) day of April following such licensing. Dogs must wear identification tags or collars at all times when off the premises of the owner. In the absence of a tag a dog shall be regarded as a stray whenever off its owner's property. In the event that a license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the person designated by the Licensing Authority shall issue a duplicate tag for the balance of the year for one (\$1.00) dollar as set by the Governing Body for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the person designated by the Licensing Authority to issue tags of a suitable design that are different in appearance each year. (*Ref. 17-526, 54-603 RS Neb.*)

§6-104 DOGS; WRONGFUL LICENSING.

It shall be unlawful for the owner, keeper, or harborer of any dog to permit or allow such dog to wear any license, metallic tag or other Municipal identification than that issued by the Licensing Authority for dogs, nor shall the owner, keeper or harbored wrongfully and knowingly license an unspayed female dog with a license prescribed for a male or spayed female dog. A dog shall be presumed unspayed or unneutered unless the designated person is shown a certificate by a licensed veterinarian that the animal is permanently sterilized. The sum of ten (\$10.00) dollars from the fee shall be held in trust for the owner of any unspayed or unneutered dog. This trust shall be refunded at any time during the six (6) month period; said trust shall become the property of the Village of Mead. After the expiration of the nine (9) month period, any claim that an animal has died, become lost or stolen, shall not in itself be cause to refund the trust. (*Ref. 17-526, 54-603 RS Neb.*)

§6-105 DOGS; RABIES PROCLAMATION.

It shall be the duty of the Licensing Authority whenever in its opinion the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog to muzzle the same, or to confine it for a period of not less than thirty (30) days or more than ninety (90) days from the date of such proclamation, or until such danger is passed. The dogs may be harbored by any good and sufficient means in a house, garage, or yard on the premise wherein the said owner may reside. Upon issuing the proclamation it shall be the duty of all persons owning, keeping, or harboring any dog to confine the same as herein provided. (*Ref. 17-526 RS Neb.*)

§6-106 DOGS; NUISANCE.

All dogs found running at large upon the streets and public grounds of the Municipality without a collar or harness are hereby declared a public nuisance. Un-collared dogs found running at large shall be destroyed or impounded by the person so designated by the Licensing Authority. *(Ref. 54-605 RS Neb.)*

§6-107 DOGS; RUNNING AT LARGE.

All dogs shall be kept under restraint. It shall be unlawful for the owner of any dog to allow such dog to run at large at any time within the corporate limits of the Municipality. All dogs found running at large without proof of date of birth shall be regarded as animals at least three (3) months old and therefore shall be subject to the licensing requirement. It shall be the duty of the person designated by the Governing Body to cause any dog found to be running at large within the Municipality to be taken up and impounded. "Running at Large" shall mean any dog found off the premise of the owner, and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. No owner shall fail to exercise proper care and control of his animals to prevent him or her from becoming a public nuisance. Every female dog in heat shall be confined in a building or secure enclosure in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

Any person found violating the provisions of this Section may, in addition to the procedure provided herein, be issued a citation for the violation of this Section, and shall, upon conviction, be subject to the penalty provision of 6-401 of the Municipal Code of the Village of Mead, Nebraska. *(Amended by Ord. No.320, 5/11/88)*

§6-108 DOGS; LEGAL DESTRUCTION.

The person designated by the Licensing Authority shall have the authority to destroy any animals showing vicious tendencies, or characteristics of rabies that make capture impossible because of the danger involved. *(Ref 17-526 RS Neb.)*

§6-109 DOGS; VICIOUS.

It shall be unlawful for any person to own, keep, or harbor any dog of a dangerous or ferocious disposition that habitually snaps or manifests a disposition to bite, without the said dog being securely held by a chain not over six (6') feet long. If any vicious or dangerous dog is otherwise held, confined, or allowed to run at large, the person so designated by the Licensing Authority shall have the authority to put the dog to death. Any person may use whatever means necessary and not otherwise prohibited to protect himself or others from any vicious animal only when there is an immediate danger from said animal and no person can be held accountable for any inhumane treatment of an animal when his actions are solely to protect himself or others from injury. Any police may destroy an animal that poses an immediate threat to any person or humane officer if said animal is off the owner's premises, even if said animal is licensed and vaccinated for rabies. *(Ref. 17-526 RS Neb.)*

§6-110 DOGS; INTERFERENCE WITH MARSHAL.

It shall be unlawful for any person to hinder, delay, or interfere with the Village Marshal or any person designated by the Licensing Authority who is performing any duty enjoined upon him by the provisions of this Article, or to break open, or in any manner directly or indirectly aid, counsel, or advise the breaking open of the animal shelter, any ambulance wagon, or other vehicle used for the collecting or conveying of dogs to the shelter. *(Ref 28-906 RS Neb.)*

§6-111 DOGS; KILLING POISONING.

It shall be unlawful to kill, or to administer, or cause to be administered, poison of any sort to a dog, or in any manner to injure, maim, or destroy, or in any manner attempt to injure, maim, or destroy any dog that is the property of another person, or to place any poison, or poisoned food where the same is accessible to a dog; Provided, that this Section shall not apply to the Village Marshal or person designated by the Licensing Authority acting within his power and duty. *(Ref. 28-1002 RS Neb.)*

§6-112 DOGS; BARKING AND OFFENSIVE.

It shall be unlawful for any person to own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any neighborhood, or person, or which habitually barks at or chases pedestrians, drivers, or vehicles while they are on any public sidewalks, streets, or alleys in the Municipality. Upon the written complaint of one (1) or more affected persons from different households, filed with the Village Clerk, that any dog owned by the person named in the complaint is an annoyance or disturbance by reason of the above-described actions, the Village Clerk shall request a law enforcement officer to investigate the complaint and, if in his opinion the situation warrants, the law enforcement officer shall notify the owner to silence and restrain such dog. Upon failure of the owner to comply with such warning and remain in compliance, a law enforcement officer shall issue a citation for a violation of this Section.

§6-113 DOGS; FIGHTING.

It shall be unlawful for any person, by agreement or otherwise, to set dogs to fighting, or by any gesture or word to encourage the same to fight. (*Ref. 17-526 RS Neb.*)

§6-114 DOGS; LIABILITY OF OWNER.

It shall be unlawful for any person to allow a dog owned, kept, or harbored by him, or under his charge or control, to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such dog, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained. (*Ref. 54-601, 54-602 RS Neb.*)

§6-115 DOGS; REMOVAL OF TAGS.

It shall be unlawful for any person to remove or cause to be removed, the collar, harness, or metallic tag from any licensed dog without the consent of the owner, keeper, or possessor thereof. (*Ref. 17-526 RS Neb.*)

§6-116 DOGS; IMPOUNDING.

It shall be the duty of the person designated by the Licensing Authority to capture, secure, and remove in a humane manner to any Animal Shelter or veterinarian any dog violating any of the provisions of this Article. The dogs so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog shall be kept and maintained at the pound for a period of not less than five (5) days after public notice has been given unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the Village Clerk or the U. S. Post Office as public notification of such impoundment within one (1) business day. Its owner may reclaim any dog during the period of impoundment by payment of the commercial kennel's boarding fee and a general impoundment fee as indicated below. The day on which the animal was impounded shall count as one (1) day and any part of any day during which the animal is impounded shall also count as a full day. The impoundment fee shall be as follows:

1. For the first (1st) time, in a twelve (12) month period, any animal is impounded: Twenty-five (\$25.00) dollars.
2. For the second (2nd) time, in a twelve (12) month period, any animal is impounded: Fifty (\$50.00) dollars.
3. For the third (3rd) and subsequent times, in a twelve (12) month period, any animal is impounded: Seventy-five (\$75.00) dollars.

Unclaimed impounded animals shall be kept for no more than five (5) days and will become the property of the Municipal Government authority, or humane society, and shall be placed for adoption in a suitable home or humanely destroyed.

Stray animals that are roaming at large, remaining on private property without consent of the owner or tenant, or remaining or frequenting public property are deemed to be the property of the local government. If said stray animal cannot be captured by a conventional means, every police or humane officer is authorized to use any means necessary to remove said animal. (*Ord. No. 521, 1/8/02*)

§6-117 DOGS; RABIES SUSPECTED.

Any dog suspected of being afflicted with rabies, or any dog not vaccinated in accordance with the provisions of this Article which has bitten any person and caused an abrasion of the skin, shall be seized and impounded under the supervision of the Board of Health for a period of not less than ten (10) days. If upon examination by a veterinarian, the dog has no clinical signs of rabies at the end of such impoundment, it may be released to the owner, or, in the case of an unlicensed dog, it shall be disposed of in accordance with the provisions herein. If the owner of the said dog has proof of vaccination, the owner or some other responsible person shall confine it for a period of at least ten (10) days, at which a licensed veterinarian at the owners expense shall examine the dog. If no signs of rabies are observed, the dog may be released from confinement. (*Ref. 71-4406 RS Neb.*)

§6-118 ANIMALS; REMOVAL OF EXCRETA.

The owner of every animal shall be responsible for the removal of any excreta deposited on public walks, recreation areas, or private property by his animal(s) or deposited as a result of the owner's cleaning of an animal cage, pen, or other animal facility. The owner of every animal shall be responsible for the removal of any trash or garbage that is scattered or removed from its rightful place by his animal.

§6-119 ANIMAL SHELTER PERMIT.

No person, partnership or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this Section. The Village of Mead shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this Article and other applicable laws. Upon showing by an applicant for a permit that he is willing and able to comply with the regulations promulgated by the Village of Mead, a permit shall be issued upon payment of the applicable fee. The permit period shall begin with the fiscal year and shall run for one (1) year. Renewal applications for permits shall be made thirty (30) days prior to, and up to sixty (60) days after, the start of the fiscal year. Applications for a permit to establish a new commercial animal establishment under the provisions of this Article may be made at any time. If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a twenty-five (\$25.00) dollar transfer fee. Annual permits shall be issued upon payment of the applicable fee of thirty-five (\$35.00) dollars for each pet shop and twenty-five (\$25.00) dollars for each grooming shop. Every facility regulated by this Article shall be considered a separate enterprise and requires an individual permit. Any person or persons maintaining a dog kennel, as defined in Section 6-101, shall be required to obtain a kennel license from the Village Clerk. The Village Clerk shall issue a kennel license upon payment of a kennel license fee of twenty-five (\$25.00) dollars per year. At time of application for such kennel license, the owner shall state, upon printed forms provided for such purpose, the owner's name and address, and the name, breed, color, age and sex of each dog owned or kept by him in such kennel. The person maintaining such kennel shall license the same by April first (1st) of each year. Nothing herein shall be construed to intend that Section 6-102 providing for the licensing of dogs, etc., shall not be complied with by any person or persons maintaining a kennel, but it is herein provided and intended that such person maintaining a kennel shall fully comply with Section 6-102 in addition to provisions contained herein.

§6-120 REVOCATION OF PERMIT.

The Village of Mead may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this Article, the regulations promulgated by the Village of Mead, or by law governing the protection and keeping of animals. Any person whose permit or license is revoked shall within ten (10) days thereafter, humanely dispose of all animals owned, kept or harbored and no part of the permit or license fee shall be refunded.

It shall be a condition of the issuance of any permit or license that the Village of Mead shall be permitted to inspect all animals and the premises where animals are kept at any time and shall, if permission for such inspections is refused, revoke the permit or license of the refusing owner. If the applicant has withheld or falsified any information on the application, the Village of Mead shall refuse to issue a permit or license.

No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.

§6-121 DANGEROUS DOGS; DEFINITIONS.

Animal Control Authority shall mean an entity authorized to enforce the animal control laws of a municipality.

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

Dangerous Dog shall mean any dog that, according to the records of an animal control authority:

- A. Has killed or inflicted severe injury on a human being of public or private property;
- B. Has killed a domestic animal without provocation while the dog was off the owner's property or;
- C. Has been previously determined to be a potentially dangerous dog by an Animal Control Authority and the owner has received notice of such determination and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals. A dog shall not be defined as a dangerous dog if the threat, any injury that is not a severe injury, or the damage was sustained by a person who, at the time, was committing a willful trespass as defined in Section 20-203, 28-520, or 28-521 or any other tort upon the property of the owner of the dog, who was tormenting, abusing, or assaulting the dog, who has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or who was committing or attempting to commit a crime;

Domestic Animal shall mean a cat, a dog or livestock;

Owner shall mean any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog;

Potentially Dangerous Dog shall mean

- A. Any dog that when unprovoked:
 - 1. inflicts a no severe injury on a human or injures a domestic animal either on public or private property, or,
 - 2. chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or;
- B. Any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals and;

Severe Injury shall mean any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones or that creates a potential danger to the life or health of the victim. *(Ref. 54-617 RS Neb.) (Ord. No. 347, 12/4/89)*

§6-122 DANGEROUS DOGS; RESTRAINED.

No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash. *(Ref. 54-618 RS Neb.) (Ord. No. 347, 12/4/89)*

§6-123 DANGEROUS DOGS; CONFINED.

While unattended on the owner's property, a dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry or young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property. *(Ref. 54-619 RS Neb.) (Ord. No. 347, 12/4/89)*

§6-124 DANGEROUS DOGS; FAILURE TO COMPLY.

An Animal Control Officer may immediately confiscate any dangerous dog if the owner is in violation of this Article. The owner shall be responsible for the reasonable costs incurred by the Animal Control Authority for the care of a dangerous dog confiscated by an Animal Control Officer or for the destruction of

any dangerous dog if the action by the Animal Control Authority is pursuant to law and if the owner violated this Article. In addition to any other penalty, a court may order the Animal Control Authority to dispose of a dangerous dog in an expeditious and humane manner. *(Ref. 54-620 RS Neb.) (Ord. No. 347, 12/4/89)*

§6-125 DANGEROUS DOGS; ADDITIONAL REGULATIONS.

Nothing in this Article shall be construed to restrict or prohibit any governing body of the Municipality from establishing and enforcing laws or ordinances at least as stringent as the provisions of this Article. *(Ref. 54-624 RS Neb.) (Ord. No. 347, 12/4/89)*

§6-126 CATS; LICENSE REQUIRED.

It shall be unlawful for any person in the Municipality to own, keep, or harbor a cat over the age of four (4) months without having licensed said cat. Application for the said license shall be made to the Village Clerk and shall include the name and address of the owner of the cat such description as may be required for the purpose of identification; and the number of the registration issued. Upon the payment of a fee of four (\$4.00) dollars for each neutered male or spayed female, and six (\$6.00) dollars for each unneutered male or unspayed female, the Village Clerk shall furnish to the registrant a receipt showing the proof of such payment, a metallic tag bearing the registration number and the registration year. The license renewal shall be due on the first (1st) day of May of each year, and the renewal fee shall be delinquent on the first (1st) day of June of each year. Said license shall not be transferable and no refund will be allowed in the case of the death, sale, or other disposition of the licensed cat. No license shall be issued without presentation of a certificate for a rabies shot effective for the ensuing year. In the event that the license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with provisions herein, the Village Clerk shall issue a duplicate or new tag for the balance of the year for which the tax has been paid and may charge and collect a fee in the amount of one (\$1.00) dollar for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Village Clerk to issue tags of a suitable design that are different in appearance each year. *(Ref. 17-547 RS Neb.) (Ord. No. 355, 2/6/91, Amended by Ord. No. 599, 6/8/10)*

§6-126.1 CATS; LICENSE COLLECTION FEE.

Any village that imposes a license tax on the owner or harbored of any cat or cats under this Section shall, in addition to the license tax imposed by the licensing jurisdiction, collect from the licensee a fee of one (\$1.00) dollar. The person designated by the licensing jurisdiction to collect and administer the license tax shall act as agent for the State of Nebraska in the collection of the fee. From each one (\$1.00) dollar fee collected, such person shall retain three (3) cents and remit the balance to the State Treasurer for credit to the Commercial Dog and Cat Operator Inspection Program Cash Fund. *(Ord. No. 599, 6/8/10)*

§6-127 CATS; WRONGFUL LICENSING.

It shall be unlawful for the owner, keeper, or harbored of any cat to permit or allow such cat to wear any license, metallic tag or other Municipal identification than that issued by the Licensing Authority for cats, nor shall the owner, keeper, or harbored wrongfully and knowingly license an unspayed female or unneutered male with a license prescribed for a neutered male or spayed female cat. A cat shall be presumed unspayed or unneutered unless the designated person is shown a certificate by a licensed veterinarian that the animal is permanently sterilized. *(Ref. 17-526 RS Neb.) (Ord. No. 355, 2/6/91)*

§6-128 CATS; PROCLAMATION.

It shall be the duty of the Licensing Authority whenever in its opinion the danger to the public safety from rabid cats or animal is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any cat or animal to confine it for a period of not less than thirty (30) days or more than ninety (90) days from the date of such proclamation, or until such danger is passed. The cats or animals may be harbored by any good and sufficient means in a house, garage, or yard on the premise wherein said owner may reside. Upon issuing the proclamation it shall be the duty of all persons owning, keeping, or harboring any cat or animal to confine the same as herein provided. *(Ref. 71-4401 to 77-4412 RS Neb.) (Ord. No. 355, 2/6/91)*

§6-129 CATS; RABIES SUSPECTED; FREE ROAMING CATS.

Any cat or animal suspected of being afflicted with rabies, or any cat not vaccinated in accordance with the provisions of this Article which has bitten any person and caused an abrasion of the skin, shall be seized and impounded under the supervision of the Board of Health for a period of not less than ten (10) days. If upon examination by a veterinarian, the cat or animal has no clinical signs of rabies at the end of such impoundment, it may be released to the owner after rabies vaccination, proper licensing, and spay or neuter in accordance with this Article is shown to be completed. If the owner of the said cat or animal has proof of vaccination, the owner or some other responsible person shall confine it for a period of at least ten (10) days, at which time a licensed veterinarian at the owner's expense shall examine the cat or animal. If no signs of rabies are observed, the cat or animal may be released from confinement after proper licensing and spay or neuter in accordance with this Article is shown to be completed. Community cats that have bitten will be impounded and confined for rabies observation in the same manner and returned to its colony. Caregivers will not be held responsible for associated fees. (*Ref. 71-4406 RS Neb.*) (*Ord No. 355, 2/6/91; Amended Ord. No. 832, 5/14/24*)

§6-130 STRAY CATS; DEFINITION.

Any unlicensed or uncollared cat frequenting or remaining on private or public property without the consent of the owner or tenant of said property. (*Ord. No. 377, 1/14/92*)

§6-131 STRAY CATS; IMPOUNDMENT.

It shall be the duty of the person designated by the Board of Trustees to capture, secure, and remove in a humane manner to any animal shelter or veterinarian any "stray" cat. The cats so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded cat shall be kept and maintained at the pound for a period of not less than five (5) days after public notice has been given unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the Village Clerk or the U.S. Post Office as public notification of such impoundment within twenty-four (24) hours. Its owner may reclaim any cat during the period of impoundment by payment of the ticket for failure to license said animal as well as a general impoundment fee of ten (\$10.00) dollars. The boarding fee of the animal shelter or veterinarian is the responsibility of the animal owner and payable to said shelter before said animal will be released.

Unclaimed impounded animals shall be kept for no more than five (5) days and will become the property of the local government authority, or humane society, and shall be placed for adoption in a suitable home or humanely destroyed. Stray animals frequenting or remaining on private property without consent of the owner or tenant, or remaining or frequenting public property shall be subject to capture and impoundment as provided above. If said stray animal cannot be captured by a conventional means, every Police or Humane Officer is authorized to use any means necessary to remove said animal. (*Ord. No. 377, 1/14/92*)

§6-132 CAT; INTENT.

Decrease community cat population by humanely controlling reproduction and without removing cats from village limits in accordance with the Trap, Neuter, Return (TNR) population control method for the betterment of the community. (*Ord. No. 832, 5/14/24*)

§6-133 CAT; ANIMAL CONTROL DEFINITION.

Animal Control shall mean the Mead, Nebraska Police Department, or a contracted agent. (*Ord. No. 832, 5/14/24*)

§6-134 FREE ROAMING CAT; DEFINITION.

Free-roaming cat shall mean any cat that can roam freely outside for any length of time including owned and community cats. (*Ord. No. 832, 5/14/24*)

§6-135 FREE ROAMING CAT; STERILIZATION-SPAY AND NEUTER.

All free roaming cats shall be surgically spayed or neutered by a licensed veterinarian and rabies vaccinated residing within village limits voluntarily by the owner, caregiver, or through the TNR process. *(Ord. No. 832, 5/14/24)*

§6-136 CAT OWNER; DEFINITION.

Cat owner shall mean any person who confines a cat(s) inside a residence or property structure for any length of time and is deemed personal property. *(Ord. No. 832, 5/14/24)*

§6-137 OWNED CATS NOT FREE ROAMING; STERILIZATION-SPAY AND NEUTER.

All owner cats that are not free roaming shall be spayed and neutered by four (4) months of age. Exemptions include the procedure would endanger the health of the cat, the owner is a Nebraska state licensed breeder, cats given temporary residence in a foster situation, cat is used in show and performance competitions, a veterinarian does not recommend spay and neuter surgery until six (6) months of age, or the combination of cats within a residence or property structure where the owner does not allow cats to reproduce or the combination of unaltered cats would not lead to reproduction. A veterinarian statement shall be required for all exemptions where applicable. *(Ord. No. 832, 5/14/24)*

§6-138 COMMUNITY CAT; DEFINITION.

Community cat shall mean any cat that is not confined inside a residence or property structure for any length of time. *(Ord. No. 832, 5/14/24)*

§6-139. COMMUNITY CAT CAREGIVER; DEFINITION.

Community cat caregiver shall mean any person who provides food, water, and shelter to free roaming cats, and does not confine cats inside a residence or property structure for any length of time. *(Ord. 832, 5/14/24)*

§6-140. TRAP-NEUTER-RETURN (TNR); DEFINITION.

Trap-Neuter-Return shall mean the process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning a community cat to the location trapped. Permission to trap on privately owned property shall first be obtained. *(Ord. No. 832, 5/14/24)*

§6-141 EARTIPPING; DEFINITION.

Ear tipping shall mean the removal of a one-quarter (1/4") inch tip from one ear of a community cat, performed while the cat is under anesthesia, to identify a community cat as being sterilized and lawfully vaccinated for rabies. *(Ord. No. 832, 5/14/24)*

§6-142 RETURN OF CATS SPAYED AND NEUTERED THROUGH THE TNR PROCESS.

All cats shall be returned to the area where they were captured, except for cats needing additional medical attention for illness or injury or a cat appears to be owned and lost and after a five (5) day holding period in which the cat is not claimed by an owner. In addition, a community cat caregiver can request cats they feed be relocated for the health and safety of the cats. When cats are returned to their owners, the owners are required to show proof of ownership in the form of a licensing certificate, veterinary records, or photographs and the cats must be current on rabies vaccination and licensed with the village. The owner pays all applicable boarding, veterinary, and licensing fees. *(Ord. 832, 5/14/24)*

§6-143 INTERFEERING WITH THE TNR PROCESS.

Any person found to be removing free-roaming cats from village limits for the sole purpose of dumping said cats in the country, concealing unaltered cats for the purpose of reproduction, releasing cats from traps, tampering with, stealing, damaging, or destroying TNR equipment, a twenty-five (\$25.00) dollar fine will be imposed, plus equipment replacement cost if applicable for each offense. *(Ord. No. 832, 5/14/24)*

§6-144 CAT HOARDING; DEFINITION.

Cat hoarding shall mean the accumulation of cats that has overwhelmed a person's ability to provide minimum standards of care. Standards of care include nutrition, sanitation shelter, veterinary care, and socialization causing disease, starvation, or death of cats confined and residing within a property residence or structure. *(Ord. No. 832, 5/14/24)*

§6-145 CATS; KILLING AND POISONING.

It shall be unlawful to kill, or to administer, or cause to be administered, poison of any sort to a cat, or in any manner to injure, maim, or destroy, or in any manner attempt to injure, maim, or destroy, or to place any poison, or poisoned food where the same is accessible to a cat. (Ord. No. 832, 5/14/24)

Article 2. Animal Generally

(Editor's Note: This Article was amended In Its entirety by Ordinance No. 248, passed on 12/6/82

§6-201 ANIMALS; RUNNING AT LARGE.

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

§6-202 ANIMALS; BANNED FROM MUNICIPALITY.

It shall be unlawful for any person to keep or maintain within the corporate limits any horse, mule, sheep, cow, swine, chickens, turkey, geese, duck, quail, pheasants, guineas, peacocks, or exotic water/land fowl, or other livestock; provided, that all property located within the Municipality which is being used to keep or maintain such animals at the time of passage of this Section may continue to be used as such until the property is not used to maintain such animals for a period of one (1) year. (Ref 17-207, 17-547 RS Neb.) (Ord. No. 537, 2/10/04)

§6-203 ANIMALS; ABANDONMENT; NEGLECT AND CRUELTY.

- A. ABANDON shall mean to leave any animal for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health;
- B. ANIMAL shall mean any vertebrate member of the animal kingdom except man. The term shall not include an un-captured wild creature;
- C. CRUELLY MISTREAT shall mean to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise set upon any animal;
- D. CRUELLY NEGLECT shall mean to fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health;
- E. HUMANE KILLING shall mean the destruction of an animal by a method that causes the animal a minimum of pain and suffering; and
- F. LAW ENFORCEMENT OFFICER shall mean any member of the Nebraska State Patrol, any County or Deputy Sheriff, any member of the Police Force of any city or village, or any other public official authorized by a city or village to enforce state or local animal control laws, rules, regulations, or ordinances. (Ref. 28-1008 RS Neb.) (Amended by Ord. No. 362, 4/2/91)

§6-203.01 ANIMALS ABANDONMENT, NEGLECT, AND CRUELTY; LAW ENFORCEMENT OFFICER; POWERS.

- A. Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may seek a warrant authorizing entry upon private property to inspect, care for, or impound the animal.
- B. Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner as prescribed by law.
- C. Any law enforcement officer acting under this Section shall not be liable for damage to property if such damage is not the result of the officer's negligence. (Ref. 28-1012 RS Neb.) (Ord. No. 362, 4/2/91)

§6-204 ANIMALS; ABANDONMENT, NEGLECT, AND CRUELTY; PENALTY.

A person commits cruelty to animals if he or she abandons, cruelly mistreats, or cruelly neglects an animal. (Ref. 28-1009 RS Neb.) (Amended by Ord. No. 362, 4/2/91)

§6-205 FOWLS; RUNNING AT LARGE.

It shall be unlawful for any person to allow poultry, chickens, turkeys, geese, ducks, guineas, pheasants, quail, peacocks, or exotic water/land fowl to run at large within the corporate limits. (Ref 17-547 RS Neb) (Ord. No. 538, 3/9/04)

§6-206 MISCELLANEOUS ENFORCEMENTS.

No person shall give away any live animal, fish, reptile, or bird as a prize for, or an inducement to enter, any contest, game or other competition; or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade. No person shall set within the Village of Mead any leg hold traps other than the type generally recognized as rodent control devices. No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for the exhibition purposes, whether gratuitously or for a fee. No person shall keep or permit to be kept any wild animal as a pet.

§6-207 PITTING ANIMALS; DEFINITIONS.

Bearbaiting shall mean the pitting of any animal against a bear. Cockfighting shall mean the pitting of a fowl against another fowl. Dog fighting shall mean the pitting of a dog against another dog. Pitting shall mean bringing animals together in combat. *(Ref. 28-101 RS Neb.) (Ord. No. 330, 9/6/88)*

§6-208 PITTING ANIMALS; PROHIBITED.

No person shall knowingly promote, engage in, or be employed at dogfight, cockfighting, bearbaiting, or pitting an animal against another. Nor shall any person knowingly receive money for the admission of another person to a place kept for such purpose. Nor shall any person knowingly own, use, train, sell, or possess an animal for the purpose of animal pitting. Nor shall any person knowingly permit any act as described in this Section to occur on any premises owned or controlled by him or her. *(Ref 28-101 RS Neb.) (Ord. No. 330, 9/6/88)*

§6-209 PITTING ANIMALS; SPECTATORS PROHIBITED.

No person shall knowingly and willingly be present at and witness as a spectator dogfighting, cockfighting, bearbaiting, or the pitting of an animal against another as prohibited in Section 6-208. *(Ref 28-101 RS Neb.) (Ord. No. 330, 9/6/88)*

§6-210 VIOLATION.

Any violator of Chapter 6, Articles 1 and 2 of the Municipal Code of the Village of Mead, Nebraska, having received a citation for violation of said Chapter and Articles, appearing at the Village Office, desiring to plead guilty and waive court appearance, shall present the official citation and pay the Municipal Clerk according to the following schedule based upon elapsed time from the incurrence of the violation: one to five (1-5) days, excluding weekends and holidays, the sum of five (\$.05) cents, plus the administrative costs of nine dollars and ninety five cents (\$9.95).

Should any such fine and administrative cost not be paid within said five (5) day period, as above noted, the Municipal Clerk shall send to the individual cited a written notice informing him/her of the violation and warning him/her that he/she will be held responsible for the fine and administrative costs and that in the event that the violator fails to appear at the Bureau of Violations within five (5) days, excluding weekends and legal holidays, after the date of issuance of said written notice, a complaint will be issued. The fine for the violation if paid within five (5) days, as above noted, after the date of sending the notice, shall be five (\$.05) cents, plus the administrative costs of twenty (\$20.00) dollars.

In the event that such violator fails to appear in response to such notice within five (5) days of such notice, excluding weekends and legal holidays, such violator shall be liable to prosecution in Saunders County Court for the offense or offenses charged and subject to the penalty provided for by the general penalties provision of Chapter 6 of the Municipal Code of the Village of Mead, Nebraska.

Whenever any person refuses, neglects or fails to comply with any of the requirements of this Article as herein provided, he/she shall be denied the benefits of any provisions hereof. *(Ord. No. 356, 11/6/90)*

Article 3. Miscellaneous Misdemeanors

§ 6-301 MISDEMEANORS; THEFT.

The terms and definitions applied in this Section shall be in conformance with Section 28-509 RS Neb. It

shall be unlawful for any person to:

- A. Take or exercise control over movable property or another with the intent to deprive him thereof; or
- B. Transfer immovable property of another or any interest therein with the intent to benefit himself or another not entitled thereto; or
- C. Fail to return leased or rented movable property to the lessor after the expiration of a written lease or written lease or written rental agreement, if done with intent to deprive, and if such lessee has been mailed notice by certified mail that such lease or rental agreement has expired and he has failed within ten (10) days after such notice to return such property; or
- D. Obtain the property of another by deception, as defined by Section 28-512 RS Neb; or
- E. Obtain the property of another by threatening to:
 1. Inflict bodily injury on anyone or commit any other criminal offense; or
 2. Accuse anyone of a criminal offense; or
 3. Expose any secret tending to subject any person to hatred, contempt or ridicule, or to impair his credit or business repute; or
 4. Take or withhold action as an official, or cause an official to take or withhold action; or
 5. Bring about or continue a strike, boycott, or other collective unofficial action, if the property is not demanded or received for the benefit of the group in whose interest the actor purports to act; or
 6. Testify or provide information with respect to another's claim or defense. It is an affirmative defense to prosecution based on Subdivision (2), (3), or (4) of the above Subsection, that the property obtained by threat of accusation, exposure, lawsuit or other invocation of official action was honestly claimed as restitution or indemnification for harm done in the circumstances to which such accusation, exposure, lawsuit or other official action relates, or as compensation for property or lawful services; or
- F. Come into control of property of another that he knows to have been lost, mislaid, or delivered under a mistake as to the nature or amount of the property or the identity of the recipient if, with intent to deprive the owner thereof, he fails to take reasonable measures to restore the property to a person entitled to have it; or
- G. Obtain services that he knows are available only for compensation, by deception or threat, or by false token or other means to avoid payment for the service; or
- H. Have control over the disposition of services of others, to which he is not entitled, and diverts such services to his own benefit or to the benefit of another not entitled thereto; or
- I. Make, possess, sell, give, transfer, offer for sale or advertise for sale any device, instrument, apparatus or equipment designed or which can be used to obtain telecommunications service fraudulently or to conceal from any supplier or telecommunications service or from any lawful authority the existence or place of origin or of destination of any telecommunication; or
- J. Receive, retain or dispose of movable property to another knowing that it has been stolen, or believing that it has been stolen, unless the property is received, retained or disposed with intention to restore it to the owner; provided that the value of the thing involved is under three hundred (\$300.00) dollars. *(Ref. 28-509 through 28-515, 28-517 RS Neb) (Class 1 or 2)*

§6-302 MISDEMEANORS; UNAUTHORIZED USE OF A PROPELLED VEHICLE.

It shall be unlawful for any person to intentionally exert unauthorized control over another's propelled vehicle by operating the same without the owner's consent. Propelled vehicle shall mean and include an automobile, airplane, motorcycle, motorboat, or other motor-propelled vehicle. It shall be an affirmative defense to a prosecution under this Section that the defendant reasonably believed that the owner would have authorized the use had he known of it. *(Ref. 28-516 RS Neb.) (Class 1 or 2)*

§6-303 MISDEMEANORS; DISCHARGE OF FIREARMS WITHIN MUNICIPALITY.

1. It shall be unlawful for any person, except an officer of the law in the discharge of his official duties to fire or discharge any gun, pistol, fowling piece, or other firearm within the Municipality.
2. No person shall discharge or cause to be discharged any pellet gun, paint ball gun, or any other arm, or arms, blank cartridge, or slingshot, loaded with rock or leaden, or other dangerous missiles at any time or under any circumstances within the municipality.
3. Provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have prior written permission from the Governing Body or such person or persons designated by the Governing Body to issue such written permission. *(Ref. 17-556 RS Neb.) (Amended by Ord. No. 273, 5/7/84; Ord. No. 530, 7/8/03; Ord. 630, 12/11/12)*

§6-304 MISDEMEANORS; REMOVAL AND POSSESSION OF HIGHWAY SIGNS, MARKERS, OR NOTICES.

It shall be unlawful for any person, other than those authorized to do so, to remove any sign, traffic control or traffic surveillance device placed along a public street, road or highway for traffic control, warning or informational purposes. Moreover, it shall be unlawful for any person to possess such a sign or device which has been removed in violation of this Section. (Ref. 39-619.01(2) RS Neb.) (Class 2+)

§6-305 MISDEMEANORS; COLLECTION OF TAXES, REAL ESTATE, BONDED INDEBTEDNESS, DESTRUCTION, OR REMOVAL OF BUILDINGS.

Except in any Municipality which has adopted a building code with provisions for demolition of unsafe buildings or structures, it shall be unlawful for any person to tear down or remove any building situated on any real estate while there are any delinquent taxes unpaid thereon, or to remove any building situated within the corporate limits of any city or village which has an unpaid bonded indebtedness or which city or village is a part of or all of a school district which has such bonded indebtedness, to a point outside of such Municipality, without paying to the County Treasurer, to be deposited by said Treasurer in the bond sinking fund of said Municipality, school district or Municipality and school district, as the case may be, an amount that bears the same proportion to the total outstanding bonded indebtedness of such Municipality, if such Municipality has such bonded indebtedness, as the assessed valuation for the preceding calendar year of the building sought to be removed bears to the total assessed valuation of all taxable property in such Municipality for the preceding calendar year or, if such school district has such outstanding bonded indebtedness, an amount which is a similar proportion of the assessed valuation of such building sought to be removed to the total outstanding bonded indebtedness of such school district, or both such amounts, as the case may be. Any person so offending shall be guilty of a Class 5 misdemeanor, and shall moreover be liable to the County, to be recovered in a civil action, for the amount of all delinquent taxes on such real estate and to such Municipality for the amount of said proportion of any outstanding bonded indebtedness of such Municipality to be recovered in the name of such Municipality and also to such school district for the amount of said proportion of any outstanding bonded indebtedness of such school district to be covered in the name of such school district; Provided, such action may be brought in the name of such County, Municipality or school district for such delinquent taxes and also for such proportion or proportions, if the one bringing such action has an interest in any of such taxes or amounts, for the benefit of all those interested in the same. Such proportion of such indebtedness, in either or all of such cases is hereby made and shall be a lien upon such building so removed from such Municipality and said lien and the lien of such taxes shall follow and adhere to such building or the materials thereof wherever situated, or into whatever form the same may be converted. (Ref. 77-1725 RS Neb.) (Class 5)

§6-306 MISDEMEANORS; INTERFERING WITH A FIREMAN.

A person commits the offense interfering with a fireman if at any time and place where any fireman is discharging or attempting to discharge any official duties, he willfully:

- A. Resists or interferes with the lawful efforts of any fireman in the discharge or attempt to discharge an official duty; or
- B. Disobey the lawful orders given by any fireman while performing his duties; or
- C. Engages in any disorderly conduct which delays or prevents a fire from being extinguished within a reasonable time; or
- D. Forbids or prevents others from assisting or extinguishing a fire or exhorts another person, as to whom he has no legal right or obligation to protect or control, not to assist in extinguishing a fire. (Ref. 28-908 RS Neb.)(Class 1)

§6-307 MISDEMEANORS; UNLAWFUL POSSESSION OF EXPLOSIVE MATERIALS IN THE SECOND DEGREE.

It shall be unlawful for any person who is eligible to obtain a permit from the State Fire Marshal, or has a valid or legitimate need for a permit, to possess or store explosive materials without such a permit; Provided, this Section shall not be applicable to a federal licensee of permit, or to any person who has obtained a permit from the State Fire Marshal to store or use such explosive materials, or in the case of a

business enterprise, a permit to purchase such explosive materials. (Ref. 28-1215(2), 28-1216 RS Neb.)
(Class 1)

§6-308 MISDEMEANORS; MOBILE HOME PARKS; ESTABLISHED, CONDUCTED, OPERATED, OR MAINTAINED WITHOUT LICENSE; VIOLATION PENALTY.

Any person who established conducts, operates, or maintains a mobile home park without first obtaining a license therefore from the Department of Public Health and Welfare as provided in Sections 71-4621 to 71-4634 Neb. Rev. Stat, as amended shall be guilty of a Class IV misdemeanor and each day such mobile home park shall operate without a license after a first conviction shall be considered a separate offense. Such person shall also be guilty of maintaining a nuisance pursuant to Section 28-1321, Neb. Rev. Stat, as amended, and upon conviction thereof, in addition to payment of the fine, such nuisance shall be removed.

§6-309 MISDEMEANORS; ABANDONED AUTOMOBILES.

1. TERMS DEFINED:

- a. No person, firm, partnership, association, corporation or organization of any kind shall abandon any vehicle, as defined by Nebraska State Statute Section 6-301 (1), R.R.S. 1943, within the Village of Mead. A motor vehicle shall be deemed to be an abandoned vehicle if left unattended:
 - 1) With no number plates affixed thereto, or no in-transit permits, for more than six (6) hours on any public property.
 - 2) For more than twenty-four (24) hours on any public property, except a portion thereof on which parking is legally permitted, on uncurbed streets.
 - 3) For more than forty-eight (48) hours, after the parking of such vehicle shall have become illegal if left on a portion of public property on which parking is legally permitted on streets with curbs;
 - 4) For more than seven (7) days on private property if left initially without the permission of the owner, or after permission of the owner shall be terminated.
- b. No person in charge or control of any private property, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than thirty (30) continuous days. Grass nor weeds can exceed twelve (12") inches around the vehicle. Any vehicle described in this paragraph shall be deemed to be an abandoned vehicle for purposes of this Article.
- c. For purposes of this Article, "public property" shall mean (1) any public right of way, street, highway, alley, park or other city-owned property, and (2) any privately owned property, which is not included within the definition of public property. Vehicles in an enclosed building, appropriate storage pound, or depository licensed by the Municipality, or owned and being restored or repaired, with satisfactory progress being shown by the controller of the real property where said vehicle is located, is specifically hereby excluded from this Section.

2. ENFORCEMENT

The Mead Police shall remove or cause to be removed any abandoned vehicle. Such vehicle shall be impounded until lawfully claimed or disposed of, as provided in paragraph 4 hereafter; Provided, any such abandoned vehicle which is located on private property shall not be removed or impounded until the Mead Police Department has given written notice of intent to remove said abandoned vehicle thirty (30) days prior thereto to the property owner upon whose property said abandoned vehicle is located. The Mead Police Department may enter upon private property at all reasonable hours for the purpose of inspecting such abandoned vehicle, posting notice thereon and/or removing or impounding such abandoned vehicle. It shall be unlawful for any person to prevent the Mead Police Department from entering on private property for the purpose of carrying out his/her/their duties. Neither the owner, lessee, occupant of the premises from which any abandoned vehicle shall be removed, nor the Municipality shall be liable for any loss or damage to such abandoned vehicle which occurs during its removal, while in the possession of the Village, or

as a result of any subsequent disposition.

3. NOTICE

- a. Except for vehicles automatically becoming the property of the Municipality as set forth in paragraph 5 hereunder, the Village Board of Trustees shall make an inquiry concerning the last registered owner of such abandoned vehicle as follows:
 - 1) Abandoned vehicles with numbered plates affixed to the jurisdiction which issued said plates; or
 - 2) Abandoned vehicles with no numbered plates affixed to the Department of Motor Vehicles.
- b. The Chief of Police shall notify the last registered owner, if any, that the vehicle in question has been recovered as an abandoned vehicle and that, if unclaimed, it will be sold at public auction after five (5) days from the date that such notice was mailed. If the agency described in Subsections (1) and (2) of this Section also notifies the Mead Police Department that a lien or mortgage exists, such notice shall also be sent to the lien holder or mortgager. Any person claiming such vehicle shall be required to pay the cost of its removal and storage. In the event the owner does not appear within the time prescribed herein, or in the event that the owner cannot be determined, such abandoned vehicle shall be disposed of as hereinafter provided.

4. DISPOSITION

The Mead Police Department shall sell said abandoned vehicle at public auction to the highest bidder within sixty (60) days from the date that title to an abandoned vehicle is vested in the city as provided for in paragraph 5 hereafter. Such sale and the time and place thereof shall be advertised for one (1) week in a newspaper of general circulation in the Municipality. Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the Municipality, shall be held by the Municipality without interest for the benefit of the owner of such abandoned vehicle for a period of two (2) years. If not claimed within such two (2) year period, such proceeds shall be paid into the general fund of the Municipality.

5. TRANSFER OF TITLE

If an abandoned vehicle at the time of abandonment has no numbered plates of the current year affixed and is of a wholesale value of five hundred (\$500.00) dollars or less, taking into consideration the vehicle's condition as determined by the Mead Police Department, title shall immediately vest in the Municipality and the Mead Police Department are not required to follow paragraph 4 herein. With respect to those abandoned vehicles governed by paragraph 3 herein, title to such vehicles, if unclaimed, shall vest in the Municipality five (5) days from the date the notice referred to therein is mailed or, if the last registered owner cannot be determined, when notice of that fact is received by the Mead Police Department. Upon the sale of an abandoned vehicle at auction, the Village shall furnish the purchaser with the requisite affidavit to provide to the County Clerk where the vehicle was last registered that said vehicle was abandoned and became the property of the Village prior to the sale.

6. PENAL PROVISIONS

Any person who violates any of the prohibitions or provisions of this Article shall be deemed guilty of a misdemeanor. Penalties for such violation shall not exceed five hundred (\$500.00) and/or imprisonment for a time not to exceed three (3) months, in the discretion of the court. (*Ref. 60-1901 through 60-1911 RS Neb.*) (*Ord. No. 525, 12/10/02*)

§6-310 MISDEMEANORS; WEED REMOVAL.

It shall be the duty of every owner of real estate in the Municipality to cut and clear such real estate, together with one half (1/2) of the streets and alleys abutting thereon, of all weeds, grasses and worthless vegetation that are noxious, obstruct travel on public ways, exceed twelve (12") inches or more above the ground, or create a fire or health hazard. Subsequent to the cutting said vegetation, all loose vegetation shall

be immediately removed. Weeds and grass clippings are not to be mowed or to remain on any streets or sidewalks within village limits. Upon the failure of the owner, lessee, or occupant having control of any such real estate to cut and clear the said weeds, grasses and worthless vegetation as set forth hereinbefore, the same shall be declared a nuisance and notice provided as set forth in Chapter 4. In the event the property owner is a non-resident of the county in which the property lies, the Municipality 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. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. (*Ref. 17-563.01, 18-1719, 18-1720, 28-1321 RS Neb.*) (*Amended by Ord. No. 311, 8/4/87; Ord. No. 545, 2/8/05; Ord. No. 735; 11/12/19; Ord. No. 820, 9/12/23*)

§6-311 CURFEW IN PARKS; PERMIT REQUIRED.

No one shall be permitted in the village park or parks after ten thirty (10:30) P.M., unless attending a function for which a Park Permit has previously been obtained. Anyone desiring to have a function in the village park which may result in persons attending the function in the park after ten thirty (10:30) P.M. shall first obtain a permit for the function, which permit shall be in a form prescribed by the Village Clerk, and which permit shall be obtained from the Village Clerk in advance of the function. (*Ord. No. 246, 7/6/82*)

§6-312 MISDEMEANORS; CURFEW.

It shall be unlawful for any minor under the age of eighteen (18) years to ride in or operate any vehicle in or upon any street, alley, or other public place, or to loiter, wander, stroll, loaf, or play in or upon any of the streets, alleys, or other public places between the hours of twelve (12:00) o'clock Midnight of any day and five (5:00) o'clock A.M. of the following day unless accompanied by a parent, guardian or other adult person having the care, custody or control of said minor, or the minor is engaged in lawful employment or is on an emergency errand; Provided, when an activity of the kind normally attended by minors under eighteen (18) years of age, within the Village, terminates after, or less than one (1) hour prior to twelve (12:00) o'clock Midnight. The curfew shall commence one (1) hour after the termination of such activity. (*Ord. No. 340, 12/4/89*)

§6-313 SEX OFFENDERS; FINDINGS AND INTENT.

- A. The Nebraska Legislature has found that certain sex offenders present a high risk to commit repeat offenses and has enabled municipalities to restrict such persons' place of residency as provided in the Sexual Predator Residency Restriction Act.
- B. Sex offenders who prey on children and who are high risks to repeat such acts present an extreme threat to public safety. The cost of sex offender victimization to these children and to society at large, while incalculable, is exorbitant.
- C. It is the intent of this ordinance to serve the Village's compelling interest to promote, protect and improve the health, safety and welfare of the citizens of the Village by creating certain areas around locations where children regularly congregate in concentrated numbers where certain sexual predators cannot reside.

(*Ord. No. 547, 4/11/06; Amended by Ord. No. 554, 6/13/06*)

§6-314 DEFINITIONS. For purposes of this ordinance:

1. Child care facility means a facility licensed pursuant to the Child Care Licensing Act;
2. School means a public, private, denominational, or parochial school which meets the requirements for state accreditation or approval;
3. Reside means to sleep, live, or dwell at a place, which may include more than one location, and may be mobile or transitory;
4. Residence means a place where an individual sleeps, lives, or dwells, which may include more than one (1) location, and may be mobile or transitory;
5. Sex offender means an individual who has been convicted of a crime listed in Nebr. Rev. Stat. Section 29-4003 and who is required to register as a sex offender pursuant to the Sex Offender Registration Act; and
6. Sexual predator means an individual who is required to register under the Sex Offender Registration Act, who has committed an aggravated offense as determined by the Nebraska State Patrol under Nebr. Rev. Stat. Section 29-4013, and who has victimized a person eighteen (18) years of age or younger.

(Ord. No. 547, 4/11/06; Amended by Ord. No. 616, 5/10/11)

§6-315 SEXUAL PREDATOR RESIDENCY RESTRICTIONS; PENALTIES; EXCEPTIONS.

- A. **PROHIBITED LOCATION OF RESIDENCE.** It is unlawful for any sexual predator to reside within five hundred (500') feet from a school or childcare facility.
- B. **MEASURE OF DISTANCE.** For purposes of determining the minimum distance separation, the distance shall be measured by following a straight line from the outer property line of the residence to the nearest outer boundary line of the school or child care facility.
- C. **PENALTIES.** A person who violates this Section as provided in this Chapter of the code shall be punished as provided generally in the code.
- D. **EXCEPTIONS.** This ordinance shall not apply to a sexual predator who:
 - 1. Resides within a prison or correctional or treatment facility operated by the state or a political subdivision;
 - 2. Established a residence before July 1, 2006, and has not moved from that residence; or
 - 3. Established a residence after July 1, 2006, and the school or childcare facility triggering the restriction was established after the initial date of the sexual predator's residence at that location.

(Statutory Reference: The Sexual Predator Residency Restriction Act, Laws 2006, LB 1199, §§27 to 29; Neb. Rev. Stat. Sec. 29-4003 and Sec. 29-4013) *(Ord. No. 547, 4/11/06; Amended by Ord. No. 554, 6/13/06)*

Article 4. Penal Provisions

§6-401 VIOLATION; PENALTY.

Any person, who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred (\$500.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. *(Ref. 18-2315 RS Neb) (Amended by Ord. 661, 5/12/15)*

Should any Section, paragraph, sentence or word of this Chapter be declared invalid for any reason, it is the intent of the Chairman and Board of Trustees that all other portions of this Chapter would be passed independent of the elimination here from of any such portion as may be declared invalid. *(Amended by Ord. No. 248, 12/6/82)*

§6-402 ABATEMENT OF NUISANCE.

Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law. 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 part of the judgment in the case. *(Ref. 18-1720, 18-1722 RS Neb.)*

§6-502 RETURNED CHECK.

A twenty (\$20.00) dollar check return fee shall be assessed on all insufficient funds and / or no-account checks. *(Ord. No. 528, 5/13/03)*

Chapter 7
FIRE REGULATIONS

Article 1. Fires

§7-101 FIRES; PRESERVATION OF PROPERTY.

The Fire Chief, or any officer in charge of the Fire Department, shall have the authority and power to cause the removal of property whenever it shall become necessary for the preservation of more valuable property, the protection of human life, or to prevent the spreading of fire to adjoining property. The Fire Chief may direct the Municipal Firemen to remove any building, structure, or fence for the purpose of checking the progress of any fire. The Fire Chief shall have the authority to blow up, or cause to be blown up, with explosives any building or structure during the progress of a fire for the purpose of checking the progress of the same.

§7-102 FIRES; DISORDERLY SPECTATOR.

It shall be unlawful for any person during the time of a fire and for a period of thirty-six (36) hours after its extinguishments to hinder, resist or refuse to obey the Municipal Fire Chief, or to act in a noisy or disorderly manner. The Fire Chief and Assistant Fire Chief shall have the power and authority during such time to arrest or command any such person to assist them in the performance of their official duties. *(Ref. 28-908 RS Neb.)*

§7-103 FIRES; EQUIPMENT.

It shall be unlawful for any person except the Fire Chief and the members of the Municipal Fire Department to molest, destroy, handle or in any other way to interfere with the use and storage of any of the fire trucks and other apparatus belonging to the Municipality. *(Ref. 28-519 RS Neb.)*

§7-104 FIRES; INTERFERENCE.

It shall be unlawful for any person or persons to hinder or obstruct the Municipal Fire Chief or the members of the Fire Department in the performance of their duty. *(Ref. 28-908 RS Neb.)*

§7-105 FIRES; OBSTRUCTION.

It shall be unlawful for any person to obstruct the use of a fire hydrant, or have or place any material within fifteen (15') feet of the said hydrant. The Fire Chief or any member of the Fire Department, at the risk, cost, and expense of the owner or claimant, may immediately remove any vehicle or material found as an obstruction. *(Ref. 39-672 RS Neb.)*

§7-106 FIRES; ASSISTANCE.

It shall be unlawful for any person to refuse, after the command of the Fire Chief or Assistant Fire Chief, to aid in extinguishing a fire or to assist in the removal and protection of property.

§7-107 FIRES; DRIVING OVER HOSE.

It shall be unlawful for any person, without the consent of the Fire Chief or Assistant Fire Chief, to drive any vehicle over unprotected hose of the Fire Department. *(Ref. 39-682 RS Neb.)*

§7-108 FIRES; TRAFFIC.

Every vehicle already stationary when the fire alarm shall have been sounded must remain so for a period of five (5) minutes after the sounding of the fire alarm. No vehicle, except by the specific direction of the Fire Chief or Assistant Fire Chief, shall follow, approach or park closer than five hundred (500') feet to any fire vehicle, or to any fire hydrant to which a hose is connected. Nothing herein shall be construed to apply to vehicles carrying doctors, members of the Fire Department, or emergency vehicles. *(Ref. 39-681 RS Neb.)*

§7-109 FIRES; FALSE ALARM.

It shall be unlawful for any person to intentionally and without good and reasonable cause raise any false alarm of fire.

§7-110 FIRES; PEDESTRIANS.

It shall be unlawful for any pedestrian to enter or remain in any street after a fire alarm shall have sounded until the fire trucks shall have completely passed. *(Ref. 28-908 RS Neb.)*

Article 2. Fire Prevention

§7-201 FIRE PREVENTION; PREVENTION CODE.

The rules and regulations promulgated by the office of the State Fire Marshal of the State of Nebraska relating to fire prevention are incorporated by reference into this code and made a part of this Article as though spread at large herein together with all subsequent amendments thereto. Three (3) copies of the Fire Prevention Code shall be on file with the Municipal Clerk and shall be available for public inspection at any reasonable time. *(Ref. 18-132, 19-902, 19-922, 81-502 RS Neb.)*

§7-202 FIRE PREVENTION; FIRE CODE ENFORCEMENT.

It shall be the duty of all Municipal officials to enforce the incorporated fire code provisions and all infractions shall be immediately brought to the attention of the Fire Chief.

§7-203 FIRE PREVENTION; LAWFUL ENTRY.

It shall be the duty of the owner, lessee, or occupant of any building or structure, except the interiors of private dwellings, to allow the Fire Chief to inspect, or cause to be inspected, as often as necessary the said structure for the purpose of ascertaining and enumerating all conditions therein that are likely to cause fire, or any other violations of the provisions of the Municipal ordinances affecting the hazard of fire. *(Ref. 81-512 RS Neb.)*

§7-204 FIRE PREVENTION; VIOLATION NOTICE.

It shall be the duty of the owner, lessee, or occupant of any building or structure that was lawfully inspected as hereinbefore prescribed, and who receives written or verbal notice of a violation of any of the provisions of the Municipal ordinances to correct the condition that violates the said ordinance or ordinances within five (5) days from the date of receipt of such notice.

§7-205 FIRE PREVENTION; FIRE PROHIBITED.

It shall be unlawful for any person to set out a fire on the pavement, or near any curb, now built or hereafter to be built, within the Municipality. *(Ref. 17-556 RS Neb.)*

§7-206 FIRE PREVENTION; FIRES BANNED.

It shall be unlawful to build or set out fires in a fireproof trash burner or incinerator, to burn straw, hay, leaves, or brush in the open air, except in the following:

- A. A commercially manufactured fire pit originally purchased from a retail store and which;
 1. Is located a minimum of fifteen (15') feet from any building;
 2. Is located at least ten (10') feet from any property line;
- B. A self-constructed "in ground" fire pit for which a **building permit** has first been obtained from the Municipality and which is designed to include the following:
 1. A metal fireproof screen of not more than one (1") inch mesh so as not to permit the escape of burning paper or other substance;
 2. Be located at least twenty (20') feet from any building;
 3. Be located at least ten (10') feet from any property line;
 4. Be constructed of fireproof, noncombustible materials such as steel, brick, or masonry;
 5. Shall not exceed three (3') feet in diameter;
 6. Be at least for (4") inches in depth in the ground.
- C. All fire pits shall:

1. Be constantly attended and supervised by at least one (1) responsible, capable person who should be near the fire at all times;
2. Have adjacent thereto a portable fire extinguisher or other approved extinguishing equipment, such as a readily available garden hose;
3. Not have a fire pile exceeding two (2') feet in height;
4. Not exceed three (3') feet in diameter;
5. Nor burn any material that is offensive or objectionable because of smoke or odor omissions;
6. Be subject to immediate extinguishment if a Village official determines that the burning of material in the fire pit creates or adds to a hazardous or objectionable situation.

D. For purposes of this Section, a fire pit is defined as either a commercially manufactured portable device, made mostly of metal or clay, designed to contain the components of a fire at all times and further designed to have burned within it either wood or containing a gas burning element or constructed "in ground" of fireproof materials and designed to contain the components of a fire at all times.

(Ref. 17-549, 17-556 RS Neb.) (Amended by Ord. No. 366, 7/9/91, Ord. No. 598, 4/11/10, Ord. No. 601, 8/10/10)

§7-207 FIRE; VILLAGE OPEN BURNING BAN; WAIVER; PERMIT.

It shall be unlawful for any person to set or allow to be set a bonfire, outdoor rubbish fire, or fires for the purpose of clearing land. The Fire Chief of the Mead Fire Department or his or her designee may waive such Open Burning Ban for an area under his or her jurisdiction by issuing an Open Burning Permit to a person requesting permission to conduct open burning. The Permit issued by the Fire Chief to the person desiring to conduct open burning shall be in writing, signed by the Fire Chief and on a form prescribed by the State Fire Marshal; Provided, that any such burning shall be done while the said fire is attended at all times by the person obtaining such permit from the Fire Chief. *(Ref. 17-549, 17-556 R5 Neb.) (Ord No. 366, 7/9/91)*

Article 3. Poisonous and Flammable Gas and Explosive Control

§7-301 POISONOUS AND FLAMMABLE GASES AND EXPLOSIVES; STORAGE REGISTRATION.

Any person, firm or corporation storing or keeping for any period of time dynamite, gunpowder, nitroglycerine, or other high explosives within the Municipality shall register such information with the Municipal Clerk within ten (10) days after such explosives are brought into the Municipality. The Clerk shall provide such information to the Municipal Fire Chief and to the Governing Body. Transfer of explosives to another individual within the Municipality shall require the individual receiving the explosives to register the transfer and the new location of the explosives with the Municipal Clerk. Also, moving explosives to a new location by the owner shall require registration of that fact to the Municipal Clerk. *(Amended by Ord. No. 600, 6/8/10)*

§7-302 EXPLOSIVES; BLASTING PERMITS.

Any person wishing to discharge high explosives within the Municipality must secure a permit from the Governing Body and shall discharge such explosives in conformance with their direction and under their supervision, and in no case shall any person perform blasting operations unless operating under the direct supervision of a person in possession of a valid user's permit issued by the Nebraska State Patrol *(Ref. 17-556, 28-1229 RS Neb.) (Ord. No. 348, 12/4/89)*

§7-303 POISONOUS AND FLAMMABLE GAS.

Any person, firm, or corporation desiring to store or keep in the Municipality for any period of time any form of poisonous or flammable gas or liquefied petroleum gas or add to, enlarge, or replace any facility used for the storage of such gases, must first obtain permission from the Governing Body and the State Fire Marshal. The Governing Body shall require the name of the gas, the place of storage, and the amount of gas stored. If permission is granted, the Governing Body shall prescribe such rules, regulations, and precautionary actions as it may deem necessary. Permit requirements for the initial construction or location of storage facilities shall not apply to those facilities in existence on the effective date of this Ordinance; provided any such present use that is discontinued for a period of sixty (60) days shall not be revived

without a permit. The provisions of this section shall be controlling throughout the Municipality and throughout its zoning jurisdiction. (*Ord. No. 600, 6/8/10*)

Article 4. Fireworks

§7-401 FIREWORKS; DEFINED.

Fireworks shall mean any composition or device designed for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation and which meets the definition of common or special fireworks set forth by the United States Department of Transportation in Title 49, Code of Federal Regulations.

The use, sale, offer for sale, and possession of permissible fireworks in the village as defined by Neb. Rev. Stat. 28-1241 shall be governed and regulated by Neb. Rev. Stat. 28-1241 to 28-1252, including any and all amendments thereto, together with any rules and regulations adopted by the State Fire Marshal for the enforcement of said sections. (*Ref. 28-1241 RS Neb.*) (*Ord No. 332, 9/6/88*)

- A. “Consumer fireworks” means any device that (i) meet the requirements set forth in 16 C.F. R. Parts 1500 and 1507, as such regulations existed on January 1, 2021, and (ii) are tested and approved by a nationally recognized testing facility or by the State Fire Marshal.
1. Novelty items, snakes, and sparklers;
 2. Gold and silver sparklers (colored sparklers prohibited);
 3. Spray fountains;
 4. Torches;
 5. Color fire cones;
 6. Star and comet type aerial shells without explosive charge;
 7. Lady fingers not to exceed 7/8” in length and 1/8” in diameter;
 8. Total pyrotechnic composition not to exceed 50 mg. each;
 9. Color wheels; and,
 10. Any other item approved by the State Fire Marshal.

Class C explosives as classified by the United States Department of Transportation shall be considered consumer fireworks.

- B. “Consumer fireworks” does not include:
1. Rockets;
 2. Unapproved wire sparklers;
 3. Nighttime parachutes;
 4. Firecrackers with more than 50mg. of explosive composition;
 5. Any other fireworks deemed unsafe by the State Fire Marshal. (*Ref. 28-1241 RS Neb.; Ord. 834, 6/11/24*).

§7-402 FIREWORKS; PERMITTED FIREWORKS.

It shall be unlawful for any person to ignite or cause to be exploded fireworks or firecrackers of any description whatsoever, except consumer fireworks as defined above.

The provisions of this Section shall not apply to any fireworks to be used for purpose of public exhibitions or display under authorization of the Governing Body or to fireworks furnished for agricultural purposes pursuant to written authorization from the State Fire Marshal. (*Ref. 17-556, 28-1241, 28-1244, 28-1245 RS Neb.*) (*Ord. No. 331, 9/6/88; Amended by Ord. No. 834, 6/11/24*)

§7-403 FIREWORKS; SALES.

- A. It shall be and is hereby determined unlawful for any person to sell, hold for sale, or offer for sale as a distributor, jobber, or retailer any fireworks without first obtaining a license from the State Fire Marshal. Licensees shall only sell fireworks which have been approved by the State Fire Marshal.
- B. Permissible fireworks may be sold at retail or offered for sale at retail within the Village only from 8:00 a.m. on June 25 to 11:59 p.m. on July 4 of each year. (*Ord. No. 834, 6/11/24*)

§7-404 FIREWORKS; TIME FRAME TO DISCHARGE FIREWORKS.

The time frame to discharge fireworks shall be 8:00 AM until 11:00 PM June 25th through July 3rd except July 4th 8:00 AM until 11:59 PM. (*Ord. No. 748; 5/12/20; Amended by Ord. No. 834, 6/11/24*)

§7-405 FIREWORKS; THROWING FIRECRACKERS

It shall be unlawful for any person to throw any firecracker, or any object which explodes upon contact with another object; from or into a motor vehicle; onto any street, highway, or sidewalk; at or near any person; into any building; or into or at any group of persons. (*Ref. 17-556, 28-1242; Ord. No. 834; 6/11/24*)

Article 5. Penal Provision

§7-501 VIOLATION; PENALTY.

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred (\$500.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. (*Ref. 18-2315 RS Neb*) (*Amended by Ord. 661, 5/12/15*)

Chapter 8
PUBLIC WAYS AND PROPERTY

Article 1. Municipal Property

§8-101 DEFINITIONS.

The following definitions shall be applied throughout this Chapter. When no definition is specified, the normal dictionary usage of the word shall apply.

SIDEWALK SPACE. The term “sidewalk space,” as used herein, shall mean that portion of a street between curb lines and adjacent property lines.

§8-102 MUNICIPAL PROPERTY; MAINTENANCE AND CONTROL.

The Governing Body shall have the care, supervision, and control of all public highways, bridges, streets, alleys, public squares, and commons within the Municipality, and shall cause the same to be kept open and in repair, and free from nuisances. (*Ref 17-567 RS Neb,*)

§8-103 MUNICIPAL PROPERTY; SALE AND CONVEYANCE.

1. Except as provided in Subsection (4) of this Section, the power of the Municipality to convey any real and personal property owned by it, including land used for park purposes and public squares, except real property used in the operation of public utilities, shall be exercised by resolution, directing the sale of such real property.

2. After the passage of the resolution directing the sale, notice of all proposed sales of property described in Subsection (1) of this Section and the terms thereof, shall be published once (1) each week for three (3) consecutive weeks in a legal newspaper published in or of general circulation in the Municipality.

3. If within thirty (30) days after the third publication of the notice a remonstrance against such sale is signed by registered voters of the city or village equal in number to thirty (30%) percent of the registered voters of the city or village voting at the last regular municipal election held therein and is filed with the governing body of such city or village, such property shall not then, nor within one (1) 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 thirty (30) day period, but the filing shall be considered timely if filed or postmarked on or before the next business day. Upon the receipt of the remonstrance, the governing body of the city or village, with the aid and assistance of the election commissioner or county clerk, shall determine the validity and sufficiency of signatures on the remonstrance. The governing body of the city or village shall deliver the remonstrance to the election commissioner or county clerk by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Upon receipt of the remonstrance, the election commissioner or county clerk shall issue to the governing body a written receipt that the remonstrance is in the custody of the election commissioner or county clerk. The election commissioner or county clerk shall compare the signature of each person signing the remonstrance with the voter registration records to determine if each signer was a registered voter on or before the date on which the remonstrance was filed with the governing body. The election commissioner or county clerk shall also compare the signer’s printed name, street and number or voting precinct, and city, village, or post office address with the voter registration records to determine whether the signer was a registered voter. The signature and address shall be presumed to be valid only if the election commissioner or county clerk determines that the printed name, street and number or voting precinct, and city, village, or post office address matches the registration records and that the registration was received on or before the date on which the remonstrance was filed with the governing body. The determinations of the election commissioner or county clerk may be rebutted by any credible evidence which the governing body finds sufficient. The express purpose of the comparison of names and addresses with the voter registration records, in addition to helping to determine the validity of the remonstrance, the sufficiency of the remonstrance, and the qualifications of the signer, shall be to prevent fraud, deception, and misrepresentation in the remonstrance process. Upon completion of the comparison of names and addresses with the voter registration records, the election commissioner or county clerk shall prepare in

writing a certification under seal setting forth the name and address of each signer found not to be a registered voter and the signature page number and line number where the name is found, and if the reason for the invalidity of the signature or address is other than the nonregistration of the signer, the election commissioner or county clerk shall set forth the reason for the invalidity of the signature. If the election commissioner or county clerk determines that a signer has affixed his or her signature more than once to the remonstrance and that only one (1) person is registered by that name, the election commissioner or county clerk shall prepare in writing a certification under seal setting forth the name of the duplicate signature and shall count only the earliest dated signature. The election commissioner or county clerk shall certify to the governing body the number of valid signatures necessary to constitute a valid remonstrance. The election commissioner or county clerk shall deliver the remonstrance and the certifications to the governing body within forty (40) days after the receipt of the remonstrance from the governing body. The delivery shall be by hand carrier, by use of law enforcement officials, or by certified mail, return receipt requested. Not more than twenty (20) signatures on one (1) signature page shall be counted.

The governing body shall, within thirty (30) days after the receipt of the remonstrance and certifications from the election commissioner or county clerk, hold a public hearing to review the remonstrance and certifications and receive testimony regarding them. The governing body shall, following the hearing, vote on whether or not the remonstrance is valid and shall uphold the remonstrance if sufficient valid signatures have been received.

4. Real property now owned or hereafter owned by a city of the second class or a village may be conveyed without consideration to the State of Nebraska for state armory sites or, if acquired for state armory sites, shall be conveyed strictly in accordance with the conditions of Sections 18-1001 to 18-1006.

5. Following (a) passage of the resolution directing a sale, (b) publishing of the notice of the proposed sale, and (c) passing of the thirty (30) day right of remonstrance period, the property shall then be sold. Such sale shall be confirmed by passage of an ordinance stating the name of the purchaser and terms of the sale.

6. Notwithstanding withstanding the procedures in Subsections (1) through (5) of this Section, real property owned by a city of the second class or a village may be conveyed when such property:

- (a) Is sold in compliance with the requirements of federal or state grants or programs;
- (b) Is conveyed to another public agency; or
- (c) Consists of streets and alleys.

7. This Section shall not apply to the sale of real and personal property if the authorizing resolution directs the sale of an item or items of real and personal property the total fair market value of which is less than five thousand (\$5,000.00) dollars. Following passage of the Resolution directing the sale of the property, notice of the sale shall be posted in three prominent places within the Municipality for a period of not less than seven (7) days prior to the sale of the property. Confirmation of the sale by passage of an ordinance may be required. (*Ref 17-503, 17-503.01 RS Neb.*) (*Amended by Ord. No. 406, 12/13/94; Ord. No. 444, 4/9/9; Ord. No. 701, 12/12/17*)

§8-104 MUNICIPAL PROPERTY; OBSTRUCTIONS.

Trees and shrubs, growing upon, or near, the lot line, or upon public ground and interfering with the use, or construction of any public improvements shall be deemed an obstruction under this Article. Said trees, shrubs and their roots may be removed by the Municipality at the expense of the owner of the property upon which the tree or shrub is located should the owner fail, or neglect, after notice, to do so. It shall be unlawful for any person, persons, firm, or corporation to obstruct, or encumber, by fences, gates, buildings, structures, or otherwise, any of the streets, alleys, or sidewalks. (*Ref 17-557.01 RS Neb.*)

§8-105 MUNICIPAL PROPERTY; PERMITTED OBSTRUCTIONS.

Persons engaged in the erection, construction, reconstruction, wrecking, or repairing of any building, or the construction, or repair, of a sidewalk along any street, may occupy the public street space with such building material and equipment as long as is necessary if such persons shall make application to and

receive a permit in writing from the Utilities Superintendent to do so; Provided, no permit for the occupancy of the sidewalk space, and more than one third (1/3) of the roadway of the public space adjacent to the real estate on which said building is to be constructed, erected, reconstructed, wrecked, or repaired shall be granted; and provided further, a suitable passageway for pedestrians shall be maintained within the public space included in the permit which shall be protected and lighted in the manner required by the Utilities Superintendent.

§8-106 MUNICIPAL PROPERTY; OVERHANGING BRANCHES.

The owner or occupant of any lot, piece, or parcel of ground abutting or adjacent to any street or sidewalk over which there extends the branches of trees shall at all times keep the branches or limbs thereof trimmed to the height of at least fourteen (14') feet above the surface of said street or walk. Whenever the limbs or branches of any tree or trees extend over streets or sidewalks contrary to the provisions herein so as to interfere with the lighting of the street from street lights, or with the convenience of the public using said street or sidewalk, the same shall be declared a nuisance and notice provided as set forth in Chapter 4. In the event the property owner is a non-resident of the county in which the property lies, the Municipality 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. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. (*Ref. 17-557.01 RS Neb.*) (*Amended by Ord. No. 607, 12/14/10; Ord. No. 735, 11/12/19*)

§8-107 MUNICIPAL PROPERTY; SPECIAL IMPROVEMENT DISTRICT; ASSESSMENT AND CREATION PROCEDURE.

The Municipality's Governing Body may, by ordinance, create a special improvement district for the purpose of replacing, reconstructing, or repairing an existing water line, sewer line, or any other such improvement.

Except as provided in Sections 19-2428 to 19-243 1 RS Neb., the Governing Body shall have the power to assess, to the extent of such benefits, the costs of such improvements under the properties found especially benefited thereby, whether or not such properties were previously assessed for the same general purpose. In creating such improvement district, the Governing Body shall follow procedures applicable to the creation and assessment of the same type of improvement district as otherwise provided by law. (*Ref. 18-1751 RS Neb.*) (*Ord. No. 316, 9/1/87; Ord. No. 735, 11/12/19*)

§8-108 MUNICIPAL PROPERTY; IMPROVEMENT DISTRICT; LAND ADJACENT.

Supplemental to any existing law on the subject, a Municipality may include land adjacent to such Municipality when creating an improvement as a sewer, water, water extension, or sanitary sewer extension district. The Governing Body shall have power to assess, to the extent of special benefits, the costs of such improvements under the properties found especially benefited thereby, except as provided in Section 8-317. (*Ref. 19-2427 RS Neb.*) (*Ord. No. 317, 9/1/87; Ord. No. 735, 11/12/19*)

§8-109 MUNICIPAL PROPERTY; ACQUISITION OF PROPERTY; CONSTRUCTION; ELECTIONS, WHEN REQUIRED.

1. The Municipality is authorized and empowered to (a) purchase, (b) accept by gift or devise, (c) purchase real estate upon which to erect, and (d) erect a building or buildings for an auditorium, fire station, Municipal building, or community house for housing Municipal enterprises and social and recreation purposes, and other public buildings, and maintain, manage, and operate the same for the benefit of the inhabitants of the Municipality.
2. Except as provided in Subsection (3) of this Section, before any such purchase can be made or building erected, the question shall be submitted to the electors of the Municipality at a general Municipal election or at an election duly called for that purpose, or as set forth in Section 17-954 RS Neb., and be adopted by a majority of the electors voting on such question.
3. If the funds to be used to finance the purchase or construction of a building pursuant to this Section are available other than through a bond issue, then either:

A. Notice of the proposed purchase or construction shall be published in a newspaper of general circulation in the Municipality and no election shall be required to approve the purchase or construction unless within thirty (30) days after the publication of the notice, a remonstrance against the purchase or construction is signed by registered voters of the Municipality equal in number to fifteen (15%) percent of the registered voters of the Municipality voting at the last regular Municipal election held therein and is filed with the Governing Body. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be considered timely if filed or postmarked on or before the next business day. If a remonstrance with the necessary number of qualified signatures is timely filed, the question shall be submitted to the voters of the Municipality at a general Municipal election or a special election duly called for that purpose. If the purchase or construction is not approved, the property involved shall not then, nor within one (1) year following the election, be purchased or constructed; or

B. The Governing Body may proceed without providing the notice and right of remonstrance required in subdivision (a) of this Subsection if the property can be purchased below the fair market value as determined by an appraisal, there is a willing seller, and the purchase price is less than twenty-five thousand (\$25,000.00) dollars. The purchase shall be approved by the Governing Body after notice and public hearing as provided for in Section 18-1755 RS Neb. (*Ref 17-953, 17-953.01 RS Neb.*) (*Ord. No. 445, 4/9/96; Ord. No. 735, 11/12/19*)

Article 2. Sidewalks

§8-201 SIDEWALKS; KEPT CLEAN.

It shall be unlawful for the occupant of any lot or lots or the owner of any vacant lot or lots within the corporate limits to allow snow, sleet, mud, ice, or other substance to accumulate on the sidewalks or to permit any snow, sleet, ice, mud, or other substance to remain upon said sidewalk. All sidewalks within the Municipality shall be cleaned within twenty four (24) hours after the cessation of the storm. (*Ref. 17-557 RS Neb.*)

§8-202 SIDEWALKS; BENEATH.

No person shall be allowed to keep or use the space beneath the sidewalk lying between lot line and curb line unless a permit therefore shall have been obtained from the Governing Body. Before any permit shall be granted, the applicant for said permit should submit plans and specifications of any present or proposed construction to the Governing Body. Should he disapprove such plans or specifications, no permit shall be granted therefore. All permits hereafter granted shall continue only upon the condition that the party receiving the same shall build, maintain, and keep in repair a sidewalk over such space used or constructed to be used and pay all damages that may be sustained by any person by reason of such use or by reason of said sidewalk being defective or in a dangerous condition. As a condition precedent to the issuance or continuance of any permit for the use of any space underneath the Municipal sidewalks as herein contemplated, the Governing Body may require applicant to furnish a bond to the Municipality as obligee for the benefit of any person or persons who may suffer any damage or damages by reason of such use. The bond shall be in such sum as the Governing Body, in its discretion, may designate.

§8-203 SIDEWALKS; MAINTENANCE.

Every owner of any lot, lots, or piece of land within the corporate limits shall at all times keep and maintain the sidewalk along and contiguous to said lot, lots, or pieces of land, as the case may be, in good and proper repair, and in a condition reasonably safe for travel for all travelers thereon.

In the event that the owner or owners of any lot, lots, or lands, abutting on any street, avenue, or part thereof shall fail to construct or repair any sidewalk in front of his, her, or their lot, lots, or lands, within the time and in the manner as directed and required herein after having received due notice to do so, they shall be liable for all damages or injury occasioned by reason of the defective or dangerous condition of any sidewalk, and the Governing Body shall have power to cause any such sidewalks to be constructed or repaired and assess the costs thereof against such property. In the event the property owner is a non-resident of the county in which the property lies, the Municipality 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. The last known address shall be that address listed on the current tax rolls at the time such required notice was first

published. (*Ref. 17-557.01 RS Neb.*)

§8-204 SIDEWALKS; REPAIR.

The Utilities Superintendent may require sidewalks of the Municipality to be repaired. Notice to the owners of property upon which such sidewalks in disrepair are located shall require within forty-eight (48) hours from issuance of notice said owners to make arrangements to have the sidewalk repaired. Said repairs shall be completed within twenty-one (21) days after issuance of said notice. No special assessment shall be levied against the property unless said owner shall neglect or refuse to repair within the time prescribed and in the event that such owner fails to repair, the Municipality shall cause the repairs to be made and assess the property owner the expense of such repairs. In the event the property owner is a non-resident of the county in which the property lies, the Municipality 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. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.

§8-205 SIDEWALKS; CONSTRUCTION BY OWNER.

Any person desiring to construct, or cause to be constructed, any sidewalk shall do so only as herein provided. It shall be unlawful for any person to construct any sidewalk without first having obtained a permit.

Said owner shall make application in writing for a permit and file such application in the office of the Municipal Clerk. The permit shall give a description of the lot, or piece of land along which the sidewalk is to be constructed. The Planning Commission shall issue the desired permit unless good cause shall appear why said permit should be denied; Provided, if it is desired to construct the sidewalk at any other than the regularly prescribed location, grade, or elevation, the Planning Commission shall submit the application to the Governing Body who shall determine whether the permit should be granted or denied. It shall be unlawful for any person to construct, or cause to be constructed said sidewalk at any other location, grade, or elevation than so designated by the Municipality. All sidewalks shall be built and constructed on the established grade or elevation, and if there is no established grade, then on the grade or elevation indicated by the Planning Commission. All residential sidewalks hereafter to be constructed shall be four (4') feet wide, and shall have a firm foundation bed with four (4") inch depth of 3000 psi concrete mix. The ends of each Section of walk laid shall be on a bevel and/or level with any adjoining Section and with all crosswalks. Performance standards for the construction of sidewalks shall be available for inspection at all reasonable hours. All commercial sidewalks shall be built and constructed on the grade, elevation and according to standards as determined by the Planning Commission and Village Board. The Village Board, prior to issuing a permit, may refer to the application to the Village Engineer for recommendation as to established grade, elevation and construction standards.

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Section, 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 one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. (*Amended by Ord. No. 276, 8/7/84*)

§8-206 SIDEWALKS; MUNICIPAL CONSTRUCTION.

The Governing Body may, by Resolution, order the construction of a sidewalk on any lot or piece of ground within the Municipality. Notice of the Governing Body's intention to construct said sidewalk shall be given by the Municipal Clerk by publication of notice one (1) time in a legal newspaper of general circulation in the Municipality. A copy of said notice shall be personally served upon the occupant in possession of such property, or, when personal service is not possible, said notice shall be posted upon such premise ten (10) days prior to the commencement of construction. The Municipal Attorney in accordance with the provisions of this Section shall prepare the notice required in this Section. Such service shall include a form of return evidencing personal service or posting as herein required.

Said notice shall notify the owner of the premise of the passage of the resolution ordering him to construct or cause to be constructed a sidewalk within thirty (30) days after the date of publication and further that if

he fails to construct the sidewalk or cause the same to be done within the time allowed, the Municipality will cause the sidewalk to be constructed and the cost thereof shall be levied and assessed as a special tax against the premise; Provided, the notice shall contain the official estimate of the cost of said construction and no special assessment in excess of this estimate shall be assessed against the property. In the event the property owner is a non-resident of the county in which the property lies, the Municipality 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. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. (*Ref. 17-522, 17-523 RS Neb.*)

§8-207 SIDEWALKS; CONSTRUCTION BIDS.

Whenever the Municipality shall construct, widen, replace, or reconstruct any sidewalk, notice prepared by the Municipal Attorney, specifying the work to be done and calling for bids for doing such work and supplying the necessary materials and labor shall be published in at least one (1) issue of a legal newspaper of general circulation in the Municipality; Provided, bids so invited shall be filed in the office of the Municipal Clerk within ten (10) days after the date of publication.

Bids shall be opened at the next regular or special meeting of the Governing Body, and the Governing Body shall then award the work to the lowest responsible bidder. Upon approval of the work, the Governing Body may require the contractor to accept payment in certificates issued to him by the Municipal Clerk entitling him to all assessments or special taxes, against such real estate whenever such assessments or special taxes, shall be collected together with the interest or penalty collected thereon. Each certificate shall give the legal description of the lot, lots, or parcel of ground against which the assessments or special taxes are assessed. Such certificate or certificates may be assigned and transferred, entitling the holder to the same rights as if held by the original contractor. The County Treasurer shall pay over to such contractor or other holder of the certificate or certificates all assessments or special taxes against such real estate, together with the interest and penalty thereon, at any time upon presentation of such certificate or certificates after said assessments or special taxes against such real estate together with interest or penalty thereon shall have been collected.

§8-208 SIDEWALKS; CONSTRUCTION BY PETITION.

If the owners of the record title representing more than sixty (60%) percent of the front footage of the directly abutting property, subject to assessment for sidewalk improvements, petition the Governing Body to make the same, the Governing Body shall proceed in all things as though such construction had been ordered by it. Upon the petition of any freeholder who is an abutting owner in fee simple of property subject to assessment for sidewalk improvements, the Governing Body may order permanent sidewalks built in accordance with this Article upon the freeholder making, executing, and delivering to the Municipality an agreement to the effect that the petitioning freeholder will pay the engineering service fee and all other incidental construction costs until paid shall be a perpetual lien upon the real estate along which the freeholder desires such sidewalk to be constructed and that the petitioner gives and grants to the Municipality the right to assess and levy the costs of such construction against the freeholder's real estate abutting the sidewalk improvement and promises to pay such costs with interest. The total cost of such improvement shall be levied, allocated, financed, and specially assessed as provided by law. In the event the property owner is a non-resident of the county in which the property lies, the Municipality 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. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.

Article 3. Streets

§8-301 STREETS; NAMES AND NUMBERS.

The Governing Body may at any time, by ordinance, rename any street or provide a name for any new street. Buildings used for residence or business purposes and located along such streets shall retain such numbers as the Governing Body may require. It shall be the duty of the Utilities Superintendent upon the erection of any new building or buildings to assign the proper numbers to said building or buildings and

give notice to the owner or owners and occupant or occupants of the same.

§8-302 STREETS; CROSSINGS.

The Governing Body may order and cause to be constructed, under the supervision of the Utilities Superintendent such street, avenue, and alley crossings as the Governing Body shall deem necessary. When a petition for the construction of any such crossings is filed by an interested resident in the office of the Municipal Clerk, said Municipal Clerk shall refer such application to the Utilities Superintendent who shall investigate and make his recommendation to the Governing Body. Action by the Governing Body on such application, whether the application is approved or rejected, shall be considered final.

§8-303 STREETS; WIDENING OR OPENING. The Governing Body shall have the power to open or widen any street, alley, or lane within the limits of the Municipality; to create, open, and improve any new street, alley, or lane; Provided, all damages sustained shall be ascertained in such manner as shall be provided by ordinance. (Ref. 17-558, 17-559, 76-704 thru 76-724 RS Neb.)

§8-304 STREETS; EXCAVATION. It shall be unlawful for any person to make an excavation in any street or streets for any purpose whatsoever unless a written permit is issued by the Utilities Superintendent authorizing such excavations.

§8-305 STREETS; DRIVING STAKES.

It shall be unlawful for any person to drive any peg or stake of any kind into the pavement in any street or alley without first procuring the written consent of the Utilities Superintendent.

§8-306 STREETS; MIXING CONCRETE.

It shall be unlawful for any person to mix any concrete or plastering material directly on the street pavement for any reason whatsoever.

§8-307 STREETS; HARMFUL LIQUIDS.

It shall be unlawful for any person to place or permit to leak in the gutter of any street, waste gasoline, kerosene, or high lubricating oils, which damage or act as a solvent upon said streets.

§8-308 STREETS, EAVE AND GUTTER SPOUTS.

It is hereby declared unlawful for any person to erect or maintain any dwelling house or business building within the limits of the Municipality where the said dwelling or building abuts on any sidewalk or street without providing proper guttering and eave spouts to receive the waste waters that collect on the said sidewalks and streets. All eave spouts erected on any dwelling house or business building shall be constructed to drain into the alleys, or shall be buried beneath the sidewalks and drain into the streets where it is found to be impossible to drain said eave spouts into the alley.

§8-309 STREETS; HEAVY EQUIPMENT.

It shall hereafter be unlawful for any person or person to move or operate heavy equipment across any curb, gutter, bridge, culvert, sidewalk, crosswalk, or crossing on any unpaved street without first having protected such curb, gutter, bridge, culvert, sidewalks, crosswalk, or crossing with heavy plank sufficient in strength to warrant again the breaking or damaging of such curb, gutter, bridge, culvert, sidewalk, crosswalk, or crossing. Hereafter, it shall be unlawful to run, drive, move, operate, or convey over or across any paved street a vehicle, machine, or implement with sharp discs or sharp wheels that bear upon said pavement; with wheels having cutting edges; with wheels having lugs, any protruding parts, or bolts thereon that extend beyond a plain tire so as to cut, mark, mar, indent, or otherwise injure or damage any pavement, gutter or curb; Provided, where heavy vehicles, structures, and machines move along paved or unpaved streets the Governing Body is hereby authorized and empowered to choose the route over which the moving of such vehicles, structures, or machines will be permitted and allowed. Nothing in this Section shall be construed to apply to pneumatic tires with metal or metal-type studs not exceeding five sixteenths (5/16") of an inch in diameter inclusive of the stud-casting with an average protrusion beyond the tread surface of not more than seven sixty fourth (7/64") of an inch between buses and emergency vehicles shall be permitted to use metal or metal-type studs all year; it shall be permissible to use farm machinery with tires having protuberances which will not injure the streets and it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to slide or skid. (Ref. 39-771 RS. Neb.)

§8-310 STREETS; CONSTRUCTION NOTICE.

The Utilities Superintendent shall notify the owners in fee simple of real estate abutting a street, alley, or a part thereof which is to be put under contract for paving or repaving. Notice shall also be given to all gas, electric service, and telephone companies. Notice shall also be given to all consumers of gas, water, and sewer services which will be discontinued during such construction. Said notice shall be published one (1) time in a legal newspaper at least twenty (20) days prior to the beginning of such construction by the party undertaking such construction and said notice shall state at what date connections must be made and excavation completed. All gas, water, sewer, and underground connections must be made prior to the paving or repaving of the street under construction. After expiration of such time, permits for excavation will not be issued, nor will excavation be allowed, until after the completion of the pavement in said street or alley, and the formal final acceptance thereof by the proper officials of the Municipality.

§8-311 STREETS; PIPE LINES AND WIRES.

Poles, wires, gas mains, pipe lines, and other appurtenances of public service companies shall be located, or erected over, upon, or under the streets, alleys, and common grounds of the Municipality. Application for location of the above shall be made to the Governing Body in writing. Approval by that body shall be issued in writing. Any public service company granted a right-of-way for the erection and maintenance of poles, conduits, gas mains, pipe lines, and wires shall at all times erect and locate their poles, wires, gas mains, pipe lines, and other appurtenances at such places and in such manner as shall be designated by the Governing Body. Such poles, wires, gas mains, pipe lines, and other appurtenances, shall be removed or relocated by said companies at their own expense when requested to do so by the Governing body. Any such relocation shall be ordered by Resolution of the Governing Body and the Municipal Clerk shall notify any and all companies affected. Said companies shall, within twenty-four (24) hours after receiving notice, at their own expense, cause the poles, wires, gas mains, pipe lines, or other appurtenances to be removed. The Governing Body shall designate another location as closely as possible where said poles, wires, gas mains, pipe lines, or other appurtenances, may be reset or placed. All poles, wires, gas mains, pipe lines, or other appurtenances, shall be reset, placed, or erected in such a manner that they will not interfere with the water system; sewerage system; poles, wires, and mains of any public utility; adjacent buildings; or with travel on the public ways and property. Whenever possible, all pole lines, wires, gas mains, pipe lines, appurtenances shall be confined to the alleys of the Municipality.

§8-312 STREETS; CONSTRUCTION ASSESSMENT.

To defray the costs and expenses of street improvements, as may be authorized by law, the Governing Body shall have power and authority to levy and collect special taxes and assessments upon the lots and pieces of ground adjacent to, abutting upon, or especially benefiting from, the street, avenue, alley, or sidewalk in whole or in part opened, widened, curbed, curbed and guttered, graded, paved, repaired, graveled, macadamized, parked, extended, constructed, or otherwise improved or repaired. The Governing Body sitting as the Board of Equalization shall review all such improvements in accordance with the procedure provided by law. The Governing Body at a regular or special meeting shall make all special assessments by resolution, taking into account the benefits derived or injuries sustained in consequence of such improvements and the amount charged against it. The vote shall be recorded in the minutes. Notice of the time of holding such meeting and the purpose for which it is to be held shall be published in some legal newspaper published, or of general circulation, in the Municipality at least four (4) weeks before the same shall be held. In lieu of such aforementioned notice, personal service may be had upon the persons owning or occupying the property to be assessed. Such assessments shall be known as "special assessments for improvements" and with the cost of notice shall be levied and collected as a special tax in addition to the taxes for general revenue purposes, subject to the same penalties and collected in like manner as other Municipal taxes and shall be certified to the County Clerk by the Municipal Clerk forthwith after the date of levy, for collection by the Treasurer of said County unless otherwise specified. After it shall become delinquent said assessment shall draw interest at the legal interest rate per annum. In the event the property owner is a nonresident of the County in which the property lies, the Municipality 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. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. (*Ref. 17-511, 17-524 RS Neb.*)

§8-313 STREETS; PETITION FOR IMPROVEMENTS.

Whenever a petition signed by the owners of record title representing more than sixty (60%) percent of the front footage of the property directly abutting upon the street, streets, alley, alleys, public way, or the public grounds proposed to be improved, shall be presented and filed with the Municipal Clerk, petitioning therefore, the Governing Body shall by ordinance create a paving, graveling, or other improvement district or districts, and shall cause such work to be done or such improvement to be made, and shall contract therefore, and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street, streets, alley, or alleys, especially benefited thereby in such district in proportion to such benefits, to pay the cost of such improvement. The Governing Body shall have the discretion to deny the formation of the proposed district when the area has not previously been improved with a water system, sewer system, and grading of streets. If the Governing Body should deny a requested improvement district formation, it shall state the grounds for such denial in a written letter to interested parties. *(Ref. 17-510 RS Neb.) (Amended by Ord. No. 261, 9/6/83)*

§8-314 STREETS; IMPROVEMENT DISTRICTS: OBJECTIONS.

Whenever the Governing Body deems it necessary to make any improvements allowed by statute, which are to be funded by a levy of special assessment on the property especially benefited, the Governing Body shall by Ordinance create a paving, graveling, or other improvement district and, after the passage, approval, and publication or posting of such Ordinance, shall publish notice of the creation of any such district for six (6) days in a legal newspaper of the Municipality, if a daily newspaper, or for two (2) consecutive weeks if it is a weekly newspaper. If no legal newspaper is published in the Municipality, the publication shall be in a legal newspaper of general circulation in the Municipality. If the owners of the record title representing more than fifty (50%) percent of the front footage of the property directly abutting on the street or alley to be improved file with the Municipal Clerk within twenty (20) days after the first publication of such notice written objections to the creation of such district, such improvement shall not be made as provided in such Ordinance, but such Ordinance shall be repealed. If objections are not filed against the district in the time and manner prescribed in this Section, the Governing Body shall immediately cause such work to be done or such improvement to be made, shall contract for the work or improvement, and shall levy assessments on the lots and parcels of land abutting on or adjacent to such street or alley especially benefited in such district in proportion to such benefits to pay the cost of such improvement. *(Ref. 17-511 RS Neb.) (Amended by Ord. No. 446, 4/9/96)*

§8-315 STREETS; IMPROVEMENT OF STREETS ON CORPORATE LIMITS.

The Chairman and Board of Trustees shall have the power to improve any street or part thereof, which divides the Municipal corporate area and the area adjoining the Municipality. When creating an improvement district including land adjacent to the Municipality, the Board of Trustees shall have power to assess, to the extent of special benefits, the costs of such improvements upon the properties found especially benefited thereby. *(Ref. 17-509 RS Neb.)*

§8-316 STREETS; IMPROVEMENT OF MAIN THOROUGHFARES.

The Chairman and Board of Trustees shall have the power by a three fourths (3/4) vote of the Governing Body, to create by Ordinance a paving, graveling or other improvement district and to order such work done upon any federal or state highway in the Municipality or upon a street or route, designated by the Chairman and Board of Trustees as a main thoroughfare that connects, on both ends, to either a federal or state highway or a county road. The Governing Body shall contract therefore and shall have the power to assess, to the extent of special benefits, the costs of such improvements upon the properties found especially benefited thereby. *(Ref. 17-512 RS Neb.)*

§8-317 STREETS; DEFERRAL FROM SPECIAL ASSESSMENTS.

Whenever the Governing Body of a Municipality creates a paving district, which includes land adjacent to the Municipality, which is within an agricultural use zone and is used exclusively for agricultural use, the owners of record title of such adjacent land may apply for a deferral from special assessments. For purposes of this Section, the terms agricultural use and agricultural use zone shall have the meaning specified in Section 77-1343 Reissue Revised Statutes of Nebraska 1943. Any owner of record title eligible for the deferral granted by this Section shall, to secure such assessment, make application to the Governing Body of the Municipality within ninety (90) days after creation of the paving district. Any owner of record title who makes application for the deferral provided by this Section shall notify the County Register of Deeds of such application in writing prior to approval by the Governing Body. The Governing Body shall approve the application of any owner of record title upon determination that the property (a) is within an

agricultural use zone and is used exclusively for agricultural use, and (b) the owner has met the requirements of this Section. The deferral provided for in this Section shall be terminated upon any of the following events:

1. Notification by the owner of record title to the Governing Body to remove such deferral;
2. Sale or transfer to a new owner who does not make a new application within sixty (60) days of the sale or transfer, except as provided in Subsection (3) of this Section;
3. Transfer by reason of death of a former owner to a new owner who does not make application within one hundred twenty-five (125) days of the transfer;
4. The land is no longer being used as agricultural land; or
5. Change of zoning to other than an agricultural zone.

Whenever property which has received a deferral pursuant to this Section becomes disqualified for such deferral, the owner of record title of such property shall pay to the Municipality an amount equal to:

A. The total amount of special assessments, which would have been assessed against such property, to the extent of special benefits, had such deferral not been granted; and

B. Interest upon the special assessments not paid each year at the rate of six (6%) percent from the dates at which such assessments would have been payable if no deferral had been granted. In cases where the deferral provided by this Section is terminated as a result of a sale or transfer described in Subsection (2) or (3) of this Section the lien for assessments and interest shall attach as of the day preceding such sale or transfer. (*Ref. 19-2428 thru 19-2431 RS Neb.*) (*Ord. No. 260, 9/6/83*)

§8-318 STREETS; DRIVEWAY APPROACHES.

The Utilities Superintendent may require the owner of property served by a driveway approach constructed or maintained upon the street right-of-way to repair or replace any such driveway approach, which is cracked, broken, or otherwise deteriorated to the extent that it is causing or is likely to cause damage to or interfere with any street structure including pavement or sidewalks. The Municipal Clerk shall give the property owner notice by registered letter or certified mail, directed to the last-known address of such owner or the agent of such owner, directing the repair or replacement of such driveway approach. If within thirty (30) days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Utilities Superintendent may cause such work to be done and assess the cost upon the property served by such approach. (*Ref. 18-1748 RS Neb.*) (*Ord. No. 289, 12/4/84*).

§8-319 STREETS; VACATING PUBLIC WAYS; DEFINITIONS AND ASCERTAINING DAMAGES.

A. Special damages shall mean only those losses or damages or injuries which a property owner suffers that are peculiar or special or unique to his/her property, and which result from the Governing Body vacating such street, avenue, alley, lane or similar public ways. Special damages shall not mean those losses or damages or injuries that a property owner suffers that are in common with the rest of the Village or public at large, even though those losses or damages or injuries suffered by the property owner are greater in degree than the rest of the Village or public at large.

B. The Chairperson shall appoint three (3) or five (5) or seven (7) disinterested residents of the Municipality to a Special Commission to ascertain the amount of special damages that the abutting property owners are entitled to receive and which resulted from the Governing Body vacating such street, avenue, alley, lane or similar public way. The appointees of the Special Commission shall be approved by the Board of Trustees. Only special damages, as herein defined, shall be awarded to the abutting property owners.

C. In determining the amount of compensation to award the abutting property owners as special damages, the aforementioned Commission shall use the following rule: The abutting property owner is entitled to recover as compensation the difference between the value of such property immediately before and immediately after the vacating of such street, avenue, alley, lane or similar public way. However, if no difference in value exists the abutting property owner is entitled to no compensation. (*Ref. 17-558, 17-559 RS Neb.*) (*Ord. No. 303, 9/10/86*)

§8-320 STREETS; VACATING PUBLIC WAYS; PROCEDURE.

Whenever the Governing Body decides that it would be in the best interests of the Municipality to vacate a street, avenue, alley, lane or similar public way, the Governing Body shall comply with the following procedure:

A. Notice. Notice shall be given to all abutting property owners either by First (1st) Class mail to their last known address or if there is no known address then by publishing the notice in a newspaper that is of general circulation in the Municipality. The content of the notice will advise the abutting property owners

that the Governing Body will consider vacating such street, avenue, alley, lane or similar public way at their next regular meeting or if a special meeting is scheduled for such discussion, then the date, time and place of such meeting.

B. Consent/Waiver. The Governing Body may have all the abutting property owners sign a form stating that they consent to the action being taken by the Governing Body and waive their right of access. The signing of such form has no effect on claims for special damages, as defined in Section 8-319 by the abutting property owners, but does create the presumption that the Governing Body's action was proper. However, if all the abutting property owners do not sign the consent/waiver form, the Governing Body may still proceed with vacating such street, avenue, alley, lane or similar public way under the authority granted them by Sections 17-558 and 17-559 RRS Neb.

C. Ordinance. The Governing Body shall pass an ordinance that shall state essentially the following:

1. A declaration that the action is expedient for the public good or in the best interests of the Municipality.

2. A statement that the Municipality shall have an easement for maintaining all utilities.

3. A method or procedure for ascertaining special damages to abutting property owners.

D. Filing. The Clerk shall file a copy of the ordinance with the County Register of Deeds to ensure that abutting property owners can gain title to their share of the vacated street, avenue, alley, lane or similar public way and so that such land will be drawn to the attention of the County Assessor.

E. The Village may retain title to a vacated street or alley reverted to the adjacent property owners and sell, convey, exchange or lease upon such terms and conditions as shall be deemed in the best interests of the Village. (*Ref. 17-558, 17-559 RS Neb.*) (*Ord. No. 304, 9/10/86*) (*Amended by Ord. No. 548, 12/13/05*)

Article 4. Curb and Gutter

§8-401 CURB AND GUTTER; CUTTING CURB. It shall be unlawful for any person to cut into, grind or modify any paving, curb, or sidewalk for the purpose of constructing a driveway or any other purpose whatsoever without first having obtained approval from the Governing Body therefore. Before any person shall obtain approval, he shall inform the Municipal Clerk of the place where such cutting is to be done, and it shall be the Utilities Superintendent's duty to inspect the place of entry into the paving, sidewalk, or curb, before the same is cut. When cutting into any paving, it shall be the duty of the party to cut the paving under such rules and regulations as may be prescribed by the Governing Body. When the applicant is ready to close the opening made, he shall inform the Utilities Superintendent who shall supervise and inspect the materials used and the work done in closing the opening. It shall be discretionary with the Governing Body to order the Utilities Superintendent, to do the work of cutting and closing the paving and charge the costs thereof to the party who obtained approval. The Governing Body may consent to the work of cutting and closing the paving to be done by the party having obtained such approval. Before any approval is granted by the Governing Body, the applicant shall deposit a fee with the Municipal Treasurer a sum set by resolution of the Governing Body for all paving, curb, or sidewalk to be cut. Such sum shall be set on a per lineage foot cost of construction basis. The fee shall be used by the Municipality for the purpose of replacing the paving, curb, or sidewalk, in the event the work is done by the Municipality. In the event the Municipality elects to require the applicant to replace the paving, curb, or sidewalk, the work shall be completed to the satisfaction of the Utilities Superintendent. In addition to making the fee above set forth, the applicant shall, before any approval is granted, execute a bond to the Municipality with a good and sufficient surety or sureties to be approved by the Governing Body in a sum set by Resolution of the Governing Body. (*Amended by Ord. No. 689, 1/10/17; Ord. No. 721, 10/8/18; Ord. No. 729, 4/9/19*)

Article 5. Penal Provisions

§8-501 VIOLATION; PENALTY.

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than five hundred (\$500.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. (*Ref. 18-2315 RS Neb*) (*Amended by Ord. 661, 5/12/15*)

§8-502 ABATEMENT OF NUISANCE.

Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law. 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. (*Ref. 18-1720, 18-1722 RS Neb.*)

Chapter 9
BUILDING REGULATIONS

Article 1. Building and Zoning Administrator

§9-101 BUILDING AND ZONING ADMINISTRATOR; POWER AND AUTHORITY.

The Building and Zoning Administrator shall be the Municipal official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He shall inspect all buildings repaired, altered, built or moved in the Municipality as often as necessary to insure compliance with all Municipal ordinances. He shall have the power and authority to order all work stopped on any construction, alteration, or relocation, which violates any provisions prescribed herein. He shall issue permission to continue any construction, alteration, or relocation when the Governing Body is satisfied that no provision will be violated. If the stop order is an oral one, it shall be followed by a written stop order within one (1) hour.

§9-102 BUILDING AND ZONING ADMINISTRATOR; RIGHT OF ENTRY.

It shall be unlawful for any person to refuse to allow the Building and Zoning Administrator entry into any building or structure where the work of construction, alteration, repair or relocation is taking place for the purpose of making official inspections at any reasonable hour.

§9-103 BUILDING AND ZONING ADMINISTRATOR; APPEAL FROM DECISION.

In the event it is claimed that the true intent and meaning of this Chapter has been wrongly interpreted by the Building and Zoning Administrator; that the time allowed for compliance with any order of the Building and Zoning Administrator is too short; or that conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this Chapter and the building and Zoning Administrator, the owner, or his agent, or the occupant may file a notice of appeal within ten (10) days after the decision or order of the Building and Zoning Administrator shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the Building and Zoning Administrator. Such a decision shall be final, subject only to any remedy, which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the variance should be made. A variance shall be granted only where it is evident that reasonable safety and sanitation is assured and may include conditions not generally specified by this Code to achieve that end. A copy of any variance so granted shall be sent to both the Building and Zoning Administrator and the applicant.

§9-104 BUILDING AND ZONING ADMINISTRATOR; BARRICADES AND LIGHTS.

It shall be the duty of the owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the Municipality to have during such work all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day, and by warning lights at night. The failure, neglect, or refusal of said persons to erect such guards shall constitute a violation of this Section and the Building and Zoning Administrator shall stop all work until guards are erected and maintained as required.

Article 2. Building Permits

§9-201 BUILDING PERMITS.

Any person desiring to erect, construct, enlarge, demolish or relocate any building or dwelling or cause the same to be done, or erect a fence shall file with the Mead Municipal Clerk an application for a building permit. Sidewalks, driveways, cement patios and concrete slabs on private property do not require a permit or erection of an accessory building less than one hundred fifty (150) square feet does not require a permit. A building permit is also required for fences and dog runs, unless the dog run is a temporary structure. The application shall be in writing on a form to be furnished by the Municipal Clerk for that purpose. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect and contractor, and such other information as may be requested thereon. The application, plans and specifications so filed with the Municipal Clerk shall be checked and examined by the Building and Zoning Administrator. If they are found to be in conformity with the requirements of this Chapter and all other ordinances applicable thereto, the appropriate body shall authorize the Municipal Clerk to issue the said applicant a permit. Before issuing any permit for the erection of any new building or for any alteration or remodeling of any building, the Village of Mead shall charge and collect fees for said

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permits based upon construction costs. Construction costs shall be computed according to the following schedule:

Apartments, Duplexes, Dwellings	
Frame construction (with or without basement)	\$ 45.00/sq. ft.
Brick or any Brick Veneer Construction (with or without basement)	\$ 50.00/sq. ft.
Each additional floor (brick or frame)	\$ 8.00/sq. ft.
Garages (attached or unattached, brick or frame)	
Single stall garage	\$ 8.00/sq. ft.*
Double stall garage	\$ 8.00/sq. ft.*
Three stall garage	\$ 8.00/sq. ft.*
Single carport	\$ 700.00
Double carport	\$1200.00
Each additional carport or garage	\$ 500.00
Commercial-Recreational Buildings (with or without basement)	
Masonry, Concrete, Frame Construction	\$ 35.00/sq. ft.
Steel Construction	\$ 30.00/sq. ft.
Each Additional Floor	\$ 14.00/sq. ft.
Warehouse storage (with or without basement)	
Masonry, Concrete, Frame Construction	\$ 25.00/sq. ft.
Steel Construction	\$ 20.00/sq. ft.
Each Additional Floor	\$ 8.00/sq. ft.

*Use above schedule or estimated cost – whichever is greater.

Remodeling any Residence, Garage, Commercial Building – use Contractors Estimated Costs. After computing construction costs by use of the above schedule, the fee charge shall be based upon the following schedule:

Construction cost as computed falling within the range’s hereafter shown, shall be charged the fee shown for each range.

<u>Total Valuation</u>	<u>Fees</u>
\$1.00 to \$500.00	\$20.00
\$501.00 to \$2,000.00	\$20.00 for the first \$500.00 plus \$.50 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$27.00 for the first \$2,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$119.00 for the first \$25,000.00 plus \$3.00 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$194.00 for the first \$50,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
All over \$100,000.00	\$294.00 for the first \$100,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof.

In addition to the above schedules for building or remodeling, the following fees shall be charged.

VARIANCE – A fee of one hundred (\$100.00) dollars will be charged on all Building Permits that are Non-

conforming and a variance request is submitted. The required publication cost in the newspaper is to be paid by the applicant.

REZONING – A fee of two hundred (\$200.00) dollars will be charged for each request to rezone said property. The applicant shall provide a list of landowner's located within three hundred (300') feet of their property to the Village Clerk. The list shall be compiled by a title company at the applicant's expense at least ten (10) days prior to the public hearing. The required publication cost in the newspaper is to be paid by the applicant.

SUBDIVISION – A fee of two hundred (\$200.00) dollars will be charged for each request to subdivide said property. The applicant shall provide a list of landowner's located within three hundred (300') feet of their property to the Village Clerk. The list shall be compiled by a title company at the applicant's expense at least ten (10) days prior to the public hearing. The required publication cost in the newspaper and all costs associated with review by the village engineer are to be paid by the applicant.

SMALL LOT SPLIT – A fee of one hundred (\$100.00) dollars will be charged for each request for a small lot split. The applicant shall provide a survey of the property. The required publication cost in the newspaper is to be paid by the applicant.

PERMITTED CONDITIONAL USE – A fee of one hundred fifty (\$150.00) dollars will be charged for each request for a Permitted Conditional Use. The applicant shall provide a list of landowner's located within three hundred (300') feet of their property to the Village Clerk. The list shall be compiled by a title company at the applicant's expense at least ten (10) days prior to the public hearing. The required publication cost in the newspaper is to be paid by the applicant.

All building permits as set forth in this Article must be applied for and obtained before construction or any work is begun upon the building or remodeling. If construction or work is begun prior to obtaining the permit, the Village of Mead shall charge the applicant an additional fee of \$100.00 for starting or completing construction or demolition without first obtaining a Building or Demolition Permit. All fees for Building Permits of any type shall be collected before said permit is issued. All such fees for obtaining Building Permits shall cover the costs of inspections and other expenses required by the Village of Mead and shall be deposited for the use and purpose of the General Fund of the Village of Mead, Nebraska.

Within ninety (90) days after the issuance of a permit under this ordinance, work must actually begin as set out in the permit, or the permit becomes null and void. Once construction has begun, unless the Village Board grants an extension, the permit terminates one (1) year from the date of issuance and a new permit must be obtained prior to the project being completed.

Upon completion of the project, and final inspection by the Building Inspector, a Certificate of Occupancy shall be issued indicating that residential property or home is appropriate for occupancy. The homeowner shall provide approval of inspections to the Building Inspector prior to the issuance of the Certificate of Occupancy.

That all other portions of Section 9-201 in conflict with the provisions in this Ordinance are hereby repealed. (*Revised by Ord. No. 497, 2/9/99; Amended by Ord. No. 539, 4/6/04; Ord. No. 540, 8/10/04; Ord. No. 571, 7/10/07; Ord. No. 613, 4/12/11; Ord. No. 626, 6/12/12; Ord. No. 652, 8/12/14; Ord. No. 671, 2/9/16; Ord. No. 711, 5/8/18; Ord. No. 723, 3/12/19; Ord. No. 794, 6/14/22*)

§9-202 BUILDING PERMIT; LIMITATION.

If the work for which a permit has been issued shall not have begun within one (1) year of the date thereof, or if the construction shall be discontinued for a period of one (1) year, the permit shall be void. Before work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

§9-203 BUILDING PERMITS; DUPLICATE TO COUNTY ASSESSOR.

Whenever a building permit is issued for the erection, alteration or repair, of any building within the Municipality's jurisdiction, and the improvement is one thousand (\$1,000.00) dollars or more, a duplicate of such permit shall be issued to the County Assessor. (*Ref 18-1743 RS Neb.*)

Article 3. Building Moving

§9-301 BUILDING MOVING; REGULATIONS.

It shall be unlawful for any person, firm, or corporation to move any building or structure within the Municipality without a written permit to do so. Application may be made to the Municipal Clerk, and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and such other information as the Governing Body may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The Municipal Clerk shall refer the said application to the Governing Body for approval of the proposed route over which the said building is to be moved. Upon approval of the Governing Body, the Municipal Clerk shall then issue the said permit; Provided, that a good and sufficient corporate surety bond, check, or cash in an amount set by motion of the Governing Body and conditioned upon moving said building without doing damage to any private or Municipal property is filed with the Municipal Clerk prior to the granting of any permit. No moving permit shall be required to move a building that is ten (10') feet wide, or less, and twenty (20') feet long, or less, and when in a position to move, fifteen (15') feet high, or less. In the event it will be necessary for any licensed building mover to interfere with the telephone or telegraph poles and wires, or a gas line, the company or companies owning, using, or operating the said poles, wires or line shall upon proper notice of at least twenty-four (24) hours, be present and assist by disconnecting the said poles, wires, or line relative to the building moving operation. The licensee shall pay all expense of the said disconnection, removal, or related work in advance unless such disconnection or work is furnished on different terms as provided in the said company's franchise. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the Municipality, notice in writing of the time and route of the said building moving operation shall be given to the various Municipal officials in charge of the Municipal utility departments who shall proceed in behalf of the Municipality and at the expense of the mover to make such disconnections and do such work as is necessary.

§9-302 BUILDING MOVING; DEPOSIT.

At such time as the building moving has been completed, the Utilities Superintendent shall inspect the premises and report to the Municipal Clerk as to the extent of damages, if any, resulting from the said relocation and whether any Municipal laws have been violated during the said operation. Upon a satisfactory report from the Utilities Superintendent, the Municipal Clerk shall return the corporate surety bond, cash, or check deposited by the applicant. Moving deposits that are refundable are five hundred (\$500.00) dollars for sheds and garages and one thousand (\$1,000.00) dollars for homes and mobile homes. In the event the basement, foundation, or portion thereof is not properly filled, covered, or in a clean and sanitary condition, the Governing Body may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by Resolution of the Governing Body, as required herein, the Governing Body may recover such excess expense by civil suit or otherwise as prescribed by law. (*Amended by Ord. No. 628, 8/14/12*)

§9-303 DEMOLITION; PERMIT; APPLICATION; FEES; DEPOSITS; BONDS; COMPLETION.

No person shall demolish or remove a building or structure, or any part thereof, within the corporate limits or within one-mile outside of the corporate limits, without first having obtained a permit therefor from the governing body.

- A. **Definition:** The word "demolish" is defined as follows: Demolish shall mean and include the razing, tearing down, or removal of all or part of a building; the removal of the outer facing of a building but leaving a skeleton or structural frame; or the removal of an upper story or stories of a building. Demolish shall also include "deconstruction" which is the whole or partial disassembly of structures for the purposes of reusing salvaged building materials.
- B. **Application:** To obtain a demolition permit the applicant shall first file an application therefor in writing on a form furnished by the Municipal Clerk. Such application shall set forth a statement of the facts necessary to fully describe the building, its use, its legal description, and address. Provisions shall be made by the applicant for the proper abandonment of all utilities as required by this code before a demolition permit may be issued. The application shall also provide the specific location for disposal of building materials; a copy of the disposal permit if applicable, the type of materials, the type of construction, the height, size, basement size, and number of stories, anticipated start and end date. Additionally, the applicant shall provide the name and address of

the demolition contractor, whether there are any hazards such as asbestos, hazardous chemicals, waste or the like on said property. If hazardous substances, a copy of all required inspections shall also be provided. Applications for demolition permits shall expire 180 days after the application date.

- C. **Application Fee:** Demolition application fee shall be based on the schedule set for building permit fees. In the event demolition work occurs before a permit is issued, the applicant shall pay any cost of investigation and the application fee shall be equal to twice the fee calculation above.
- D. **Insurance, Deposits and Corporate Surety Bond.**
 - 1. **Liability Insurance:** At all times maintain public liability insurance coverage for all claims arising out of all work in the corporate limits and within one mile outside of the corporate limits. Such insurance shall be in the form of a commercial or comprehensive general liability policy, with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence on any job for which a permit is required under this code, provided the Village of Mead shall be named an additional insured thereunder. The coverages required herein shall be subject to review and approval by the village attorney for conformance with the provisions of this section. Where the municipality determines that the proposed demolition of a building involves a greater risk than set forth under the limits set forth above, the municipality may require a certificate evidencing liability coverage in excess of the minimum sum stated above.

The applicant shall, at all times, keep on file with the Municipal Clerk a current certificate of insurance signed by a qualified agent of an insurance company licensed to do business in the State of Nebraska for conformance with the provisions of this section evidencing the existence of valid and effective policies of insurance naming the city as an additional insured for the coverage required by subsection 1 of this section, the limits of each policy, the policy number, the name of the insurer, the effective date and expiration date of each policy, the deductibles or self-insurance retainers of each policy, and a copy of an endorsement placed on each policy requiring thirty-days' notice by mail to the Municipal Clerk before the insurer may cancel the policy for any reason, and upon request of the Municipal Clerk or the village attorney, a copy of any endorsements placed on such policies or the declarations page of such policies. Any termination, reduction, or lapse of such insurance shall automatically terminate the privilege of the demolition contractor to be issued permits under the provisions of this code, unless other insurance meeting the requirements of this section is provided and in full force and effect at the time of such termination or cancellation.
 - 2. **Deposits and bonds.** A deposit of five hundred (\$500.00) dollars for sheds and garages and one thousand (\$1,000.00) dollars for homes and mobile homes shall be required. For all commercial and industrial demolition permits, a deposit and/or a good and sufficient corporate surety bond or other cash security may be required by the governing body, based on the materials, size, hazards, and volume of the debris anticipated from the demolition. The deposit and/or bond shall be conditioned on the successful demolition, removal and disposal of all debris, waste, and other hazardous substances as well as the completed fill of any basement, foundation, holes, pits or portions thereof being properly filled, covered, or in a clean and sanitary condition and pursuant to any local, state or federal rules or regulations. Upon completion, to the satisfaction of the municipality, the deposit may be refunded, less any damages or expenses incurred by the municipality and the surety bond, if any released. In the event the deposit or bond is not sufficient to address damages or unfinished work, the municipality may pursue the applicant and/or property owner for the same by way of assessment, civil suit or otherwise as prescribed by law.
- E. **Real Estate Tax Payments/Assessments:** The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all real estate taxes have been paid current on the parcel. In the event there are assessment due to the municipality, all such outstanding payments shall be made prior to issuance of the permit.
- F. **Utility disconnection.** All water and sanitary sewer services shall be disconnected and sealed in accordance with applicable law and said disconnects shall be inspected and approved by the proper agency with jurisdiction and/or the supplying utility. Proof of proper disconnection shall be provided to the Municipal Clerk prior to the issuance of the permit. The applicant shall pay all expense of the said disconnection, removal, or related work in advance unless such disconnection

or work is furnished on different terms as provided in the utility company's contract.

- G. **Security.** All demolition sites shall be secured at all times during the demolition process, including fencing or other barriers as necessary.
- H. **Permit Issuance and Completion.** The Municipal Clerk shall refer the completed application to the Governing Body for approval. Upon approval by the Governing Body the Municipal Clerk shall issue said permit. Upon successful completion of the demolition, the Municipal Clerk shall send notification of the completed permit to the County Assessor. (*Ord. 776, 10/12/21*)

Article 4. Gasoline Service Stations

[Editor's Note: This Article was adopted in its entirety by Ordinance No. 250, Passed May 5, 1983]

§9-401 GASOLINE SERVICE STATIONS; PERMIT REQUIRED.

No filling station or service station shall be constructed or built in the Village or within the one (1) mile zone outside the Village limits unless a permit therefore has been obtained from the Planning Commission and Village Board under the provisions of this Chapter.

§9-402 GASOLINE SERVICE STATIONS; APPLICATION; FEE.

A gasoline filling station or service station permit may be applied for by filing an application, together with application fee for building permits as stated in Chapter 9 Section 9-201, Building permits of the Village Code and containing at least the following information:

- A. The name, address and telephone number of the owner, and if the station is to be leased to another, the same information as to the lessee.
- B. A description and plot plan of the site upon which the station is to be built.
- C. The distance of the proposed gasoline filling station or service station from churches, schools, hospitals and other institutions where large numbers of pedestrians congregate.
- D. The distance of the proposed gasoline filling station or service station from existing gasoline filling stations or service stations in both directions, if not on or near an intersection, and in all directions, if on an intersection.
- E. The zoning classification of the site upon which the proposed gasoline filling station or service station is to be built.
- F. The distance of the proposed gasoline filling station or service station from the closest residential area.
- G. Distances shall be measured at the closest point from lot line to lot line.

§9-403 GASOLINE SERVICE STATIONS; INVESTIGATION BY BUILDING INSPECTOR.

The Building Inspector shall make an investigation and determine compliance with building and zoning provisions of this Code and other Village Ordinances. He shall also investigate the facts set forth in the application and report his findings in writing to the Village Board of Trustees.

§9-404 GASOLINE SERVICE STATIONS; APPEARANCE BY APPLICANT.

Applicant must appear at the hearing before the Village Board and present his request.

§9-405 GASOLINE SERVICE STATIONS; MINIMUM STANDARDS.

In granting or denying applications for gasoline filling station or service station permits pursuant to this Chapter, the Village Board of Trustees shall consider the following factors and minimum standards:

- A. **Size.** Size of proposed gasoline filling station or service station, as compared to the size of parking area provided.
- B. **Location of Pumps.** Pumps shall be a minimum of thirty-five (35') feet from the property line where the cars to be serviced from such pumps are normally parked for fueling at a perpendicular angle from such property line and twenty five (25') feet from the property line when parked for fueling from the pumps, parallel to the property line.
- C. **Location of Gasoline and Diesel Storage Facilities.** All gasoline and diesel storage facilities shall be buried in the ground at least fifty (50') feet from the property line in all directions and at least thirty-five (35') feet from the building.
- D. **Driveways.** The size of proposed driveways for entrances and exits shall be thirty-five (35') feet wide.
- E. **Lubrication Hoists.** All lubrication hoists shall be enclosed.
- F. **Distance from schools, etc.** The location of the gasoline filling station shall not be within five hundred (500') feet in any direction of any church, school, hospital or places of assembly as classified by the State Fire Marshal.
- G. **Traffic Control.** No gasoline filling station or service station shall be constructed, erected or built within

three hundred (300') feet of any existing gasoline filling station or service station, on the same street or thoroughfare, unless a traffic divider exists for the full length of the street between the two (2) and they are on opposite sides of such street and divider.

H. Location near Residential Zone. No gasoline filling station or service station shall be built on any lot or parcel of land where any property line thereof is within one hundred fifty (150') feet of the nearest land zoned single family residential by the Village.

I. Self-Service. Self-service station shall mean that portion of property where flammable and combustible liquids used as motor fuels are stored and subsequently dispensed from fixed approved dispensing equipment into the fuel tanks of motor vehicles by persons other than the service station attendant, and may include facilities available for sale of other retail products.

1. Approved dispensing devices such as, but not limited to coin-operated, card-operated and remote-controlled types, are permitted at self-service stations.
2. A clearly identified and easily accessible switch(es) or circuit breaker(s) shall be provided at a location remote from dispensing devices, including remote pumping systems, to shut off the power to all dispensing devices in the event of an emergency and shall be installed at a location acceptable to the authority having jurisdiction, but controls shall not be more than one hundred (100') feet from dispensers.
3. Operating instructions shall be conspicuously posted in the dispensing area.
4. Hose nozzle valves used at a self-service station for the dispensing of Class I liquids shall be listed automatic-closing types with a latch-open device.
5. Warning signs shall be conspicuously posted in the dispensing area incorporating the following or equivalent wording: WARNING - It is unlawful and dangerous to dispense gasoline into unapproved containers; No Smoking; Stop Motor.

J. Fire Control. Each Service Station shall be provided with at least one (1) fire extinguisher having a minimum classification of 10 lb. A, B, C, located so that an extinguisher will be within one hundred (100') feet of each pump, dispenser, underground fill pipe opening, and lubrication or service room.

K. Miscellaneous. In addition, thereto, the Village Board shall consider any other relevant factors of similar nature that may be brought to the attention of the Village Board. (*Amended by Ord. No. 388, 8/14/96*)

§9-406 GASOLINE SERVICE STATIONS; REQUIREMENTS WHEN STATIONS EMPTY MORE THAN THIRTY (30) DAYS.

No gasoline filling stations or service stations shall be allowed to stand empty without an operator for more than thirty (30) days, unless all pipes from storage tanks to the pumps are disconnected and capped and all inflammable items removed from the premises.

Article 5. Plumbing Code

§9-501 PLUMBING CODE; PROHIBITION OF LEAD PIPES, SOLDER, AND FLUX.

Any pipe, solders or flux used in the installation or repair of any residential or non-residential facility, which is connected to the public water supply system shall be lead free. For purposes of this Section, lead free shall mean:

1. Solders and flux - not more than two tenths (.2%) percent lead, and
2. Pipe and pipe fittings - not more than eight (8%) percent lead.
3. Any plastic or nonmetallic underground facilities installed underground on or after January 1, 2021, need to be installed in such a manner as to be locatable, either by mapping or by use of tracer wire. (*Ref 71-5301 RS Neb.; Ref 76-2319 RS Neb*) (*Ord. No. 333, 9/6/88*) (*Ord. No. 733, 8/13/19*)

§9-502 PLUMBING CODE; ADOPTED BY REFERENCE.

To provide certain minimum standards, provisions and requirements for safe and stable installation, methods of connection and uses of materials in the installation of plumbing, heating, and cooling, of the 2018 International Plumbing Code, printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended additions as though printed in full herein, except that the code shall be modified as follows:

Section 423.4.1 EXCEPTIONS 1. Where a new gymnasium building is being added on an existing Group E site, and where the new gymnasium building is not of sufficient size to accommodate the required occupant capacity of the storm shelter for all buildings on the site, the storm shelter shall at a minimum

accommodate 20% of the required occupant capacity for the new gymnasium building.

Three (3) copies of said Plumbing Code are on file at the Office of the Municipal Clerk and are available for public inspection at any reasonable time. The provisions of the Plumbing Code shall be controlling through the Municipality and throughout its zoning jurisdiction. (*Ord. No. 375, 12/10/91; Amended by Ord. No. 733, 8/13/19; Ord. No. 756, 11/10/20*)

Article 6. Building Code; Maintenance Code

§9-601 BUILDING CODE; ADOPTED - REFERENCE.

To provide certain minimum standards, provisions, and requirements for safe construction, methods of constructions and uses of construction materials the latest current edition, as amended, of the 2018 International Building Code, (IBC) printed in book or pamphlet form, is hereby incorporated by reference in addition to all amended editions as though printed in full herein, except that the code shall be modified as follows:

Section 423.4.1 EXCEPTIONS 1. Where a new gymnasium building is being added on an existing Group E site, and where the new gymnasium building is not of sufficient size to accommodate the required occupant capacity of the storm shelter for all buildings on the site, the storm shelter shall at a minimum accommodate twenty (20%) percent of the required occupant capacity for the new gymnasium building.

One (1) copy of said International Building Code is on file at the office of the Municipal Clerk and is available for public inspection at any reasonable time. The provisions of the International Building Code shall be controlling through the Municipality and throughout its zoning jurisdiction. (*Ord. No. 374, 11/12/91; Amended by Ord. No. 533, 12/9/03; Ord. No. 656, 12/9/14; Amended by Ord. No. 733, 8/13/19; Ord. No. 756, 11/10/20*)

§9-602 MAINTENANCE CODE; ADOPTED – REFERENCE.

To provide certain standards, provisions, and requirements for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of building systems and providing for the issuance of permits and collection of fees therefor, each and all of the regulations, provisions, conditions and terms of such 2018 International Property Maintenance Code, published by the International Code Council, be and hereby are adopted. Three (3) copies of said code shall be on file at the office of the Village Clerk and be available for public inspection during office hours. The provisions of the International Property Maintenance Code shall be controlling throughout the Village and throughout its zoning jurisdiction. (*Ord. No. 671, 2/9/16; Amended by Ord. No. 733, 8/13/19*)

Article 7. Electrical Code

§9-701 ELECTRICAL CODE; ADOPTED BY REFERENCE.

To provide certain minimum standards, provisions, and requirements for safe and stable installation, methods of connection, and uses of materials in the installation of electrical wiring and works, the latest current edition, as amended, of the 2017 National Electrical Code. Printed in book or pamphlet form is hereby incorporated by reference in addition to all amended editions as though printed in full herein. Three (3) copies of the Electrical Code are on file at the office of the Municipal Clerk and are available for public inspection at any reasonable time. The provisions of the Electrical Code shall be controlling through the Municipality and throughout its zoning jurisdiction. (*Ord. No. 376, 12/10/91; Amended by Ord. No. 733, 8/13/19*)

Article 8. Unsafe Buildings

§9-801 UNSAFE BUILDINGS; SPECIAL ASSESSMENTS.

If any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of the Municipality to repair, rehabilitate, or demolish and remove a building or structure, which is unsafe, and a public nuisance, the Municipality may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Governing Body. The Governing Body may (1) levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments: or (2) collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction. (*Ref. 18-1720, 18-1722,*

18-1722.01, 77-1725 RS Neb.) (Ord. No. 364, 4/2/91)

§9-802 UNSAFE BUILDINGS; DEFINITION.

The term “unsafe building” as used in this Article is hereby defined to mean and include any building, shed, fence, or other manmade structure (a) which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures; (b) which because of faulty construction, age, lack of proper repair, or any other cause is especially liable to fire and constitutes or creates a fire hazard; (c) which by reason of faulty construction or any other cause is liable to cause injury or damage by the collapse or fall of all or any part of such structure. Any such unsafe building in the Municipality is hereby declared to be a nuisance. Any buildings or structures which have any or all of the following defects are hereby declared to be unsafe or dangerous buildings or structures:

- A. Those having walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base;
- B. Those showing thirty-three percent (33%) or more of damage or deterioration of the supporting member or members, exclusive of the foundation;
- C. Those with improperly distributed loads upon floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used;
- D. Those damaged by fire, wind, or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants of the people of the Municipality;
- E. Those which have become dilapidated, decayed, unsafe, unsanitary, or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease, so as to work injury to the health, morals, safety, or general welfare of those living therein;
- F. Those having light, air, and sanitation facilities which are inadequate to protect the health, safety, or general welfare of human beings who live or may live therein;
- G. Those having inadequate facilities for egress in the case of fire or panic, or those having insufficient stairways, elevators, fire escapes, or other means of communication;
- H. Those having parts thereof which are so attached that they may fall and injure persons or property;
- I. Those that are unsafe, unsanitary, or dangerous to the health, safety, or general welfare of the people of the Municipality because of their condition;
- J. Those having been inspected by the County Health Department or a professional engineer appointed by the Municipality which are, after inspection, deemed to be in violation of any provision of the Health Department rules and regulations or which are structurally unsafe or unsound as found by the inspection of the professional engineer;
- K. Those existing in violation of any provision of this article, any provision of the Fire Code, any provision of the county health rules and regulations or other applicable provision of Municipal ordinances, including but not limited to the building code, property maintenance code or residential code adopted by the Municipality. (Ord. No. 737, 1/14/20)

§9-803 UNSAFE BUILDINGS; BUILDING INSPECTOR.

A specially designated building inspector, the regularly appointed building inspector, his/her authorized representatives, or a professional engineer shall, at the direction of the Governing Body:

- A. Inspect any building, wall, or structure about which complaints are filed by any person to the effect that a building, wall, or structure is or may be existing in a dangerous or unsafe manner;
- B. Inspect any building or structure within the jurisdictional area of the Municipality for the purpose of determining whether any conditions exist which render such place a dangerous or unsafe building or structure within the terms of this article;
- C. Report to the Governing Body the results of the inspection;
- D. Appear at all hearings and testify as to the condition of the unsafe or dangerous building or structure. (Ord. No. 737, 1/14/20)

§9-804 UNSAFE BUILDINGS; STANDARDS.

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

- A. If the unsafe or dangerous building or structure can reasonably be repaired so that it will no longer exist in violation of any of the terms or provisions of this article, it shall be ordered to be repaired.
- B. If the unsafe or dangerous building is in such condition as to make it dangerous to the health, morals, safety, or general welfare of its occupants, it shall be ordered to be vacated.
- C. In any case where an unsafe or dangerous building or structure cannot be repaired so that it will no longer exist in violation of the terms or provisions of this article, it shall be demolished. In all cases where the unsafe or dangerous building is a fire hazard existing or erected in violation of the applicable fire codes and regulations, or any other provision of an ordinance of this Municipality, or state statute, it shall be demolished. (*Ord. No. 737, 1/14/20*)

§9-805 UNSAFE BUILDINGS; SPECIAL ASSESSMENTS.

If any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of the Municipality to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, the Municipality may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Municipal Board. The costs and expenses of any such work shall be paid by the owner. If unpaid for two (2) months after such work is done and request for payment is sent by First Class Mail (envelope conspicuously marked for its importance), the Governing Body may (1) levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or (2) collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction. (*Ref. 18-1720, 18-1722, 18-1722.01, 77-1725.01 RS Neb.*) (*Ord. No. 737, 1/14/20*)

§9-806 UNSAFE BUILDINGS; PROHIBITION.

It shall be unlawful to maintain or permit the existence of any unsafe building in the Municipality or within its zoning jurisdiction and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in an unsafe condition or to occupy such building or permit it to be occupied while it is in an unsafe condition. (*Ref. 18-1720, 18-1722, 18-1722.01 RS Neb.*) (*Ord. No. 737, 1/14/20*)

§9-807 UNSAFE BUILDINGS; DETERMINATION AND NOTICE.

1. Whenever the Building Inspector, the Fire Official, appointed engineer, or the Board of Health shall be of the opinion that any building or structure in the Municipality or within the zoning jurisdiction, is an unsafe building, he/she/it shall file a written statement to this effect with the Municipal Clerk. The Clerk shall thereupon cause the property to be posted accordingly, and shall file a copy of such determination in the office of the County Register of Deeds, and shall serve written notice upon the owner thereof, and upon the occupant thereof, if any, by personal service. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the Municipality or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated or removed.
2. Such notice shall state that the building has been declared to be in an unsafe condition; and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied within sixty (60) days from the date of receipt. Such notice may be in the following terms:

“To (owner and/or occupant of premises) of the premise known and described as _____”,
“You are hereby notified that _____ (describe building) on the premises above mentioned has been determined to be an unsafe building and a nuisance after inspection by _____. The causes for this decision are _____ (here insert the facts as to each dangerous condition).”

“You must remove, remedy or alter by repair, or demolish the building within sixty (60) days from the date of receipt of this notice or the Municipality will proceed to do so. Appeal of this determination may be made to the hearing officer appointed by the Governing Body, by filing with the Municipal Clerk within five (5) days from the date of receipt of this notice a request for a hearing. In the event the Municipality has the work done, the Municipality may levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited or recover the same in a civil action as provided by law.”

3.If the person receiving the notice has not complied therewith within sixty (60) days from the date of receipt of such notice (or date of posting/publication), or taken an appeal from the determination of the hearing officer that a dangerous building exists within five (5) days from the time when this notice is served upon such person as provided above, the Governing Body may proceed to remedy the condition or demolish the unsafe building as set forth further in this chapter. *(Ref. 18-1720, 18-1722, 18-1722.01 RS Neb.) (Ord. No. 737, 1/14/20)*

§9-808 UNSAFE BUILDINGS; HEARING AND APPEAL.

Upon receiving the notice to repair or demolish the building, the owner, and occupant thereof, if any, of the building, within the time stipulated, may in writing to the Municipality Clerk appeal said notice and request a hearing. A hearing on the appeal shall be held within fourteen (14) days after the filing of the appeal and shall be conducted by a hearing officer appointed by the Governing Body. Said person shall sit as a hearing officer and shall render a decision on the appeal within five (5) business days after the conclusion of the hearing and the decision shall be sent to the property owner by certified mail or personal service. If an appeal is not filed and compliance has not been met within sixty (60) days as indicated in the Notice, or, in the case a hearing was requested, if the hearing officer rejects the appeal, the owner shall have sixty (60) days from the sending of the decision, or personal service of the decision, to complete the demolition and removal. If after the sixty (60) day period the owner has not completed the work, the Governing Body shall proceed to cause such work to be done, provided, the property owner may appeal such decision to the appropriate court for adjudication during which proceedings the decision of the Governing Body shall be stayed. Where the Municipality has not adopted a building code, the statutes of Nebraska relating to bonded indebtedness and collection of delinquent taxes shall apply. *(Ref. 18-1720, 18-1722 18-1722.01 RS Neb.) (Ord. No. 737, 1/14/20)*

§9-809 UNSAFE BUILDINGS; EMERGENCY.

Where any unsafe building or structure poses an imminent danger to the health, safety, or general welfare of any person or persons, and the owner fails to remedy the situation in a reasonable time after notice by the Municipality to do so, the Municipality may summarily repair or demolish and remove such building or structure. *(Ref. 18-1720, 18-1722, 18-1722.01 RS Neb.) (Ord No. 737, 1/14/20)*

Article 9. Flood Plan

§9-901 STATUTORY AUTHORIZATION; FINDINGS OF FACT AND PURPOSES.

1. FINDINGS OF FACT

Flood Losses Resulting from Periodic Inundation

The flood hazard areas of Mead, Nebraska, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare.

General Causes of the Flood Losses

These flood losses are caused by: (1) The cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, (2) The occupancy of flood hazard areas by uses vulnerable to floods or hazardous to others, which are inadequately elevated or otherwise unprotected from flood damages.

2. STATEMENT OF PURPOSE

It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses by applying provisions to:

- A. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities.
- B. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction.
- C. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- D. Assure that eligibility is maintained for property owners in the community to purchase flood insurance in the National Flood Insurance Program. *(Ord. No. 582, 12/9/08; Amended by Ord. No.*

593, 12/14/09)

§9-902 DESIGNATION OF CURRENT FHBM/FIRM.

These regulations shall apply to all lands within the jurisdiction of the Village of Mead identified on the Flood Insurance Rate Map (FIRM) Index # 31155CINDOB dated 08/03/2016, as well as all associated Flood Insurance Rate Maps #31155C0375E and 31155C0400D; as unnumbered A Zones. In all areas covered by this ordinance no development shall be permitted except upon the issuance of a floodplain permit to develop, granted by the Village of Mead Board of Trustees or its duly designated representative under such safeguards and restrictions as the Village of Mead Board of Trustees or the designated representative may reasonably impose for the promotion and maintenance of the general welfare and health of the inhabitants of the community. (Ord. No. 582, 12/9/08; Amended by Ord. No. 593, 12/14/09; Ord. No. 684, 6/14/16)

§9-903 DESIGNATION OF CURRENT FHBM/FIRM.

Appurtenant structures used exclusively for storage of motor vehicles and storage of other items readily removable in the event of a flood warning may have their lowest floor below one foot above the base flood elevation provided the structure is capable of withstanding hydrostatic and hydrodynamic forces caused by the base flood and provided that no utilities are installed in the structure except elevated or floodproofed electrical fixtures. If the structure is converted to another use, it must be brought into full compliance with the minimum standards governing such use. (Ord. No. 582, 12/9/08; Amended by Ord. No. 593, 12/14/09; Ord. No. 684, 6/14/16)

§9-904 PERMITS REQUIRED.

Permits Required: No person, firm or corporation shall initiate any floodplain development or substantial improvement or cause the same to be done without first obtaining a separate permit for development as defined in this ordinance/resolution.

- A. Within special flood hazard areas on the official map, separate floodplain development permits are required for all new construction, substantial improvements and other developments, including the placement of manufactured homes.
- B. Application: To obtain a floodplain development permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:
 - 1. Identify and describe the development to be covered by the floodplain development permit for which application is made.
 - 2. Describe the land on which the proposed development is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or development.
 - 3. Indicate the use or occupancy for which the proposed development is intended.
 - 4. Be accompanied by plans and specifications for proposed construction.
 - 5. Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.
 - 6. Within designated floodplain areas, be accompanied by elevations of the lowest floor, including basement, or in the case of floodproofed non-residential structures, the elevation to which it shall be floodproofed. Documentation or certification of such elevations will be maintained by the Local Administrator.
 - 7. Give such other information as reasonably may be required by the Local Administrator (i.e., require a statement from the applicant that they are aware that elevating or floodproofing structures above the minimum levels will result in premium reduction, especially in the case of non-residential floodproofing when a minus one (-1') foot penalty is assessed at the time of rating the structure for the policy premium.)

(Ord. No. 582, 12/9/08; Amended by Ord. No. 593, 12/14/09; Ord. No. 684, 6/14/16)

§9-905 DEVELOPMENT PERMIT APPLICATIONS REVIEW.

The Local Administrator shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by Federal or State Law. (Ord. No. 582, 12/9/08; Amended by Ord. No. 593, 12/14/09; Ord. No. 684, 6/14/16)

§9-906 ALL APPLICATIONS REVIEW

The Local Administrator in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s) will:

A. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data and floodway data available from Federal, State or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within special flood hazard areas on the Official Map that the following performance standards be met:

1. That until a floodway has been designated - No development or substantial improvement may be permitted within the identified floodplain unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonably anticipated developments or substantial improvements, will not increase the water surface elevation of the one hundred (100) year flood more than one (1') foot at any location.

2. Residential Construction - New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least one (1') foot above the base flood elevation.

3. Non-residential Construction - New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated at least one (1') foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this Subsection are satisfied. Such certification shall be provided to the local administrator.

4. Require for all new construction and substantial improvements - That fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1') foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

B. Require the use of construction materials that are resistant to flood damage.

C. Require the use of construction methods and practices that will minimize flood damage.

D. Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

E. New structures be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

F. Assure that all manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Manufactured homes must be anchored in accordance with State laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

1. Over-the-top ties be provided at each of the four (4) corners of the manufactured home with two (2) additional ties per side at the intermediate locations and manufactured homes less than fifty (50') feet long requiring one (1) additional tie per side.

2. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points and manufactured homes less than fifty (50') feet long requiring four (4) additional ties per side.

3. All components of the anchoring system be capable of carrying a force of forty-eight hundred (4,800#) pounds.

4. Any additions to manufactured homes be similarly anchored.

G. Assure that all manufactured homes that are placed or substantially improved within special flood hazard areas on the community's official map on sites:

1. Outside of a manufactured home park or subdivision;

2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision on which a manufactured home has incurred "*substantial damage*" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated at least one (1') foot above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 995-F.

H. Assure that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within special flood hazard areas on the community's Official Map that are not subject to the provisions of Section 995-G. be elevated so that either:

1. The lowest floor of the manufactured home is at least one (1') foot above the base flood elevation, or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36") inches in height above grade and be securely anchored to an adequately anchored foundation system in accordance with the provisions of Section 995-F.

I. Require that recreational vehicles placed on sites within the identified special flood hazard areas on the community's Official Map either (i) be on the site for fewer than one hundred eighty (180) consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements and the elevation and anchoring requirements for "manufactured homes" of this ordinance. A recreational vehicle is ready for highway uses if it is on its wheels or jacking system is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. (*Ord. No. 582, 12/9/08; Amended by Ord. No. 593, 12/14/09; Ord. No. 684, 6/14/16*)

§9-907 SUBDIVISION APPLICATIONS.

The Governing Body of the Village of Mead shall review all subdivision applications and other proposed new developments (including manufactured home parks or subdivisions) and shall make findings of fact and assure that:

- A. All such proposed developments are consistent with the need to minimize flood damage.
- B. Subdivision proposals and other proposed new developments (including proposals for manufactured home parks and subdivisions), greater than five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals regulatory flood elevation data in special flood hazard areas.
- C. Adequate drainage is provided so as to reduce exposure to flood hazards.
- D. All public utilities and facilities are located so as to minimize or eliminate flood damage. (*Ord. No. 582, 12/9/08; Amended by Ord. No. 593, 12/14/09; Ord. No. 684, 6/14/16*)

§9-908 WATER AND SEWAGE SYSTEMS.

New and replacement water and sewage systems shall be constructed to eliminate or minimize infiltration by, or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding. (*Ord. No. 582, 12/9/08; Amended by Ord. No. 593, 12/14/09; Ord. No. 684, 6/14/16*)

§9-909 STORAGE OF MATERIAL AND EQUIPMENT.

The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning. (*Ord. No. 582, 12/9/08; Amended by Ord. No. 593, 12/14/09; Ord. No. 684, 6/14/16*)

§9-910 FLOOD-CARRYING CAPACITY WITHIN ANY WATERCOURSE.

The Governing Body of the Village of Mead will ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. The Village of Mead will notify, in reverie situations, adjacent communities and the State Coordinating Office (Nebraska Department of Natural Resources) prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the Village of Mead will work with appropriate State and Federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Disaster Protection Act of 1973. (*Ord. No. 582, 12/9/08; Amended by Ord. No. 593, 12/14/09; Ord. No. 684, 6/14/16*)

§9-911 VARIANCE PROCEDURES.

The Board of Adjustments as established by the Board of Trustees shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

The Board of Adjustments shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this Ordinance.

Any person aggrieved by the decision of the Board of Adjustments or any taxpayer may appeal such decision to the District Court as provided in Section 19-912, R.R.S. 1943.

In passing upon such applications, the Board of Adjustments shall consider all technical evaluation, all relevant factors, standards specified in other Sections of this Ordinance, and; the danger that materials may be swept onto other lands to the injury of others; the danger to life and property due to flooding or erosion damage; the susceptibility of proposed facility and its contents to flood damage and the effect of such damage on the individual owner; the importance of the services provided by the proposed facility to the community; the necessity to the facility of a waterfront location, where applicable; the availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; the compatibility of the proposed use with existing and anticipated development; the relationship of the proposed use to the comprehensive plan and floodplain management program for that area; the safety of access to the property in times of flood for ordinary and emergency vehicles; the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and, the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Conditions for Variances

A. Generally variances may be issued for new construction and substantial improvements to be erected on a lot of one half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (B and C below) have been fully considered. As the lot size increases beyond the one half (1/2) acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.

E. The applicant shall be given a written notice over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five (\$25.00) dollars for one hundred (\$100.00) dollars of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this Ordinance/Resolution. (*Ord. No. 582, 12/9/08; Amended by Ord. No. 593, 12/14/09; Ord. No. 684, 6/14/16*)

§9-912 NON-CONFORMING USE

A structure or the use of a structure or premises which was lawful before the passage or amendment of the Ordinance, but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions:

A. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this Ordinance. The Utility Department shall notify the Village Board of Trustees in

writing of instances of nonconforming uses where utility services have been discontinued for a period of twelve (12) months.

B. Uses or adjuncts thereof which are or become nuisances shall not be entitled to continue as nonconforming uses.

If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50%) percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this Ordinance. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. (*Ord. No. 582, 12/9/08; Amended by Ord. No. 593, 12/14/09; Ord. No. 684, 6/14/16*)

§9-913 PENALTIES FOR VIOLATION.

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special exceptions) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred (\$100.00) dollars, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate or impair any existent easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

INTERPRETATION

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal, of any other powers granted by state statutes.

WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside floodplain district boundaries or land uses permitted within such districts will be free from flooding or flood damage. This Ordinance shall not create liability on the part of the Village of Mead Board of Trustees or any officer or employee thereof for any flood damages that may result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SEVERABILITY

If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

APPEAL

Where a request for a permit to develop or a variance is denied by the Village Board of Trustees the applicant may apply for such permit or variance directly to the Board of Appeals.

CONFLICTING ORDINANCES/RESOLUTIONS

This Ordinance shall take precedence over conflicting Ordinances or parts of Ordinances. The Governing Body of the Village of Mead may, from time to time, amend this Ordinance to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this Ordinance are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations and the 1983 Nebraska Floodplain Management Act. (*Ord. No. 582, 12/9/08; Amended by Ord. No. 593, 12/14/09; Ord. No. 684, 6/14/16*)

§9-914 DEFINITIONS.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Ordinance its most reasonable application.

"Appurtenant Structure" means a structure on the same parcel of property as the principal structure, the use of which is incidental to the use of the principal structure.

"Base Flood" means the flood having one (1%) percent chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Existing Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by a community.

"Expansion of Existing Manufactured Home Park or Subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood" means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) The overflow of inland or tidal waters. (2) The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Administrator has delineated both the special flood hazard areas and the risk premium applicable to the community.

"Floodplain" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of the river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Historic Structure" means any structure that is: (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (1) By an approved state program as determined by the Secretary of the Interior or (2) Directly by the Secretary of the Interior in states without approved programs.

"Lowest Floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

"Manufactured Home" means a structure, transportable in one or more Sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"New Construction" For floodplain management purposes, "new construction" means structures for which the "start of construction commenced on or after the effective date of the floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"100-Year Flood" means the condition of flooding having a one (1%) percent chance of annual occurrence.

"Principally Above Ground" means that at least fifty-one (51%) percent of the actual cash value of the structure is above ground.

"Recreational Vehicle" means a vehicle which is (i) built on a single chassis; (ii) four hundred (400) square feet or less when measured at the largest horizontal projection; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Flood Elevation" means the water surface elevation of the one hundred (100) year flood.

"Special Flood Hazard Area" is the land in the floodplain within a community subject to one (1%) percent or greater chance of flooding in any given year.

"Start of Construction" for other than new construction or substantial improvements under the coastal Barrier Resources Act (Pub. L. 97-348) includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not the alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before the damage occurred.

"Substantial Improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or (2) any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief to a person from the terms of a floodplain management ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

(Ord. No. 582, 12/9/08; Amended by Ord. No. 593, 12/14/09; Ord. No. 684, 6/14/16)

Article 10. Penal Provision

§9-1001 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 five hundred (\$500.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. *(Ref. 18-2315; 31-1001 to 31-1022 R.R.S. 1943 Neb) (Ord. No. 582, 12/9/08; Amended by Ord. No. 593, 12/14.09; Ord. No. 661, 5/12/15)*

Chapter 10
BUSINESS REGULATIONS

Article 1. Alcoholic Beverages

§10-101 ALCOHOLIC BEVERAGES; DEFINITIONS.

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

§10-102 ALCOHOLIC BEVERAGES; LICENSE REQUIRED.

It shall be unlawful for any person to manufacture for sale, sell, keep for sale, or to barter any alcoholic liquors within the Municipality unless said person shall have in full force and effect a license as provided by the Nebraska Liquor Control Act. *(Ref. 53-102 RS Neb.) (Ord. No. 545, 8/8/05)*

§10-103 ALCOHOLIC BEVERAGES; LOCATION.

It shall be unlawful for any person or persons to own, maintain, manage, or hold open to the public any establishment for the purpose of selling at retail any alcoholic liquor within one hundred fifty (150') feet of any church, school, hospital, or home for aged or indigent persons or veterans, their wives or children: Provided, this prohibition shall not apply to any location within such distance when the said establishment has been licensed by the Nebraska Liquor Control Commission at least two (2) years, and to hotels offering restaurant service, regularly organized clubs, or to restaurants where the selling of alcoholic liquors is not the principal business carried on, if the said hotel or restaurant were licensed and in operation prior to May 24, 1935. No alcoholic liquor, other than beer, shall be sold for consumption on the premise within three hundred (300') feet from the campus of any college within the Municipality. *(Ref. 53-177 RS Neb.)*

§10-104 ALCOHOLIC BEVERAGES; DWELLINGS.

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

§10-105 ALCOHOLIC BEVERAGES; LICENSE DISPLAYED.

Every licensee under the Nebraska Liquor Control Act shall cause his license to be framed and hung in plain public view in a conspicuous place on the licensed premise. *(Ref. 53-148 RS Neb.)*

§10-106 ALCOHOLIC BEVERAGES; LICENSEE REQUIREMENTS.

It shall be unlawful for any person or persons to own an establishment that sells at retail any alcoholic beverages unless said person is a resident of the county in which the premise is located; a person of good character and reputation; a citizen of the United States; a person who has never been convicted of a felony or any Class I misdemeanor pursuant to Chapter 28, Article 3, 4, 7, 8, 10, 11, or 12 Reissue Revised Statutes of Nebraska. 1943, or any similar offense under a prior criminal statute or in another state; a person who has never had a liquor license revoked for cause; a person whose premises, for which a license is sought meets standards for fire safety as established by the State Fire Marshal; or a person who has not acquired a beneficial interest in more than two (2) alcoholic beverage retail establishments since March 4, 1963; Provided, the beneficial interest requirement in this Section shall not apply to a person applying for an additional license for use in connection with the operation of a hotel containing at least twenty-five (25) sleeping rooms, or where the request is limited to on premises sale of beer only in a restaurant. *(Ref. 53-124.03, 53-125 RS Neb.) (Amended by Ord No. 259, 9/6/83)*

§10-107 ALCOHOLIC BEVERAGES; LIQUOR APPLICATION; MUNICIPAL EXAMINATION.

Any person or persons desiring to obtain a license to sell alcoholic liquors at retail shall file with the Liquor Control Commission. The Commission shall then notify the Municipal Clerk by registered or certified mail. The Governing Body shall then meet and determine the desirability of the application and report its recommendation for approval or denial of the application in writing to the Nebraska Liquor Control Commission within forty five (45) days of receipt from the Nebraska Liquor Control Commission. The Governing Body may examine, or cause to be examined, under oath, any applicant: examine, or cause to be

examined, the books and records of any such applicant; to hear testimony, and to take proof for its information in the performance of its duties. For the purpose of obtaining any of the information desired, the Governing Body may authorize its agent, Municipal Clerk or the Municipal Attorney, to act on its behalf the Governing Body may conduct the examination and hold the hearing upon the receipt from the Commission of the notice and copy of the application. The Governing Body shall fix a time and place at which a hearing will be held, and at which time the Governing Body shall receive evidence, under oath, either orally, or by affidavit, from the applicant and any other person concerning the propriety of the issuance of such license. Notice of the time and place of such hearing shall be published in a legal newspaper in, or of general circulation in the Municipality one (1) time not less than seven (7), nor more than fourteen (14), days before the time of the hearing. Such notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the local Governing Body in support of or in protest against the issuance of such license may do so at the time of the hearing. Such hearing shall be held not more than forty-five (45) days after the receipt of notice from the Commission. After such hearing, the Governing Body shall cause to be spread at large in the minute record of its proceedings a Resolution recommending either issuance or refusal of such license. The Municipal Clerk shall thereupon mail to the Commission by first class mail, postage prepaid, a copy of the Resolution, which shall state the cost of the published notice. *(Ref 53-131, 53-134 RS Neb.) (Amended by Ord. No. 259, 9/6/83; Ord. No. 282, 12/4/84; Ord. No. 298, 7/8/86; Ord. No. 334, 9/6/88; Ord. No. 349, 12/4/89)*

§10-108 ALCOHOLIC BEVERAGES; LIQUOR LICENSE RENEWAL.

Retail or bottle club licenses issued by the Commission and outstanding may be automatically renewed in the absence of a request by the Governing Body to require the said licensee to issue an application for renewal any licensed retail or bottle club establishment located in an area which is annexed to the Municipality shall file a formal application for a license, and while such application is pending, the licensee shall be authorized to continue all license privileges pursuant to this Article until the original license expires, is canceled, or revoked. If such license expires within sixty (60) days following the annexation date of such area, the license may be renewed by order of the Commission for not more than one (1) year. The Municipal Clerk, upon notice from the Commission, between January tenth (10th) and January thirtieth (30th) of each year shall cause to be published in a legal newspaper in, or of general circulation in the Municipality, one (1) time, a notice in the form prescribed by law of the right of automatic renewal of each retail liquor and beer license within the Municipality; Provided, Class C license renewal notices shall be published between the dates of July tenth (10th) and July thirtieth (30th) of each year. The Municipal Clerk shall then file with the Commission proof of publication of said notice on or before February tenth (10th) of each year or August tenth (10th) of each year for Class C licenses. Upon the conclusion of any hearing required by this Section, the Governing Body may request a licensee to submit an application. *(Ref 53-135, 53-1 35.01 RS Neb.) (Amended by Ord. No. 259, 9/6/83)*

§10-109 ALCOHOLIC BEVERAGES; MUNICIPAL POWERS & DUTIES.

The Governing Body is authorized to regulate by Ordinance not inconsistent with the provisions of the Nebraska Liquor Control Act, the business of all retail and bottle club licensees carried on within the corporate limits. The Governing Body shall further have the power and duties in respect to licensed retailers of alcoholic beverages to cancel or revoke for cause retail or bottle club licenses to sell or dispense alcoholic liquors issued to persons for premises within its jurisdiction subject to the right of appeal to the Commission; to enter or to authorize any law enforcement officer to enter at any time upon any premise licensed by the State of Nebraska to determine whether any of the provisions of the Municipal laws, or the laws of the State of Nebraska, are being violated: to receive signed complaints from any citizens within its jurisdiction that any of the Municipal laws, or laws of the State of Nebraska, are being violated, and to act upon such complaints in the manner herein provided; to cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in Section 10-124, it determines that the licensee has violated any of the provisions of the Nebraska Liquor Control Act or any valid and subsisting Ordinance or Regulation duly enacted relating to alcoholic liquors: and to collect for the benefit of the State of Nebraska and the Municipality all license fees and occupation taxes as prescribed by law. *(Ref. 53-134 RS Neb.) (Amended by Ord. No. 259, 9/6/83)*

§10-109.01 LIQUOR APPLICATIONS; RETAIL-LICENSING STANDARDS; BINDING RECOMMENDATIONS.

Local Governing Bodies shall only have authority to approve applications and deny licenses pursuant to the Nebraska Liquor Control Act. The Governing Body shall only consider the following licensing standards and criteria at the hearing and an evaluation of any applicant for a retail alcoholic liquor license, for the upgrading of a license to sell alcoholic liquor, or for the expansion or change in location of the premises, and for the purpose of formulating a recommendation from the Governing Body to the Nebraska Liquor Control Commission in accordance with the Nebraska Liquor Control Act:

- A. The adequacy of existing law enforcement resources and services in the area;
- B. The recommendation of the Police Department or any other law enforcement agency;
- C. Existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises, potential traffic and parking problems, and the proximity and availability of on-street and off-street parking;
- D. Zoning restrictions and the Local Governing Body's zoning and land-use policies;
- E. Sanitation or sanitary conditions on or about the proposed licensed premises;
- F. The existence of a citizen's protest and similar evidence in support of or in opposition to the application;
- G. The existing population and projected growth within the jurisdiction of the Local Governing Body and within the area to be served;
- H. The existing liquor licenses, the class of each such license, and the distance and times of travel between establishments that issued such licenses;
- I. Whether the proposed license would be compatible with the neighborhood or community where the proposed premises are located;
- J. Whether the type of business or activity proposed to be operated or presently operated in conjunction with the proposed license is and will be consistent with the public interest as declared in Section 53-101.01;
- K. Whether the applicant can ensure that persons in accordance with Section 53- 102 will handle all alcoholic beverages, including beer and wine;
- L. Whether the applicant has taken every precaution to protect against the possibility of shoplifting of alcoholic liquor, which alcoholic liquor shall be displayed and kept in and sold from an area, which is reasonably secured;
- M. Whether the applicant is fit, willing, and able to properly provide the service proposed in conformance with all provisions and requirements of and rules and regulations adopted and promulgated pursuant to the act;
- N. Whether the applicant has demonstrated that the type of management and control exercised over the licensed premises will be sufficient to ensure that the licensee can conform to all the provisions and requirements of and rules and regulations adopted and promulgated pursuant to the act;
- O. The background information of the applicant established by information contained in the public records of the Commission and Investigations conducted by law enforcement agencies;
- P. Past evidence of discrimination involving the applicant as evidenced by findings of fact before any administrative board or agency of the Local Governing Body. Any other governmental board or agency of the local governing body, any other governmental unit, or any court of law;
- Q. Whether the applicant or the applicant's representatives suppressed any fact or provided any inaccurate information to the Commission or Local Governing Body or the employees of the commission in regard to the license application or Liquor Investigations. The applicant shall be required to cooperate in providing a full disclosure to the investigating agents of the Local Governing Body;
- R. Proximity of and impact on schools, hospitals, libraries, parks, and public institutions;
- S. Whether activities proposed to be conducted on the licensed premises or in adjacent related outdoor areas will create unreasonable noise or disturbance; and
- T. Compliance with state laws, liquor rules and regulations and Municipal Ordinances and Regulations and whether or not the applicant has ever forfeited bond to appear in court to answer charges of having committed a felony or charges of having violated any law or ordinance enacted in the interest of good morals and decency or has been convicted of violating or has forfeited bond to appear in court and answer charges for violating any law or ordinance relating to alcoholic liquor.

It shall be the applicant's duty to produce evidence pertaining to the designated criteria prescribed in this Subsection. The burden of proof and persuasion shall be on the party filing the application. When applicable for purposes of this Section. "Applicant" shall be synonymous with licensee. *(Ref. 53-134 RS Neb.)(Ord. No. 297, 7/8/86) (Amended by Ord. No. 350, 12/4/89)*

§10-109.02 ALCOHOLIC BEVERAGES; LIQUOR APPLICATION; NOTICE; PROCEDURE.

A. Notice. Notice of a hearing held pursuant to Neb. Rev. Stat. section 53-134 shall be given to the applicant by the Municipal Clerk and shall contain the date, time, and location of the hearing. Two (2) or more proceedings which are legally or factually related may be heard and considered together unless any party thereto makes a showing sufficient to satisfy the Governing Body that prejudice would result there from.

B. Procedure. Hearings will be informal and conducted by the Municipal Attorney. The intent is an inquiry into the facts, not an adversarial action. Each witness may present their testimony in narrative fashion or by question and answer. The Governing Body or the applicant may order the hearing to be recorded by the Clerk, at the expense of the applicant(s). The Governing Body may admit and give probative effect to evidence, which possesses probative value commonly accepted by reasonably prudent individuals. The Municipal Attorney may limit testimony where it appears incompetent, irrelevant, or unduly repetitious. If there is opposition to any application and such opposition desires the opportunity to present arguments and to cross-examine the applicant and any witnesses in favor of such application, they shall choose a spokesperson to perform such function that shall notify the Municipal Attorney of his/her representation prior to the start of the hearing. The order of the proceeding is as follows:

1. Exhibits will be marked in advance by the Clerk and presented to the Municipal Attorney during the presentation;
2. Presentation of evidence, witnesses, and arguments by applicant;
3. Testimony of any other citizens in favor of such proposed license;
4. Examination of applicant. Witnesses or citizens by Municipal Attorney, Governing Body, or duly appointed agent;
5. Cross-examination of applicant, witnesses or citizens by spokesperson for opposition, if any;
6. Presentation of evidence and witnesses by opposition;
7. Testimony of any other citizens in opposition to such proposed license;
8. Presentation of evidence by Municipality and law enforcement personnel;
9. Cross-examination by applicant;
10. Rebuttal evidence by both parties and by Municipality administration and agent;
11. Summation by applicant and opposition spokesperson, if any.

In all cases, the burden of proof and persuasion shall be on the party filing the application. Any member of the Governing Body and the Municipal Attorney may question any witness, call witnesses, or request information. All witnesses shall be sworn. The Governing Body may make further inquiry and investigation following the hearing. The Governing Body or the applicant may order the hearing to be recorded by the Clerk, at the expense of the applicant(s). *(Ref. 53-134 RS Neb.) (Ord. No. 298, 7/8/86) (Amended by Ord. No. 351, 12/4/89)*

§10-110 ALCOHOLIC BEVERAGES; OWNER OF PREMISES.

The owner of any premise used for the sale at retail of alcoholic beverages shall be deemed guilty of a violation of these laws to the same extent as the said licensee if the owner shall knowingly permit the licensee to use the said licensed premise in violation of any Municipal Code Section or Nebraska Statute. *(Ref. 53-1,101 RS Neb.)*

§10-111 ALCOHOLIC BEVERAGES; EMPLOYER.

The employer of any officer, director, manager, or employees working in a retail liquor establishment shall be held to be liable and guilty of any act of omission or violation of any law or ordinance, if such act is committed or omission made with the authorization, knowledge or approval of the employer or licensee, and each such act or omission shall be deemed and held to be the act of the employer, and will be

punishable in the same manner as if the said act or omission had been committed by him personally. (Ref. 53-1,102 RS Neb.)

§10-112 ALCOHOLIC BEVERAGES; MINORS AND INCOMPETENTS.

It shall be unlawful for any person or persons to sell, give away, dispose of, exchange, permit the sale of or make a gift of, any alcoholic liquor, or to procure any such alcoholic liquor to or for any minor, or to any person who is mentally incompetent. (Ref. 53-1 80 RS Neb.)

§10-113 ALCOHOLIC BEVERAGES; CREDIT SALES.

No person shall sell or furnish alcoholic liquor at retail to any person or persons for credit of any kind, barter, or services rendered; Provided, nothing herein contained shall be construed to prevent any club holding a Class C license from permitting checks or statements for alcoholic liquor to be signed by members, or guests of members, and charged to the accounts of the said members or guests in accordance with the by-laws of any such club: and provided further, nothing herein shall be construed to prevent any hotel or restaurant holding a retail alcoholic beverage license from permitting checks or statements for liquor to be signed by regular guests residing in the said hotel, and charged to the accounts of such guests. (Ref. 53-183 RS Neb.)

§10-114 ALCOHOLIC BEVERAGES; SPIKING BEER.

It shall be unlawful for any person or persons who own, manage, or lease any premise in which the sale of alcoholic beverages is licensed, to serve or offer for sale any beer to which there has been added any alcohol, or permit any person or persons to add alcohol to any beer on the licensed premise of such licensee. (Ref. 53-174 RS Neb.)

§10-115 ALCOHOLIC BEVERAGES; ORIGINAL PACK

It shall be unlawful for any person or persons who own, manage, or lease any premise in which the sale of alcoholic beverages is licensed, to have in their possession for sale at retail any alcoholic liquor contained in bottles, casks, or other containers except in the original package. (Ref. 53-184 RS Neb.)

§10-116 ALCOHOLIC BEVERAGES; MINORS PRESENCE.

It shall be unlawful for any person or persons who own, manage, or lease an establishment selling alcoholic beverages at retail to allow any minor under the age of eighteen (18) years to frequent or otherwise remain in the said establishment unless the said minor is accompanied by his parent or legal guardian, and unless said minor remains seated with, and under the immediate control of, the said parent or legal guardian. (Ref. 53-J47RSNeb.)

§ 10-117 ALCOHOLIC BEVERAGES; HOURS OF SALE.

It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the Municipality except during the hours provided herein: HOURS OF SALE

Alcoholic Liquors (except beer and wine)	Off/On Sale	Secular Days	6:00 A.M. to 2:00 A.M.
		Sundays	12:00 P.M. to 2:00 A.M.
Beer	Off Sale	Secular Days	6:00 A.M. to 2:00 A.M.
		Sundays	12:00 P.M. to 2:00 A.M.
	On Sale	Secular Days	6:00 A.M. to 2:00 A.M.
		Sundays	12:00 P.M. to 2:00 A.M.
Wine	Off/On Sale	Secular Day	6:00 A.M. to 2:00 A.M.
			12:00 P.M. to 2:00 A.M.
Alcoholic Liquors (including beer and wine)	Off/On Sale	Sunday preceding New Year's Day	5:00 P.M. to 2:00 A.M.

Provided, that such limitations shall not apply after twelve (12:00) o'clock Noon on Sunday to a licensee which is a non-profit corporation holding a license pursuant to Section 53-124(5) (C) & (H) Reissue Revised Statutes of Nebraska 1943.

No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than fifteen (15) minutes after the time fixed herein for stopping the sale of alcoholic beverages on the said premises. For the purposes of this Section, "on sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment; "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment. Nothing in this Section shall be construed to prohibit licensed premises from being open for other business on days and hours during which this section prohibits the sale or dispensing of alcoholic beverages. (Ref. 53-179 RS Neb.) (Amended by Ord. No. 253, 7/5/83; Ord. No. 258, 9/6/83; Ord. No. 275, 8/7/84; Ord. No. 358, 12/12/90; Ord. No. 380, 4/14/92; Ord. No. 419, 12/12/95; Ord. No. 529, 9/9/03, Ord. No. 608, 1/11/11)

§10-118 ALCOHOLIC BEVERAGES; SANITARY CONDITIONS.

It shall be unlawful to open for public use any retail liquor establishment that is not in a clean and sanitary condition. Toilet facilities shall be adequate and convenient for customers and patrons and said licensed premise shall be subject to any health inspections the Governing Body or the Municipal Police may make, or cause to be made. All applications for liquor licenses shall be viewed in part from the standpoint of the sanitary conditions, and a report concerning the said sanitary conditions shall be made at all hearings concerning the application for, or renewal of, a liquor license. (Ref. 53-118 RS Neb.)

§10-119 ALCOHOLIC BEVERAGES; HIRING MINORS.

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

§10-120 ALCOHOLIC BEVERAGES; CONSUMPTION; PUBLIC PLACES.

It shall be unlawful for any person to consume alcoholic beverages within the corporate limits upon the public ways and property, including inside vehicles while upon the public ways and property. It shall further be unlawful for any person to consume alcoholic beverages within any other public business that is not a licensed liquor establishment. (Ref 53-186, 53-186.0 1 RS Neb.)

§10-121 ALCOHOLIC BEVERAGES; ACQUISITION AND POSSESSION.

It shall be unlawful for any person to purchase, receive, acquire, accept, or possess any alcoholic liquor acquired from any other person other than one duly licensed to handle alcoholic liquor under the Nebraska Liquor Control Act; Provided, nothing in this Section shall prevent (1) the possession of alcoholic liquor for the personal use of the possessor and his or her family and guests, as long as the quantity of alcoholic liquor transported, imported, brought, or shipped into the state does not exceed nine liters in any one calendar month; (2) the making of wine, cider, or other alcoholic liquor by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if made solely for the use of the maker and his or her family and guests; (3) any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his or her profession any hospital or other institution caring for the sick and diseased persons from possessing and using alcoholic liquor for the treatment of bona fide patients of such hospital or other institution, or any drug store employing a licensed pharmacist from possessing or using alcoholic liquor in compounding of prescriptions of licensed physicals; (4) the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or religious ceremony conducted by such church; (5) persons who are sixteen (16) years old or older from carrying alcoholic liquor from licensed establishments when they are accompanied by a person not a minor; (6) persons who are sixteen (16) years old or older from handling alcoholic liquor containers and alcoholic liquor in the course of their employment; (7) persons who are sixteen (16) years old or older from removing and disposing of alcoholic liquor containers for the convenience of the employer and customers in the course of their employment or (8) persons who are nineteen (19) years old or older from serving or selling alcoholic liquor in the course of their employment. (Ref. 53-168.06, 53-175, 53-194.03 RS Neb.) (Amended by Ord. No. 447, 4/9/96)

§10-122 ALCOHOLIC BEVERAGES; REMOVAL OF INTOXICATED PERSONS FROM PUBLIC

PROPERTY.

Any law enforcement officer with the power to arrest for traffic violations may take a person who is intoxicated and in the judgment of the officer dangerous to himself, herself, or others, or who is otherwise incapacitated, from any public property. An officer removing an intoxicated person from public property shall make a reasonable effort to take such intoxicated person to his or her home or to any hospital's clinic, alcoholism center, or medical doctor as may be necessary to preserve life or to prevent injury. If these measures are unsuccessful or are not feasible, the officer may then place such intoxicated person in civil protective custody, except that civil protective custody shall be used only as long as is necessary to preserve life or to prevent injury, and under no circumstances longer than twelve (12) hours. The placement of such person in civil protective custody shall be recorded at the facility or jail at which he or she is delivered and communicated to his or her family or next of kin, if they can be located, or to such person designated by the person taken into civil protective custody. The law enforcement officer who acts in compliance with this Section shall be deemed to be acting in the course of his or her official duty and shall not be criminally or civilly liable for such actions. The taking of an individual into civil protective custody under this Section shall not be considered an arrest. No entry or other record shall be made to indicate that the person has been arrested or charged with a crime. For purposes of this Section, public property shall mean any public right-of-way, street, highway, alley, park, or other state, county, or municipally owned property. (*Ref 53-1, 121 RS Neb.*)

§10-123 ALCOHOLIC BEVERAGES; INSPECTIONS.

It shall be the duty of the Governing Body to cause frequent inspections to be made on the premises of all retail and bottle club licensees. If it is found that any such licensee is violating any provision of the Nebraska Liquor Control Act or regulations of the Nebraska Liquor Control Commission, or is failing to observe in good faith the purposes of said Act, the license may be suspended, cancelled, or revoked after the licensee has been given an opportunity to be heard by the Governing Body. (*Ref. 53-146 RS Neb.*)

§10-124 ALCOHOLIC BEVERAGES; CITIZEN COMPLAINTS.

Any five (5) residents of the Municipality shall have the right to file a complaint with the Governing Body stating that any retail or bottle club licensee, subject to the jurisdiction of the Governing Body, has been or is violating any provision of the Nebraska Liquor Control Act or the rules or regulations issued pursuant thereto. Such complaint shall be in writing in the form prescribed by the Governing Body and shall be signed and sworn by the parties complaining. The complaint shall state the particular provision, rule, or regulation believed to have been violated and the facts in detail upon which belief is based. If the Governing Body is satisfied that the complaint substantially charges a violation and that from the fact alleged there is reasonable cause for such belief, it shall set the matter for hearing within ten (10) days from the date of the filing of the complaint and shall serve notice upon the licensee of the time and place of such hearing and of the particular charge in the complaint; Provided, that the complaint must in all cases be disposed of by the Governing Body within thirty (30) days from the date the complaint was filed by Resolution thereof, said Resolution shall be deemed the final order for purposes of appeal to the Nebraska Liquor Control Commission as provided by law. (*Ref 53-1, JJ4 RS Neb.*)

§10-125 ALCOHOLIC BEVERAGES; CATERING LICENSE.

1. The holder of a Class C, Class D, or Class I license issued under Subdivision (5) of Section 53-124 RS Neb., or a craft brewery license, may obtain an Annual Catering License as prescribed in this Section. Any such licensee desiring to obtain a catering license shall file an application with the Liquor Control Commission.

2. Upon receipt from the Commission of the notice and copy of the application as provided in Section 53-124.12 RS Neb., the Governing Body shall fix a time and place at which a hearing will be held and at which the Governing Body shall receive evidence, under oath, either orally or in writing, from the applicant and any other person concerning the propriety of the issuance of such license. The hearing shall be held not more than forty-five (45) days after the receipt of the notice from the Commission. The Governing Body may examine or cause to be examined, under oath, any applicant; examine or cause to be examined the books and records of any such applicant; hear testimony; and take proof for its information in the

performance of its duties. For purposes of obtaining any of the information desired, the Governing Body may authorize its agent, the Municipal Clerk or the Municipal Attorney, to act on its behalf.

3. Notice of the time and place of the hearing shall be published in a legal newspaper in or of general circulation in the Municipality one (1) time not less than seven (7) nor more than fourteen (14) days before the time of the hearing. The notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the Governing Body in support of or in protest against the issuance of the license may do so at the time of the hearing.

4. After the hearing, the Governing Body shall approve or deny the application within forty-five (45) days after receipt of the application from the Commission and shall cause to be spread at large in the minute record of its proceedings a Resolution approving or denying issuance of the license. The Municipal Clerk shall thereupon mail or deliver to the Commission a copy of the Resolution within ten (10) days of its adoption.

5. Any Resolution rendered by the Governing Body denying an application shall be in writing or stated in the record and shall be accompanied by findings. The findings shall consist of concise statements of the conclusions upon each contested issue. The applicant shall be notified of the decision in person or by mail. A copy of the decision and order and accompanying findings shall be delivered or mailed to the applicant upon request.

6. The Governing Body with respect to catering licensees within its corporate limits may cancel a catering license for cause for the remainder of the period for which the license is issued. Any person whose catering license is canceled may appeal to the District Court. (*Ref 53-124.12, 53-132, 53-134 RS Neb.*) (*Ord. No. 335, 9/6/88*) (*Amended by Ord. No. 487, 8/12/97*)

Article 2. Peddlers and Hawkers

§10-201 PEDDLERS AND HAWKERS REGULATION.

To prevent the sale of fraudulent, dangerous, and unhealthful goods and services, and to protect the public by maintaining records of the products sold and the persons and companies responsible for such sales, all peddlers, and hawkers shall, before doing business within the Municipality, make application for, and be issued a permit. Application for said permit shall be made to the Municipal Clerk, and shall contain all the necessary information, and documents required for the protection of the residents of the Municipality. Any person or persons granted a peddler and hawker permit shall be subject to any fees, occupation taxes, and other rules and regulations, which the Governing Body deems appropriate for the purposes, stated herein. Any permit so granted shall be subject to revocation for good and sufficient cause by the Municipal Police. (*Ref. 17-525, 17-562 RS Neb.*)

§10-202 PEDDLERS AND HAWKERS EXCEPTIONS.

Nothing herein shall be construed to apply to any person, or persons, selling produce raised within the county, or to wholesale salesmen soliciting merchants directly, or to a representative of a nonprofit or charity organized soliciting on behalf of that organization. (*Ref. 17-562 RS Neb.*)

Article 3. Railroads

§10-301 RAILROAD COMPANIES; OBSTRUCTING TRAFFIC.

It shall be unlawful for any railroad company, its employees, agents, or servants operating a railroad through the Municipality to obstruct traffic on any public street, except in the event of an emergency, for a longer period at one time than fifteen (15) minutes. (*Ref. 17-552 RS Neb.*)

§10-302 RAILROAD COMPANIES; OBSTRUCTING VIEW AT CROSSINGS PROHIBITED.

It shall be unlawful for any railroad company to obstruct or obscure the traveling public's view by storing or parking any railroad car on a railroad track within two hundred fifty (250') feet of the crossing of any such railroad track and a public road within the corporate limits of the Municipality; Provided, however, in no instance shall any person who is authorized to control the movement of such railroad car or cars within such distance be prevented from reasonably conducting his or her business. (*Ref. 74-1323 RS Neb.*) (*Ord. No. 294, 10/7/85*)

Article 4. Franchises

§10-401 FRANCHISE; TELEPHONE.

The Governing Body has granted to the Central Telephone and Utilities Corporation the authority to maintain, and operate a telephone system within the Municipality. Actual details of the agreement, and the present telephone rates, charges and fees are available at the Municipal Clerk's office. (*Ref. 17-525 RS Neb.*)

§10-402 FRANCHISE; ELECTRICITY.

The Governing Body has granted to the Omaha Public Power District the authority to maintain and operate the light and power system In the Municipality for the purpose of furnishing electric energy to the Municipality, and fixing the charges for such services. Actual details of the agreement and the present electrical rates, charges, and fees are available at the Municipal Clerk's office. (*Ref. 17-528.03 RS Neb.*) (*Amended by Ord No. 352, 7/18/90*)

§10-403 FRANCHISE; GARBAGE HAULERS; DEFINITIONS.

A. Definitions. For the purpose of this Section, the following terms, phrases, words, abbreviations and their derivations shall have the meaning herein given. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number shall include the plural number.

VILLAGE shall mean the Village of Mead, Nebraska.

CHAIRMAN AND BOARD OF TRUSTEES shall mean the Governing Body of the Village.

COMPANY shall mean the grantee of rights under this Section.

PERSON shall mean any person, firm, and partnership, association, corporation, company or organization of any kind.

FRANCHISE AREA shall mean that area within the corporate limits of the Village.

RESIDENT shall mean those persons residing within the corporate limits of the Village.

NON-RESIDENTS shall mean those persons residing outside the corporate limits of the Village.

B. This Section shall be known and may be cited as the Commercial Garbage Haulers Franchise Ordinance of the Village of Mead, Nebraska.

C. Grant of Authority. The franchise shall to be granted by Village pursuant to this section shall grant to Company the right, privilege and franchise to collect and dispose of the garbage of residents of the Village of Mead.

D. Non-Exclusive Grant. The rights herein granted for the purposes herein set forth should not be exclusive, and the Village reserves the right to grant a similar franchise to any person at any time during the period of this franchise, Provided, however, that nothing contained herein shall be deemed to require the granting of an additional franchise if, in the opinion of the Governing Body, it is in the public interest to restrict such franchise to one (1) or more.

E. Term. The term of the franchise to be granted by the Village to Company pursuant to this Section shall be for a period of one (1) year from and after the grant by Village to Company of this franchise.

F. Police Powers In Accepting This Franchise. Company acknowledges that its rights hereunder are subject to the police power of the Village to adopt and enforce general ordinances necessary for the safety and welfare of the public, and it agrees to comply with all applicable general laws and ordinances enacted by the Village pursuant to such power.

G. Forfeiture. If company should violate any of the terms, conditions, or provisions of this franchise, or if Company should fail to comply with any reasonable provisions of any ordinances of the Village, and should Company further continue to violate or fail to comply with the same for a period of thirty (30) days after Company shall have been notified in writing by the Village to cease and desist from any such violation, or failure to comply so specified, then Company may be deemed to have forfeited and annulled, and shall thereby forfeit and annul all the rights and privileges granted by this franchise, provided, however, that such forfeiture shall be declared only by a written decision of the Governing Body after an appropriate public proceeding before the Governing Body affording Company due process and full opportunity to be heard and to respond to any such notice of violation or failure to comply, and provided further, that the Governing Body may, in its discretion, and upon a finding of violation or failure to comply, impose a lesser penalty than forfeiture of this franchise or excuse the violation of failure to comply upon a showing by company of mitigating circumstances.

H. Franchise Payment. Company shall pay to Village, upon the grant and acceptance of said franchise, the

sum of ten (\$10.00) dollars.

I. Indemnification of Village. Company shall at all times protect and hold harmless the Village from all claims, actions, suits, liability, loss, expense or damages of every kind and description, court costs and attorney fees, which may accrue to or be suffered or claimed by any person or persons arising out of the negligence of company in the operation of said commercial garbage hauling business.

J. Renewal Procedure. Company shall have the option to request renewal of this franchise for an additional period not to exceed one (1) year. Should Company desire to exercise this option, it shall so notify the Village in writing, not less than two (2) months prior to the expiration of this franchise. Upon exercise of this option by Company, the Village shall conduct a full, open, and public renewal proceeding upon prior notice and opportunity of all interested parties to be heard. The renewal proceeding shall be held for the purpose of considering Company's performance under this franchise. Renewals shall not be unreasonably denied, and shall be granted unless Company is found to be unqualified to continue operation of this commercial garbage hauling business. If the Village renews this franchise, all of the terms and provisions contained herein shall be controlling during the renewal, except to the extent that said the Village modifies terms and provisions, or unless this franchise is superseded by a new franchise.

K. Approval of Transfer. Company shall not sell or transfer its franchise, nor transfer any rights under this franchise to another without the approval of the Governing Body. Such Governing Body approval shall not be unreasonably withheld.

L. Surrender Rights. Company may surrender this franchise at any time upon filing with the Village Clerk of the Village a written notice of its intention to do so at least one (1) month before the surrender date. On the surrender date specified in the notice, all of the rights and privileges, and all of the rights and privileges and all of the obligations, duties and liabilities of Company in connection with this franchise shall terminate. *(Ref 19-2105, 19-2106 RS Neb.) (Amended by Ord. No. 272, 4/3/84)*

§10-403.01 FRANCHISE; GARBAGE HAULERS.

The Governing Body has granted to Wahoo Sanitation Inc. and Quality Disposal, separate franchises to collect and dispose of the garbage of the residents of the Village of Mead, pursuant to the Commercial Garbage Haulers Franchise Ordinance of the Village of Mead, Nebraska. Actual details of the agreement and the present garbage rates, charges, and fees are available at the Municipal Clerk's office. *(Ord. No. 370, 6/4/9) (Amended by Ord. No. 400, 9/13/94; Ord No. 509, 3/7/00; Ord. No. 510, 4/11/00; Ord. No. 511, 5/9/00; Ord. No. 576, 6/10/08; Ord. No. 577, 6/10/08; Ord. No. 585, 4/14/09; Ord. No. 586, 4/14/09; Ord. No. 594, 4/13/10; Ord. No. 595, 4/13/10; Ord. No. 614, 4/12/11; Ord. No. 615, 4/12/11; Ord. No. 623, 4/17/12; Ord. No. 624, 4/17/12; Ord. No. 633, 4/9/13; Ord. No. 634, 4/9/13; Ord. No. 644, 4/8/14; Ord. No. 645, 4/8/14; Ord. No. 659, 4/14/15; Ord. No. 660, 4/14/15; Ord. No. 678, 4/12/16; Ord. No. 680, 3/24/16; Ord. No. 681, 3/24/16, Ord. No. 692, 4/11/17; Ord. No. 693, 4/11/17; Ord. No 694, 4/11/17; Ord. No. 704, 4/10/18; Ord. No. 705, 4/10/18; Ord. No 706, 4/10/18; Ord. No. 725, 4/9/19; Ord. No. 726, 4/9/19; Ord. No. 727, 4/9/19)*

§10-404 FRANCHISE; CABLE TELEVISION. *(Repealed by Resolution 05-20, 11/11/05)*

Article 5. Occupation Taxes

§10-501 OCCUPATION TAX; AMOUNTS.

For the purpose of raising revenue an occupation tax is hereby levied on the billowing businesses:

- A. Alcoholic Beverages
 - 1. Beer only, for consumption on and off the premises \$ 50.00 per year
 - 2. Sale of Liquor, for consumption on and off the premises \$250.00 per year
- B. Dog Kennels \$ 25.00 per year
- C. Garbage Haulers \$ 10.00 per year
- D. Grooming Shop for Animals \$ 25.00 per year
- E. Fire Insurance Companies \$ 5.00 per year
- F. Peddlers and Hawkers \$ 25.00 per day
- G. Pet Shop \$ 35.00 per year

H. Tobacco Retailers	\$ 50.00 per year
I. Cable Television Companies	\$ 50.00 per year
J. Telephone Companies	\$ 50.00 per year
K. Natural Gas Companies	\$ 50.00 per year
L. Electric Companies	\$ 50.00 per year
M. Cell Towers	\$ 50.00 per year
N. Wholesale Distributor of Fireworks	\$1,000.00 per year

All revenue realized from the occupation tax on Fire Insurance Companies shall be appropriated to the Fire Department Fund. (*Ref 17-525, 35-106 RS Neb.*) (*Amended by Ord. No. 244, 6/8/82; Ord. No. 268, 10/4/83; Ord. No. 546, 4/12/05; Ord. No. 672, 2/9/16; Ord. No. 713, 6/12/18*)

§10-502 OCCUPATION TAX; COLLECTION DATE.

All occupation taxes shall be due and payable on the first (1st) day of May of each year, except in the event that the said tax is levied daily upon the payment thereof by any person or persons to the Municipal Clerk, the said Clerk shall give a receipt, properly dated, and specifying the person paying the said tax, and the amount paid; Provided, occupation taxes collected from Class C liquor licensees shall be due and payable on the first (1st) day of November. The revenue collected shall then be immediately deposited into the General Fund by the Municipal Treasurer, except in the case of Fire Insurance Companies, as stated in Section 10-501. The Municipal Treasurer shall keep an accurate account of all revenue turned over to him. All forms and receipts herein mentioned shall be issued in duplicate. One (1) copy shall then be kept by each party in the transaction. If the said tax is not paid within thirty (30) days after the same shall become due, it shall be considered delinquent and a penalty shall be added to the tax in an amount equal to ten (10%) percent of the tax. This increased amount to be collected in the same manner as the original tax. In the event the tax, and any assessed penalty, is not paid within sixty (60) days after the same shall become due, the Municipality may proceed to recover both the tax and/or penalty through civil action. (*Ref. 17-525 RS Neb.*) (*Amended by Ord. No. 268, 10/4/83*)

§10-503 OCCUPATION TAX; CERTIFICATES.

The receipt issued after the payment of any occupation tax shall be the Occupation Tax Certificate. The said certificate shall specify the amount the name of the person, and business that paid the said tax. The Occupation Tax Certificate shall then be displayed in a prominent place, or carried in such a way as to be easily accessible, while business is being conducted. (*Ref. 17-525 RS Neb.*)

§10-504 OCCUPATION TAX; FAILURE TO PAY.

If any person, company, or corporation fails, or neglects to pay the occupation taxes as provided herein on the day it becomes due, and payable, the Municipality shall then proceed by civil suit to collect the amount due. All delinquent taxes shall bear interest at the rate of one (1%) percent per month until paid. (*Ref. 17-525 RS Neb.*)

§10-504.01 OCCUPATION TAX; GAMES OF CHANCE AND/OR LOTTERIES.

A. For the purposes of this Article, the following definitions shall apply

1. The phrase “games of chance and/or lotteries” shall mean those forms of gambling authorized by the State of Nebraska pursuant to Article III, Section 24 of the Constitution of the State of Nebraska.

2. The phrase “gambling device” shall mean any and all machines or devices used by a person engaged in the occupation of conducting games of chance and/or lotteries.

3. The phrase “person engaged in the occupation of conducting games of chance and/or lotteries” shall mean any person who operates, owns or is the lessee of a place of business where any game of chance and/or lottery activity is conducted, whether or not any other type of business is conducted on the premises; or, any person who either directly controls or manages the games of chance and/or lotteries, or owns any machine or device used to engage in the occupation of games of chance and/or lotteries, but does not sell, lease or deliver possession or custody of such a device to other persons.

4. The word “distributor” shall mean any person who engages in the business of selling, leasing, or

delivering possession or custody of gambling devices for consideration to a person engaged in the occupation of conducting games of chance and/or lotteries.

B. Occupation Tax. An occupation tax is hereby imposed on each person engaged in the occupation of conducting games of chance and lottery activities within the Village. Every person conducting games of chance and lottery activities within the Village shall pay the tax in the amount and manner specified in Subsection C.

C. Amount of occupation tax for persons engaged in the occupation of conducting games of chance and lotteries. The occupation tax for each person engaging in the occupation of conducting games of chance and lottery activities within the Village shall be five (5%) percent of the gross receipts received by said person in each quarter of a calendar year.

D. Amount of occupation tax for distributor. The occupation tax for engaging in the occupation of distributing gambling devices within the Village shall be five (5%) percent of the gross receipts received by a distributor in each quarter of a calendar year.

E. Prohibition. It shall be unlawful for any person to engage in the occupation of conducting games of chance or lottery activities without first obtaining a license to do so.

F. License Abdication. Every person desiring a license required by the provisions of this Article shall make application to the Municipal Clerk of the Village of Mead. Accompanying each application shall be:

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

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

G. Display of License. Every license issued under the provisions of this division shall be conspicuously displayed at the place where the game of chance and/or lottery activity is conducted at all times during the conduct thereof.

H. Licenses. The license fee for engaging in the occupation of conducting games of chance and lotteries within the Village shall be ten (\$10.00) dollars for each location wherein such activity is conducted.

I. Exemption. Nonprofit organizations that desire to participate in games of chance and/or lotteries that are in compliance with the Small Lotteries and Raffles Act of the State of Nebraska are exempt from the provisions of this Article. (*Ord. No. 357, 11/6/90*)

§10-505 EQUIPMENT RENTAL FEES; AMOUNTS. (*Repealed by Ord. No. 811, 4/11/23*)

Article 6. Natural Gas Rate Increase Procedure

(*Editor's Note: Article 6. was adopted in its entirety by Ordinance No. 295, Passed on 1/7/86*)

§10-601 NATURAL GAS; FRANCHISE GRANTED.

The Village of Mead, Nebraska (hereinafter referred to as "Grantor"), hereby grants a non-exclusive franchise to Black Hills Nebraska Gas, LLC d/b/a Black Hills Energy, a Delaware limited liability corporation (hereinafter called "Grantee"), its lessees, successors and assigns. Grantee is hereby granted the right, privilege, franchise, permission and authority to lay, construct, install, maintain, operate and extend in, along, over or across the present and future streets, alleys, avenues, bridges, public rights-of-way and public easements as are now within the present or future limits of said Grantor, a natural gas distribution system and all facilities necessary for the purpose of supplying natural gas or processed gas and other operations connected therewith or incident thereto for all purposes to the inhabitants of said Grantor and consumers in the vicinity thereof, and for the distribution of natural gas from or through said Grantor to points beyond the limits thereof. Such facilities shall include, but not be limited to, all mains, services, pipes, conduits and all other apparatus and appliances necessary or convenient for transporting, distributing and supplying natural gas for all purposes for which it may be used, and to do all other things necessary and proper in providing natural gas service to the inhabitants of Grantor and in carrying on such business.

§10-602 NATURAL GAS: TERM.

The rights and privileges granted hereunder shall remain in effect for a period of twenty-five (25) years from the effective date of this Ordinance.

§10-603 NATURAL GAS: GOVERNING RULES AND REGULATIONS.

The franchise granted hereunder is subject to all conditions, limitations and immunities now provided for, or as hereafter amended, and applicable to the operations of a public utility, by state or federal law. The rates to be charged by Grantee for service within the present or future corporate limits of Grantor and the rules and regulations regarding the character, quality and standards of service to be furnished by Grantee, shall be under the jurisdiction and control of such regulatory body or bodies as may, from time to time, be vested by law with authority and jurisdiction over the rates, regulations and quality and standards of service to be supplied by Grantee. Provided however, should any judicial, regulatory or legislative body having proper jurisdiction take any action that precludes Grantee from recovering from its customers any cost associated with services provided hereunder, then Grantee and Grantor shall renegotiate the terms of this Ordinance in accordance with the action taken. In determining the rights and duties of the Grantee, the terms of this Ordinance shall take precedence over any conflicting terms or requirements contained in any other ordinance enacted by the Grantor.

§10-604 NATURAL GAS; PROVISION FOR INADEQUATE ENERGY SUPPLIES.

If an energy supplier is unable to furnish an adequate supply of energy due to an emergency, an order or decision of a public regulatory body, or other acts beyond the control of the Grantee, then the Grantee shall have the right and authority to adopt reasonable rules and regulations limiting, curtailing or allocating extensions of service or supply of energy to any customers or prospective customers, and withholding the supply of energy to new customers, provided that such rules and regulations shall be uniform as applied to each class of customers or prospective customers, and shall be non-discriminatory as between communities receiving service from the Grantee.

§10-605 NATURAL GAS; CONSTRUCTION AND MAINTENANCE OF GRANTEE'S FACILITIES.

Any pavements, sidewalks or curbing taken up and any and all excavations made shall be done in such a manner as to cause only such inconvenience to the inhabitants of Grantor and the general public as is reasonably necessary, and repairs and replacements shall be made promptly by Grantee, leaving such properties in as good as condition as existed immediately prior to excavation.

Grantee agrees that for the term of this franchise, it will use its best efforts to maintain its facilities and equipment in a condition sufficient to meet the current and future energy requirements of Grantor, its inhabitants and industries. While maintaining its facilities and equipment, Grantee shall obtain permits as required by ordinance and will fix its excavations within a commercially reasonable time period, except that in emergency situations Grantee shall take such immediate unilateral actions as it determines are necessary to protect the public health, safety, and welfare; in which case, Grantee shall notify Grantor as soon as reasonably possible. Within a reasonable time thereafter, Grantee shall request and Grantor shall issue any permits or authorizations required by Grantor for the actions conducted by Grantee during the emergency situation.

Grantor will give Grantee reasonable notice of plans for street improvements where paving or resurfacing of a permanent nature is involved that affects Grantee's facilities. The notice shall contain the nature and character of the improvements, the rights-of-way upon which the improvements are to be made, the extent of the improvements, and the time when the Grantor will start the work, and, if more than one right-of-way is involved, the order in which the work is to proceed. The notice shall be given to the Grantee as soon as practical in advance of the actual commencement of the work, considering reasonable working conditions, to permit the Grantee to make any additions, alterations, or repairs to its facilities.

§10-606 NATURAL GAS; EXTENSION OF GRANTEE'S FACILITIES.

Upon receipt and acceptance of a valid application for service, Grantee shall, subject to its own economic feasibility criteria as approved by the Nebraska Public Service Commission make reasonable extensions of its distribution facilities to serve customers located within the current or future corporate limits of Grantor.

§10-607 NATURAL GAS: RELOCATION OF GRANTEE'S FACILITIES.

If Grantor elects to change the grade of or otherwise alter any street, alley, avenue, bridge, public right-of-way or public place for a public purpose, unless otherwise reimbursed by federal, state or local legislative act or governmental agency, Grantee, upon reasonable notice from Grantor, shall remove and relocate its facilities or equipment situated in the public rights-of-way, at the cost and expense of Grantee, if such removal is necessary to prevent interference with Grantor's facilities.

If Grantor orders or requests Grantee to relocate its facilities or equipment for the primary benefit of a commercial or private project, or as a result of the initial request of a commercial or private developer or other non-public entity, and such removal is necessary to prevent interference with such project, then Grantee shall receive payment for the cost of such relocation as a precondition to relocating its facilities or equipment.

Grantor shall consider reasonable alternatives in designing its public works projects and exercising its authority under this section so as not to arbitrarily cause Grantee unreasonable additional expense. If alternative public right-of-way space is available, Grantor shall also provide a reasonable alternative location for Grantee's facilities. Grantor shall give Grantee written notice of an order or request to vacate a public right-of-way; provided, however, that its receipt of such notice shall not deprive Grantee of its right to operate and maintain its existing facilities in such public right-of way until it (a) if applicable, receives the reasonable cost of relocating the same and (b) obtains a reasonable public right-of-way, dedicated utility easement, or private easement alternative location for such facilities.

§10-608 NATURAL GAS: REGULATIONS.

1. CONFIDENTIAL INFORMATION

Grantor acknowledges that certain information it might request from Grantee pursuant to this Ordinance may be of a proprietary and confidential nature, and that such requests may be subject to the Homeland Security Act or other confidentiality protections under state or federal law. If Grantee requests that any information provided by Grantee to Grantor be kept confidential due to its proprietary or commercial value, Grantor and its employees, agents and representatives shall maintain the confidentiality of such information, to the extent allowed by law. If Grantor is requested or required by legal or administrative process to disclose any such proprietary or confidential information, Grantor shall promptly notify Grantee of such request or requirement so that Grantee may seek an appropriate protective order or other relief.

2. FORCE MAJEURE

It shall not be a breach or default under this Ordinance if either party fails to perform its obligations hereunder due to force majeure. Force majeure shall include, but not be limited to, the following: 1) physical events such as acts of God, landslides, lightning, earthquakes, fires, freezing, storms, floods, washouts, explosions, breakage or accident or necessity of repairs to machinery, equipment or distribution or transmission lines; 2) acts of others such as strikes, work-force stoppages, riots, sabotage, insurrections or wars; 3) governmental actions such as necessity for compliance with any court order, law, statute, ordinance, executive order, or regulation promulgated by a governmental authority having jurisdiction; and (4) any other causes, whether of the kind herein enumerated or otherwise not reasonably within the control of the affected party to prevent or overcome. Each party shall make reasonable efforts to avoid force majeure and to resolve such event as promptly as reasonably possible once it occurs in order to resume performance of its obligations hereunder; provided, however, that this provision shall not obligate a party to settle any labor strike.

3. HOLD HARMLESS

Grantee, during the term of this Ordinance, agrees to save harmless Grantor from and against all claims, demands, losses and expenses arising directly out of the negligence of Grantee, its employees or agents, in constructing, operating, and maintaining its distribution and transmission facilities or equipment; provided, however, that Grantee need not save Grantor harmless from claims, demands, losses and expenses arising out of the negligence of Grantor, its employees or agents.

4. SUCCESSORS AND ASSIGNS

All rights, privileges and authority granted to Grantee hereunder shall inure to the benefit of Grantee's lessees, successors and assigns, subject to the terms, provisions and conditions herein contained, and all obligations imposed upon Grantee hereunder shall be binding upon Grantee's lessees, successors and assigns.

5. NO THIRD PARTY BENEFICIARIES

This Ordinance constitutes a franchise agreement between the Grantor and Grantee. No provision of this Ordinance shall inure to the benefit of any third person, including the public at large, so as to constitute any such person as a third party beneficiary of the agreement or of any one or more of the terms hereof, or otherwise give rise to any cause of action for any person not a party hereto.

6. SEVERABILITY

If any clause, sentence or section of this Ordinance is deemed invalid by any judicial, regulatory or legislative body having proper jurisdiction, the remaining provisions shall not be affected.

7. NON WAIVER

Any waiver of any obligation or default under this Ordinance shall not be construed as a waiver of any future defaults, whether of like or different character.

8. REPEAL CONFLICTING ORDINANCES

This Ordinance, when accepted by Grantee as provided below, shall constitute the entire agreement between the Grantor and the Grantee relating to the franchise granted by Grantor hereunder, and the same shall supersede all prior ordinances relating thereto, and any terms and conditions of such prior ordinances or parts of ordinances in conflict herewith are hereby repealed. Ordinance No. 222 of the Village of Mead, Nebraska, is hereby repealed as of the effective date hereof.

§10-609 NATURAL GAS; RATE.

The Village of Mead, Nebraska, (hereinafter referred to as the “Municipality”) hereby establishes a franchise fee on every natural gas company and every other person, firm or corporation, their successors and assigns, owning, operating, controlling, leasing or managing a natural gas plant or system and/or generating, manufacturing, selling, distributing or transporting natural gas (hereinafter referred to, collectively, as “Energy Providers,” each, individually, an “Energy Provider”). Energy Providers shall collect from their customers located within the corporate limits of the Municipality as depicted on the Map (as defined below) (but not from the Municipality) and pay to the Municipality an amount equal to 3 percent (3%) of gross receipts Energy Providers derive from the sale, distribution or transportation of natural gas delivered within the present or future limits of the Municipality. Gross receipts as used herein are revenues received from the sale, distribution or transportation of natural gas, after adjustment for the net write-off of uncollectible accounts and corrections of bills theretofore rendered. The amount paid by Energy Providers shall be in lieu of, and Energy Providers shall be exempt from, all other fees, charges, taxes or assessments which the Municipality may impose for the privilege of doing business within the Municipality, including, without limitation, excise taxes, occupation taxes, licensing fees, or right-of-way permit fees, and in the event the Municipality imposes any such fee, charge, tax or assessment, the payment to be made by Energy Providers in accordance with this Ordinance shall be reduced in an amount equal to any such fee, charge, tax or assessment imposed upon the Energy Providers. Ad valorem property taxes imposed generally upon all real and personal property within the Municipality shall not be deemed to affect Energy Providers’ obligations under this Ordinance.

Energy Providers shall report and pay any amount payable under this Ordinance on an annual basis. Such payment shall be made no more than thirty (30) days following the close of the period for which payment is due. Initial and final payments shall be prorated for the portions of the periods at the beginning and end of any franchise granted by the Village of Mead, Nebraska, to an Energy Provider.

Energy Providers shall list the franchise fee collected from customers as a separate item on bills for utility service issued to their customers. If at any time the Nebraska Public Service Commission or other authority having proper jurisdiction prohibits such recovery, Energy Providers will no longer be obligated to collect and pay the franchise fee. In addition, Energy Providers may reduce the franchise fee payable for natural gas delivered to a specific customer when such reduction is required to attract or retain the business of that customer.

Within ten (10) days of the date of this ordinance, the Municipality shall provide the Energy Providers with a map of its corporate limits (the “Map”). The Map shall be of sufficient detail to assist Energy Providers in determining whether their customers reside within the Municipality’s corporate limits. The Map along

with Energy Provider's Geographic Information System ("GIS") mapping information shall serve as the sole basis for determining Energy Provider's obligation hereunder to collect and pay the franchise fee from customers; provided, however, that if the Municipality's corporate limits are changed by annexation of otherwise, it shall be the Municipality's sole responsibility to (a) update the Map so that such changes are included therein, and (b) provide the updated Map to the Energy Providers. An Energy Provider's obligation to collect and pay the franchise fee from customers within an annexed area shall not commence until the later: (a) of sixty (60) days after such Energy Provider's receipt from the Municipality of an updated Map including such annexed area, or (b) such time after such Energy Provider's receipt from the Municipality of an updated Map including such annexed area as is reasonably necessary for such Energy Provider to identify the customers in the annexed area obligated to pay the franchise fee. In addition, Energy Providers shall not be liable for paying franchise fees from or to any customer incorrectly identified by the Municipality or by the Energy Provider, as being subject to the franchise fee or being subject to a different level of franchise fees or being exempt from the imposition of franchise fees.

The Municipality shall have access to and the right to examine, during normal business hours, such of an Energy Provider's books, receipts, files, records and documents as is reasonably necessary to verify the accuracy of payments due hereunder; provided, that the Municipality shall not exercise such right more than twice per calendar year. If it is determined that a mistake was made in the payment of any franchise fee required hereunder, such mistake shall be corrected promptly upon discovery such that any underpayment by an Energy Provider shall be paid within thirty (30) days of recalculation of the amount due, and any over-payment by an Energy Provider shall be deducted from the next payment of such franchise fee due by such Energy Provider to the Municipality; provided, that neither party shall have the obligation to correct a mistake that is discovered more than one (1) year after the occurrence thereof. (*Ord. No. 307, 1/6/87*) (*Amended by Ord. No. 373, 11 / 12/91; Ord. No. 420, 2/13/96; Ord. No. 814 6/13/23*)

§10-701 RATES. (*Repealed by Ord. No. 420, 2/13/96*)

§10-702 REFUNDS AND ACCOUNTING. (*Repealed by Ord. No. 420, 2/13/96*)

§10-703 OTHER CONTRACTS. (*Repealed by Ord. No. 420, 2/13/96*)

Article 8. Penal Provision

§10-801 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 five hundred (\$500.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply. (*Ref. 18-2315 RS Neb*) (*Amended by Ord. 661, 5/12/15*)