

CHAPTER 1 – ADMINISTRATION

ARTICLE 1 – ELECTED OFFICIALS

- SECTION 1-101: MAYOR; SELECTION AND DUTIES**
- SECTION 1-102: CITY COUNCIL; ACTING PRESIDENT**
- SECTION 1-103: CITY COUNCIL; SELECTION AND DUTIES**
- SECTION 1-104: CITY COUNCIL; ORGANIZATION**
- SECTION 1-105: RESIGNATIONS**
- SECTION 1-106: ELECTED OFFICIALS; VACANCY**
- SECTION 1-107: MAYOR; VACANCY**
- SECTION 1-108: ELECTED OFFICIALS; QUALIFICATIONS; RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE**
- SECTION 1-109: COMPENSATION**
- SECTION 1-110: CONFLICT OF INTEREST**

ARTICLE 2 – APPOINTED OFFICIALS

- SECTION 1-201: APPOINTMENT; REMOVAL**
- SECTION 1-202: MERGER OF OFFICES; CLERK-TREASURER POSITION**
- SECTION 1-203: CITY CLERK**
- SECTION 1-204: CITY TREASURER**
- SECTION 1-205: TREASURER'S MONTHLY REPORT**
- SECTION 1-206: TREASURER'S ANNUAL REPORT**
- SECTION 1-207: CITY ATTORNEY**
- SECTION 1-208: CITY PHYSICIAN**
- SECTION 1-209: CITY POLICE CHIEF**
- SECTION 1-210: CITY POLICE OFFICERS**
- SECTION 1-211: CITY FIRE CHIEF**
- SECTION 1-212: SPECIAL ENGINEER**
- SECTION 1-213: CITY WATER COMMISSIONER**
- SECTION 1-214: CITY SEWER COMMISSIONER**
- SECTION 1-215: CITY LANDFILL OPERATOR**
- SECTION 1-216: CITY STREET COMMISSIONER**
- SECTION 1-217: CITY UTILITIES SUPERINTENDENT**
- SECTION 1-218: CITY BUILDING INSPECTOR**
- SECTION 1-219: CITY ZONING INSPECTOR**

ARTICLE 3 – ADMINISTRATION

- SECTION 1-301: BONDS; FORM**
- SECTION 1-302: OATH OF OFFICE; CITY OFFICIALS**
- SECTION 1-303: OFFICIAL CORPORATE SEAL**
- SECTION 1-304: MEETINGS; DEFINED**
- SECTION 1-305: MEETINGS; PUBLIC BODY DEFINED**
- SECTION 1-306: MEETINGS; PUBLIC**
- SECTION 1-307: MEETINGS; CLOSED SESSIONS**
- SECTION 1-308: MEETINGS; EMERGENCY MEETINGS**
- SECTION 1-309: MEETINGS; MINUTES**
- SECTION 1-310: MEETINGS; VOTES**
- SECTION 1-311: MEETINGS; NOTICE TO NEWS MEDIA**
- SECTION 1-312: MEETINGS; RIGHTS OF PUBLIC**
- SECTION 1-313: MEETINGS; REGULAR; QUORUM**
- SECTION 1-314: MEETINGS; ABSENCE OF ELECTED OFFICIAL; HEARING;**

VACANCY

- SECTION 1-315: MEETINGS; ORDER OF BUSINESS**
- SECTION 1-316: MEETINGS; CHANGE IN OFFICE**
- SECTION 1-317: MEETINGS; ORGANIZATIONAL**
- SECTION 1-318: MEETINGS; NOTICE**
- SECTION 1-319: MEETINGS; SPECIAL MEETINGS**
- SECTION 1-320: MEETINGS; VIDEOCONFERENCING, WHEN ALLOWED**

ARTICLE 4 – ORDINANCES, RESOLUTIONS AND MOTIONS

- SECTION 1-401: GRANT OF POWER**
- SECTION 1-402: INTRODUCTION**
- SECTION 1-403: RESOLUTIONS AND MOTIONS; PROCEDURE**
- SECTION 1-404: STYLE**
- SECTION 1-405: TITLE**
- SECTION 1-406: ORDINANCES, RESOLUTIONS, ORDERS, BYLAWS;
READING; PASSAGE**
- SECTION 1-407: PUBLICATION OR POSTING**
- SECTION 1-408: CERTIFICATE OF PUBLICATION OR POSTING**
- SECTION 1-409: EFFECTIVE DATE; EMERGENCY ORDINANCES**
- SECTION 1-410: AMENDMENTS AND REVISIONS**

ARTICLE 5 – FISCAL MANAGEMENT

- SECTION 1-501: FISCAL YEAR**
- SECTION 1-502: DEPOSIT OF FUNDS**
- SECTION 1-503: INVESTMENT OF FUNDS**
- SECTION 1-504: EXPENDITURES; AUTHORIZATION**
- SECTION 1-505: CONTRACTS; BIDDING**
- SECTION 1-506: CLAIMS**
- SECTION 1-507: WARRANTS**
- SECTION 1-508: DEBT COLLECTION; AUTHORITY TO CONTRACT WITH
COLLECTION AGENCY**
- SECTION 1-509: ANNUAL AUDIT**
- SECTION 1-510: BOND ISSUES**
- SECTION 1-511: APPROPRIATIONS**
- SECTION 1-512: BUDGET PROCEDURE; FORM AND MANUAL
INCORPORATED**
- SECTION 1-513: PROPOSED BUDGET STATEMENT; FILING**
- SECTION 1-514: PROPOSED BUDGET; HEARING**
- SECTION 1-515: EXPENDITURES PRIOR TO ADOPTION OF BUDGET**
- SECTION 1-516: ADOPTED BUDGET STATEMENT; FILING**
- SECTION 1-517: PROPERTY TAX LEVY; AUTHORITY TO SET**
- SECTION 1-518: PROPERTY TAX LEVY; CERTIFICATION OF AMOUNTS**
- SECTION 1-519: TRANSFER OF FUNDS**
- SECTION 1-520: GENERAL FUND**
- SECTION 1-521: COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE**
- SECTION 1-522: SPECIAL ASSESSMENT FUND**
- SECTION 1-523: SINKING FUNDS**
- SECTION 1-524: SALES AND USE TAX**

ARTICLE 6 – PLANNING COMMISSION

- SECTION 1-601: MEMBERS; OFFICERS; DUTIES; ALTERNATE**

ARTICLE 7 – BOARD OF ADJUSTMENT

SECTION 1-701: MEMBERS; OFFICERS; DUTIES AND POWERS

ARTICLE 8 – BOARD OF HEALTH

SECTION 1-801: MEMBERS; OFFICERS; DUTIES

ARTICLE 9 – PARKS AND POOL

SECTION 1-901: BOARD OF PARK COMMISSIONERS

SECTION 1-902: CITY PARKS; OPERATION AND FUNDING

SECTION 1-903: CITY PARKS; USE OF KIDDIE PARK

SECTION 1-904: CITY PARKS; HOURS OF ENTRY

SECTION 1-905: CITY PARKS; INJURY TO PROPERTY

SECTION 1-906: CITY SWIMMING POOL; OPERATION AND FUNDING

SECTION 1-907: CITY SWIMMING POOL; ADMISSION CHARGE

SECTION 1-908: CITY SWIMMING POOL; RENTALS

SECTION 1-909: CITY SWIMMING POOL; RULES AND REGULATIONS

SECTION 1-910: CITY CAMPGROUNDS; USE AND FEES

ARTICLE 10 – FORESTRY BOARD

SECTION 1-1001: MEMBERS; OFFICERS; DUTIES

SECTION 1-1002: DEFINITIONS

SECTION 1-1003: DISTANCES AND CLEARANCES FOR PLANTING

SECTION 1-1004: TREE TOPPING

SECTION 1-1005: DEAD, DISEASED OR HAZARDOUS TREES; REMOVAL

SECTION 1-1006: INTERFERENCE WITH THE FORESTRY BOARD

ARTICLE 11 – HOUSING AUTHORITY

SECTION 1-1101: CONTINUED EXISTENCE

SECTION 1-1102: OWNERSHIP

SECTION 1-1103: MEMBERS; MEETINGS; DUTIES

SECTION 1-1104: DEFINITIONS

SECTION 1-1105: OPERATION AND MANAGEMENT

SECTION 1-1106: REPORTS

ARTICLE 12 – AIRPORT AUTHORITY

SECTION 1-1201: OPERATION

ARTICLE 13 – CITY CEMETERY

SECTION 1-1301: CEMETERY BOARD

SECTION 1-1302: OPERATION AND FUNDING

SECTION 1-1303: SEXTON

SECTION 1-1304: CONVEYANCE OF LOTS

SECTION 1-1305: FORFEITURE OF LOTS

SECTION 1-1306: LOT TRANSFERS

SECTION 1-1307: PERPETUAL CARE

SECTION 1-1308: BURIAL PERMIT

SECTION 1-1309: LOT CURBING

SECTION 1-1310: SHRUBS AND TREES

SECTION 1-1311: GRAVE DEPTH

SECTION 1-1312: DESTRUCTION OF PROPERTY

SECTION 1-1313: HOURS OF ENTRY

SECTION 1-1314: MINIMUM GRAVE LINER

SECTION 1-1315: MONUMENT REQUIREMENTS

ARTICLE 14 – LIBRARY

SECTION 1-1401: ESTABLISHMENT

SECTION 1-1402: NAME

SECTION 1-1403: LIBRARY BOARD; DUTIES AND POWERS

SECTION 1-1404: LIBRARY BOARD; SUBJECT TO REVIEW OF CITY COUNCIL

ARTICLE 15 – POLICE DEPARTMENT

SECTION 1-1501: DUTIES

SECTION 1-1502: RESERVE OFFICER'S BOND

SECTION 1-1503: ARREST JURISDICTION

SECTION 1-1504: POLICE OFFICERS; DISCIPLINE OR REMOVAL FROM DUTY; NOTICE AND HEARING; DETERMINATION

ARTICLE 16 – COMMUNITY DEVELOPMENT AGENCY

SECTION 1-1601: CREATION

SECTION 1-1602: POWERS

SECTION 1-1603: ADMINISTRATION BY CITY COUNCIL

SECTION 1-1604: OFFICERS

ARTICLE 17 – PENAL PROVISION

SECTION 1-1701: VIOLATION; PENALTY

CHAPTER 1 – ADMINISTRATION

Article 1 – Elected Officials

SECTION 1-101: MAYOR; SELECTION AND DUTIES

The mayor shall be elected at the city election and shall serve a four-year term of office. Any candidate for mayor must have resided within the City for 40 days prior to filing for the said office and must, in addition, be a qualified taxpayer. The mayor shall have the general and immediate control over all property and officials, whether elected or appointed, of the City. He or she shall preside at all meetings of the City Council and may vote when his or her vote shall be decisive and the Council is equally divided on any pending matter, legislation or transaction. The mayor shall, for the purpose of such vote, be deemed to be a member of the Council. His or her signature must appear on the city clerk's minutes of all meetings, and he or she must sign all resolutions which have been passed and warrants for the payment of money when ordered by the City Council; provided, any ordinance vetoed by the mayor may be passed over his or her veto by a two-thirds vote by the members of the Council; but if the mayor neglects or refuses to sign any ordinance and returns it to the Council with his or her objections in writing at the next regular meeting, the same shall become a law without his or her signature. He or she shall from time to time communicate to the Council such information and recommendations as, in his or her opinion, may improve the City. He or she may require at reasonable intervals any city official to exhibit his or her accounts and make reports to the Council on any subject pertaining to his or her office. He or she shall have the power to remit fines or pardon any offense arising under the ordinances of the City. He or she may remove at any time an appointed police officer of the City, subject to the provisions

of Section 1-1504 herein. His or her territorial authority shall extend over all places within five miles of the corporate limits of the City for the enforcement of any health ordinance and one-half mile in all matters vested in him or her except taxation. He or she shall also have such other duties as the City Council may by resolution confer upon him or her or in any other matters which the laws of the State of Nebraska repose in him or her. (Neb. Rev. Stat. §17-110 through 17-115, 17-117) (Am. by Ord. Nos. 455-A, 4/19/76; 550, 11/6/80)

SECTION 1-102: CITY COUNCIL; ACTING PRESIDENT

The City Council shall elect one of its own body each year who shall be styled the president of the Council and who shall preside at all meetings of the Council in the absence of the mayor. In the absence of the mayor and the president of the Council, the City Council shall elect one of its own body to occupy his or her place temporarily, who shall be styled acting president of the Council. Both the president and the acting president, when occupying the position of the mayor, shall have the same privileges as the other members of the City Council; and all acts of the president or acting president of the Council, while so acting, shall be as binding upon the City Council and upon the City as if done by the elected mayor. (Neb. Rev. Stat. §17-148)

SECTION 1-103: CITY COUNCIL; SELECTION AND DUTIES

The members of the City Council shall be elected and serve four-year terms of office. The Council shall be the legislative division of the city government and shall perform such duties and have such powers as may be authorized by law. The City Council shall maintain the peace, regulate business, protect the public health and safety, and assess such taxes and fees as are necessary and appropriate in the exercise of these functions. (Neb. Rev. Stat. §17-103, 17-104)

SECTION 1-104: CITY COUNCIL; ORGANIZATION

City Council members shall take office and commence their duties on the first regular meeting in December following their election. The newly elected council members who have qualified as prescribed by law, together with the members of the City Council holding over, shall assemble in a regular meeting at the hour and place hereinafter prescribed and perfect the reorganization of the Council as herein provided. All appointive offices in which the terms of incumbents are expired shall be filled by appointment. After the said meeting has been called to order, the city clerk shall report to the City Council the names of all members-elect who have qualified for their respective offices, which report shall be spread upon the minutes of the meeting preceding the roll call. Each ward of the City shall be represented by at least two council members. No person shall be eligible who is not at the time of his or her election an actual resident of the ward for which he or she is qualified; and should any City Council member move from the ward from which he or she was elected, his or her office shall thereby become vacant. (Neb. Rev. Stat. §17-104, 17-107.01, 19-613) (Am. by Ord. No. 446-A, 4/6/76)

SECTION 1-105: RESIGNATIONS

All resignations of the mayor and City Council members shall be in writing and submitted to the Council for acceptance. Resignations shall not be effective until accepted by formal action of the Council.

SECTION 1-106: ELECTED OFFICIALS; VACANCY

A. Except as otherwise provided in subsection (C) or (D) of this section, vacancies in elected offices shall be filled by the City Council for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the Council at a regular or special meeting and shall

appear as a part of the minutes of such meeting. The Council shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the City or by posting in three public places in the City the office vacated and the length of the unexpired term.

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

C. The City Council may, in lieu of filling a vacancy in the elected office as provided in subsection (A) of this section or Neb. Rev. Stat. §32-568(3), call a special city election to fill such vacancy.

D. If vacancies exist in the offices of a majority of the members of the City Council, the secretary of state shall conduct a special election to fill such vacancies.
(Neb. Rev. Stat. §17-212, 32-4,152, 32-1406) (Am. by Ord. Nos. 447-A, 4/6/76; 819, 12/4/90; 1280, 11/20/06)

SECTION 1-107: MAYOR; VACANCY

A. Whenever a vacancy occurs in the office of mayor or, in case of his or her disability or absence, the president of the Council shall exercise the office of mayor until such vacancy is filled or such disability is removed or, in case of temporary absence, until the mayor returns.

B. When the successful candidate for mayor shall be prevented from assuming office, the incumbent mayor shall not be entitled to hold over the term but such office shall automatically become vacant and the president of the Council shall exercise the office of mayor until such vacancy is filled.

C. If the president of the Council shall for any cause assume the office of mayor for the remainder of the unexpired term, there shall be a vacancy on the Council which shall be filled as provided in Section 1-105.
(Neb. Rev. Stat. §17-107, 17-115) (Am. by Ord. No. 447-A, 4/6/76)

SECTION 1-108: ELECTED OFFICIALS; QUALIFICATIONS; RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE

A. Elected officials shall be residents and registered voters of the City.

B. The mayor and members of the City Council shall hold no other elective or appointive office or employment with the City.

C. For purposes of this section, (1) "elective office" means any office which has candidates nominated or elected at the time of a statewide primary election; any office

which has candidates nominated at the time of a statewide primary election and elected at the time of a statewide general election; any office which has candidates elected at the time of a statewide general election; any office which has candidates nominated or elected at a city election; and any office created by an act of the Legislature which has candidates elected at an election and includes an office which is filled at an election held in conjunction with the annual meeting of a public body created by an act of the Legislature; and (2) "high elective office" means a member of the Legislature, an elective office described in Article IV, Sections 1 or 20, or Article VII, Sections 3 or 10, of the Constitution of Nebraska, or a county, city or school district elective office.

D. No candidate for member of the Legislature or an elective office described in Article IV, Sections 1 or 20, or Article VII, Sections 3 or 10, of the Constitution of Nebraska shall be eligible to file as a candidate, to petition on the ballot as a candidate, to accept nomination by a political party or by party convention, caucus or committee to file a vacancy or to be declared a write-in candidate for more than one elective office to be filled at the same election, except for the position of delegate to a county, state or national party convention. No candidate for any other high elective office shall be eligible to file as a candidate, to petition on the ballot as a candidate, to accept a nomination by a political party or by party convention, caucus or committee to fill a vacancy or to be declared write-in candidate for more than one elective office to be filled at the same election.

E. Except as provided in subsection (F) or (H) of this section, no person shall be precluded from being elected or appointed to or holding an elected office for the reason that he or she has been elected or appointed to or holds another elected office.

F. No person serving as a member of the Legislature or in an elective office described in Article IV, Sections 1 or 20 or Article VII, Sections 3 or 10, of the Constitution of Nebraska shall simultaneously serve in another elective office which is filled at an election held in conjunction with the annual meeting of a public body.

G. Whenever an incumbent serving as a member of the Legislature or in an elective office described in Article IV, Sections 1 or 20 or Article VII, Sections 3 or 10 of the Constitution of Nebraska assumes another elective office, except an elective office filled at an election held in conjunction with the annual meeting of a public body, the office first held by the incumbent shall be deemed vacant.

H. No person serving in a high elective office shall simultaneously serve in any other high elective office.

I. Notwithstanding subsections (F) through (H) of this section, any person holding more than one high elective office on September 13, 1997, shall be entitled to continue to serve the remainder of all terms for which he or she was elected or appointed.

(Neb. Rev. Stat. §17-108.02, 32-109, 32-603, 32-604) (Ord. No. 1094, 7/6/98)

SECTION 1-109: COMPENSATION

The compensation of any elective official of the City shall not be increased or diminished during the term for which he or she shall have been elected except when there has been a merger of offices; provided, the compensation of the members of the City Council, a board or commission may be increased or diminished at the beginning of the full term of any member whether or not the terms of one or more members commence and end at different times. No elected official may be rehired at a greater salary if he or she resigns and desires to be rehired during the unexpired term of office. He or she may be rehired after the term of office during which he or she resigned at a greater salary. All salaries shall be set by ordinance of the City Council and will be available for public inspection at the office of the city clerk. (Neb. Rev. Stat. §17-108.02, 17-612)

SECTION 1-110: CONFLICT OF INTEREST

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

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

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

1. 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;
2. 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
3. Does not act for the City as to inspection or performance under the contract in which he or she has an interest.

D. The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any city by a financial institution shall not be considered a contract under the provisions of this section. The ownership of less than 5% of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section. Notwithstanding the provisions of subsections (C)(1) through (3) above, if an officer's parent, spouse or child is an employee of the City, 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 (E)(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 appli-

cable competitive bidding requirements and shall be fair and reasonable to the City.

E. The city 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 City in which an officer has an interest as specified above for which disclosure is made as provided in subsections (C)(1) through (3) above. Such information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include the:

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

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

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

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

I. All contracts involving \$100.00 or less in which an officer of the City may have an interest are exempt from the above and foregoing provisions.

J. No officer, including volunteer firefighters and ambulance drivers, shall receive any pay or perquisites from the City other than his or her salary. The City Council 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 City.

(Neb. Rev. Stat. §17-611, 18-305 through 18-312, 49-14,103.01 through 49-14,103.03, 70-624.04) (Am. by Ord. Nos. 623, 3/1/83; 641, 10/4/83; 649, 1/3/84; 711, 9/27/86)

Article 2 – Appointed Officials

SECTION 1-201: APPOINTMENT; REMOVAL

A. The mayor, with the consent of the City Council, at the first council meeting in December of each year may appoint such officers as shall be required by ordinance or otherwise required by law. The mayor, by and with the consent of the City Council, shall appoint such a number of regular police officers as may be necessary. The Council may establish and provide for the appointment of members of a law enforcement reserve force as provided by law.

B. All police officers and other appointed officials may be removed at any time by

the mayor, except that if the City has a water commissioner, he may at any time, for sufficient cause, be removed from office by a two-thirds vote of the City Council. (Neb. Rev. Stat. §17-107, 17-541, 81-1438) (Am. by Ord. Nos. 472-A, 11/1/77; 1050, 7/1/97; 1194, 12/3/01)

SECTION 1-202: MERGER OF OFFICES; CLERK-TREASURER POSITION

A. The City Council may, at its discretion, by ordinance combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except mayor and council member, with any other elective or appointive office or employment so that one or more 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. The city manager/administrator in a city under the city manager/administrator plan of government as provided by law may in his or her discretion combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except mayor and City Council member, with any other elective or appointive office or employment so that one or more of such offices or employments may be held by the same officer or employee at the same time. The offices or employments so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged or combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment or employments so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers. (Neb. Rev. Stat. §17-108.02) (Am. by Ord. No. 820, 12/4/90)

B. The appointive offices of city clerk and city treasurer are hereby combined and merged, in accordance with the authority granted to the City Council by subsection (A). The office so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined. (Ord. No. 638, 10/4/83)

SECTION 1-203: CITY CLERK

A. The city clerk shall attend the meetings of the City Council and keep a correct journal of the proceedings of that body. He or she shall keep a record of all outstanding bonds against the City and when any bonds are sold, purchased, paid or cancelled, said record shall show the fact. He or she shall make, at the end of the fiscal year, a report of the business of the City transacted through his or her office for the year; that record shall describe in particular the bonds issued and sold during the year and the terms of the sale with each and every item and expense thereof. He or she shall file all official bonds after the same shall have been properly executed and approved. He or she shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Council.

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

C. The city clerk shall permit no records, public papers or other documents of the City kept and preserved in his or her office to be taken therefrom except by such officers of the City as may be entitled to the use of the same but only upon their leaving a re-

ceipt therefor. He or she shall keep all the records of his or her office, including a record of all licenses issued, in a blank book with a proper index. He or she shall include as part of his or her records all petitions under which the City Council shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. He or she shall endorse the date and hour of filing upon every paper or document so filed. All such filings shall be properly docketed. Included in his or her records shall be all standard codes, amendments thereto, and other documents incorporated by reference, arranged in triplicate in a manner convenient for reference. He or she shall keep an accurate and complete account of the appropriation of the several funds and shall draw, sign and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he or she shall then make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records at any reasonable time.

D. The city clerk shall deliver all warrants, ordinances and resolutions under his or her charge to the mayor for his or her signature. He or she shall also deliver to officers, employees and committees all resolutions and communications which are directed at said officers, employees or committees. With the seal of the City, he or she shall duly attest the mayor's signature to all ordinances, deeds and papers required to be attested to when ordered to do so by the City Council. Within 30 days after any meeting of the Council, the clerk shall prepare and publish its official proceedings in a legal newspaper of general circulation in the City and which was duly designated as such by the Council. 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 employee job titles and the current annual, monthly or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for such publication shall not exceed the rates provided by state statutes. Said publication shall be charged against the General Fund. He or she shall then keep in a book with a proper index copies of all notices required to be published or posted by the clerk by order of the City Council or under the ordinances of the City. 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 city clerk's certificate under seal where the same are required to be posted only.

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

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

(Neb. Rev. Stat. §17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712) (Am. by Ord. Nos. 454-A, 4/19/76; 896, 2/2/93)

SECTION 1-204: CITY TREASURER

The city treasurer shall be the custodian of all moneys belonging to the City. He or she

shall keep all money belonging to the City separate and distinct from his or her own money. He or she shall keep a separate account of each fund or appropriation and the debits and credits belonging thereto and shall issue duplicate receipts for all moneys received for the City. He or she shall give to every person paying money into the city treasury a receipt therefor, specifying the date of payment and the account paid. One of the receipts shall be filed with his or her monthly report and the last copy of the said receipt shall be kept on file in his or her office. His or her books and accounts shall always be open for inspection by any citizen of the City whenever any 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 or she shall cancel all bonds, coupons, warrants and other evidences of debt against the City whenever paid by him or her, by writing or stamping on the face thereof, "Paid by the city treasurer," with the date of payment written or stamped thereon. He or she 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 or she shall adopt such bookkeeping methods as the City Council shall prescribe. He or she shall invest and collect all money owned by or owed to the City as directed by the Council. (Neb. Rev. Stat. §17-606 through 17-609, 84-712)

SECTION 1-205: TREASURER'S MONTHLY REPORT

The city treasurer shall, at the end of each and every month and at such other times as the City Council may deem necessary, render an account under oath showing the financial state of the City at that date, the amount of money remaining in each fund, the amount paid therefrom, and the balance of money remaining in the treasury. He or she shall accompany the said account with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him or her. He or she shall also produce depository evidence that all city money is in a solvent and going bank in the name of the City. If the city treasurer shall neglect or fail for the space of ten days from the end of each and every month to render his or her accounts as aforesaid, the City Council shall, by resolution, declare the office vacant and appoint some person to fill the vacancy. The treasurer shall be present at each regular meeting of the Council, at which time he or she shall read and file his or her monthly report. (Neb. Rev. Stat. §17-606)

SECTION 1-206: TREASURER'S ANNUAL REPORT

The city treasurer shall publish in a legal newspaper having general circulation within the City, within 60 days following the first day of August of each year, a report of the activities of his or her office, which said report shall show in detail, and shall include all receipts, disbursements, warrants outstanding, and the debit or credit balance of the City. (Neb. Rev. Stat. §19-1101)

SECTION 1-207: CITY ATTORNEY

The city attorney is the City's legal advisor and as such shall commence, prosecute and defend all suits on behalf of the City. When requested by the City Council, he or she shall attend its meetings and shall advise any city official in all matters of law in which the interests of the City may be involved. He or she shall draft such ordinances, bonds, contracts and other writings as may be required in the administration of the affairs of the City. He or she shall examine all bonds, contracts and documents on which the Council will be required to act, attaching 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 or she shall prepare complaints and attend and prosecute violations of the city ordinances when directed to do so by the City Council. Without direction, he or she shall appear and prosecute all cases for violation of the city ordinances that have been appealed and are pending in any higher court. He or she shall also examine the ordinance

records requested to do so by the Council and advise and assist the city 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 agree with subsisting local laws insofar as their passage and approval are concerned. The City Council shall have the right to compensate the city attorney for legal services on such terms as the Council and the attorney may agree and to employ any additional legal assistance as may be necessary out of the funds of the City. (Neb. Rev. Stat. §17-610)

SECTION 1-208: CITY PHYSICIAN

The city physician shall be a member of the Board of Health and perform the duties devolving upon him or her as the medical advisor of the said Board. In all injuries where a liability may be asserted against the City, the city physician shall immediately investigate the said injuries, the extent thereof, and the circumstances. He or she shall then report the results of his or her investigation with the name of the party injured and all other persons who may have personal knowledge of the matter. He or she shall make all physical examinations and necessary laboratory tests incident thereto and issue such health certificates as are required by ordinance. For the purpose of making examinations of the sanitary conditions of the property and the state of health of the inhabitants therein, he or she shall have the right at all reasonable hours to go upon and enter all premises, buildings or other structures in the City. He or she shall perform such other duties as may be required by state laws and city ordinances. When ordered to do so by the City Council, he or she shall disinfect or fumigate the premises or persons in or about the premises when such are quarantined. He or she shall call upon indigent sick persons and perform other professional services at the direction of the Council. The city physician shall receive as compensation for his or her services such sum as the Council may from time to time set. He or she shall receive no compensation for services as a member of the Board of Health. (Neb. Rev. Stat. §17-121)

SECTION 1-209: CITY POLICE CHIEF

The city police chief shall direct the police work of the City and shall be responsible for the maintenance of law and order. He or she shall act as health inspector and building inspector, except in the event the City appoints another person. He or she shall file the necessary complaints in cases arising out of violations of city ordinances and shall make all necessary reports required by the city ordinances or state laws. (Neb. Rev. Stat. §17-107, 17-121)

SECTION 1-210: CITY POLICE OFFICERS

A. The city police, whether regular or special, shall have the power to arrest all offenders against state laws or city ordinances by day or by night and keep the said offenders in the city jail or some other place to prevent their escape until trial can be held before the proper state or local official. They shall have full power and authority to call on any person whenever necessary to assist them in performing public duties, and failure, neglect or refusal to render such assistance shall be deemed a misdemeanor punishable upon conviction by a fine. Every police officer shall be expected to be conversant and knowledgeable with the city and state laws and shall have the duty to file such complaints and reports as may be required said laws. No law enforcement official shall have any interest in any establishment having a liquor license.

B. It shall be the duty of every police officer making a lawful arrest to search all persons in the presence of some other person, whenever possible, and shall carefully keep and produce to the proper judicial official upon the trial everything found upon the person of every such prisoner. All personal effects other than contraband or evidence of criminal activity so taken from prisoners aforesaid shall be restored to them upon their release.

C. Suitable uniforms and badges shall be furnished to the city police by the City. Any member who shall lose or destroy the same shall be required to pay the replacement costs and in the event that any member shall leave the force, he or she shall immediately deliver his or her badge to the police chief. The City Council may from time to time provide the city police with such equipment and transportation as may be essential in the performance of their official duties.

D. Any police officer who shall willfully fail, neglect or refuse to make an arrest or who purposely and willfully fails to make a complaint after an arrest is made shall be deemed guilty of a misdemeanor and upon conviction shall be fined. It shall be unlawful for the City Council to retain any police officer in that position after he or she shall have been duly convicted of the willful violation of any law of the United States of America, the State of Nebraska or any ordinance of the City, except minor traffic violations.
(Neb. Rev. Stat. §17-118, 17-124)

SECTION 1-211: CITY FIRE CHIEF

The city fire chief shall be elected by the members of the Fire Department. 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 days investigate the cause, origin and circumstances of fires arising within his or her jurisdiction. He shall, on or before the first day in April and October of each year, cause the secretary to file with the city 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 36 hours thereafter to arrest any suspected arsonist or any person hindering the department's efforts, conducting himself in a noisy and disorderly manner, or who refuses to obey any lawful order by the fire chief or assistant chief. The chief or his or her assistant in charge of operations at a fire may command the services of any person present at any fire in extinguishing the same or in the removal and protection of property. Failure to obey such an order shall be a misdemeanor punishable by a fine. The fire chief shall have the right to enter at all reasonable hours into buildings and upon all premises within his or her jurisdiction for the purpose of examining the same for fire hazards and related dangers. (Neb. Rev. Stat. §17-147, 17-505, 35-102, 35-108, 81-506, 81-512)

SECTION 1-212: SPECIAL ENGINEER

The City Council may employ a special engineer to make or assist the city 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 City. He shall, when directed by the Council, accurately make all plats, sections, profiles and maps as may be necessary. He shall, upon request of the Council, make estimates of the costs of labor and material which may be done or furnished by contract with the City and make all surveys, estimates and calculations necessary for the establishment of grades, bridges, building of culverts, sewers, electric light system, waterworks, power plant, public heating system, curbing and gutters, and the improvement of streets and erection and repair of buildings. He shall perform such other duties as the City Council may require. All records of the special engineer shall be public records which shall belong to the City and shall be turned over to his successor. (Neb. Rev. Stat. §17-405, 17-568, 17-568.01, 17-919) (Am. by Ord. No. 640, 10/4/83)

SECTION 1-213: CITY WATER COMMISSIONER

A. The water commissioner 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 City Council and on file in the office of the city clerk. He may be removed at any time by the Council by a two-thirds vote.

B. The water commissioner shall have general supervision and control over the city 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 City. All actions, decisions and procedures of the water commissioner shall be subject to the general directives and control of the City Council. The water commissioner shall have the general control and supervisory authority over all employees of the water system which the Council may from time to time hire to operate and maintain the said system. Unless some other official is specifically designated, he shall collect all money received by the City on account of the said system of waterworks and shall faithfully account for and pay over to the city treasurer all such money collected in the name of the City and receive a receipt from the treasurer for the depository evidence of his faithful discharge of this duty. This receipt shall then be filed with the city clerk and the second copy shall be kept by the said commissioner.

C. The water commissioner shall make a detailed report to the Council at least once every six months of the condition of the said water system, of all mains, pipes, hydrants, reservoirs, and machinery and such improvements, repairs and extensions thereof as he may think proper. The report shall show the amount of receipts and expenditures on account thereof for the preceding six months. No money shall be expended for improvements, repairs or extensions of the said waterworks system except upon the recommendation of the commissioner. He shall perform such additional duties as may be prescribed by the City Council.
(Neb. Rev. Stat. §17-107, 17-541, 17-543)

SECTION 1-214: CITY SEWER COMMISSIONER

The sewer commissioner shall have the immediate control and supervision over all the employees and property that make up the city sewer system, subject to the general control and directives of the City Council. He shall, when requested by the mayor and Council, make a detailed report 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 Council may delegate to him. He shall issue permits for all connections to the city sewer system and inspect and supervise all repairs made to the said system. In the absence of a specific appointment by the mayor, the water commissioner is hereby designated to be the sewer commissioner. (Neb. Rev. Stat. §17-107)

SECTION 1-215: CITY LANDFILL OPERATOR

The landfill operator shall have the immediate control and supervision of the city landfill and of all dumping of garbage, refuse, waste and rubbish thereon, subject to the general control and directives of the City Council. He shall, when requested by the mayor and Council, make a detailed report on the condition of the landfill and 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 Council should require them and shall inspect and supervise all work done to improve or extend the landfill. He shall have such other duties as the Council may delegate to him. He may be removed at any time by the mayor. In the absence of a specific appointment by the mayor, the utilities superintendent is hereby designated to be the landfill operator. (Neb. Rev. Stat. §17-107)

SECTION 1-216: CITY STREET COMMISSIONER

The street commissioner shall, subject to the orders and directives of the City Council, have general charge, direction and control of all work on the streets, sidewalks, culverts and bridges of the City and shall perform such other duties as the Council 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 Council, make a detailed report on the condition of the streets, sidewalks, culverts, alleys and bridges of the City 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 City, along with an estimate of the cost thereof. He shall issue such permits and assume such other duties as the Council may direct. (Neb. Rev. Stat. §17-107, 17-119, 17-214)

SECTION 1-217: CITY UTILITIES SUPERINTENDENT

A utilities superintendent shall be appointed in the event that there is more than one city utility and the City Council determines that it is in the best interest of the City to appoint one official to have the immediate control over one or more of the said city utilities. The utilities superintendent may be removed for good cause by the mayor, and 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 city officials. (Neb. Rev. Stat. §17-541)

SECTION 1-218: CITY BUILDING INSPECTOR

The duties of the building inspector shall be as provided in Section 8-201.

SECTION 1-219: CITY ZONING INSPECTOR

The mayor may appoint a zoning inspector. In the absence of a specific appointment by the mayor, the building inspector is hereby designated as zoning inspector.

Article 3 – Administration

SECTION 1-301: BONDS; FORM

Official bonds of the City shall be in form, joint and several, and shall be made payable to the City in such penalty as the City Council 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 city officials shall be executed by the principal named in such bonds and by at least two 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 city official while still in his or her 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 City. All said bonds shall obligate the principal and sureties for the faithful discharge of all duties required by law of such principal and shall inure to the benefit of the City 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 approved by the City Council and all sureties are endorsed in writing on the said instrument by the mayor and city clerk pursuant to the said approval of the Council. The premium on any official bond required to be given may be paid out of the General Fund or other proper city fund upon a resolution to that effect by the Council at the beginning of any city year. All official bonds meeting the conditions herein shall be filed with the city clerk for his or her official records, and it shall be the duty of the 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 Council. In the event that the sureties on the official bond of any officer of the City, in the opinion of the Council, become insufficient, the Council 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 City Council, then the office shall, by such failure, refusal or neglect, become vacant and it shall be the duty of the Council 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. (Neb. Rev. Stat. §11-103 through 11-118, 17-604)

SECTION 1-302: OATH OF OFFICE; CITY OFFICIALS

All officials of the City, 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. 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."

(Neb. Rev. Stat. §11-101)

SECTION 1-303: OFFICIAL CORPORATE SEAL

The official corporate seal of the City shall be kept in the office of the city clerk and may bear the following inscription, "Corporate Seal, City of O'Neill, Nebraska." The city 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 City Council and countersigned by the clerk. (Neb. Rev. Stat. §17-502)

SECTION 1-304: 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. (Neb. Rev. Stat. §84-1409(2)) (Ord. No.453-A, 4/19/76) (Am. by Ord. No. 639, 10/4/83)

SECTION 1-305: MEETINGS; PUBLIC BODY DEFINED

"Public body" as used in this article shall mean (1) the City Council, (2) all independent boards, commissions, bureaus, committees, councils, subunits or any other bodies, now or hereafter created by Constitution, statute, ordinance or otherwise pursuant to law, and (3) advisory committees of the bodies listed. This article shall not apply to subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy or taking formal action on behalf of their parent bodies. (Neb. Rev. Stat. §84-1409(1)) (Am. by Ord. Nos. 639, 10/4/83; 895, 2/2/93)

SECTION 1-306: MEETINGS; PUBLIC

A. All public meetings as defined by law shall be held in a public building located within the City which shall be open to attendance by the public. All meetings shall be held in the public building in which the City Council 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 transmitted to all members of the Council and to the public by a method designated by the Council. Such notice shall contain the time and specific place for each meeting and either (1) an enumeration of the agenda subjects known at the time of the notice or (2) a statement that such an agenda, kept continually current, shall be available for public inspection at the office of the city clerk. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The City shall have the right to modify the agenda at the public meeting when convened. The minutes of the city clerk shall include a record of the manner by which the advance publicized notice was given, the time and specific place of each meeting and the names of each member of the Council present or absent at each convened meeting.

B. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the City Council in open session. The record of the city clerk shall show how each member voted or that the member was absent and did not vote.

C. Any formal actions taken at any public meeting not in conformity with the provisions of this section shall be deemed to be void. Any official who shall violate the provisions of this section shall be deemed to be guilty of a misdemeanor.

D. This section does not apply to chance meetings or to attendance at or travel to conventions or workshops of the City Council at which there is no meeting of the Council then intentionally convened, if there is no vote or other action taken regarding any matter over which the Council has supervision, control, jurisdiction or advisory power.

E. The City Council shall make available at least one current copy of the Open Meetings Act, to be posted in the meeting room at a location accessible to members of the public. At the beginning of each meeting, the public shall be informed about the location of the posted information.

(Neb. Rev. Stat. §84-1408, 84-1409, 84-1411, 84-1413) (Am. by Ord. Nos. 453-A, 4/17/76; 639, 10/4/83; 731, 9/1/87; 1279, 12/4/06)

SECTION 1-307: MEETINGS; CLOSED SESSIONS

A. The City Council may hold a closed session by an 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 if such individual has not requested a public meeting. The subject matter and the reason necessitating the closed session shall be identified in the motion to close.

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

C. The vote to hold a closed session shall be taken in open session. The entire motion to close, the vote of each member on the holding of a closed session and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion passes, then the mayor shall, immediately prior to the closed session, restate on the record the limitation of the subject matter of the closed session. In holding such a closed session, the Council shall restrict its consideration of matters

during the closed portion to only those purposes set forth in the motion to close as the reason for the closed session.

D. Any member of the Council 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. Such challenge shall be overruled only by a majority of the members of the Council. Such challenge and its disposition shall be recorded in the minutes.

(Neb. Rev. Stat. §84-1410) (Ord. No. 453-A, 4/19/76) (Am. by Ord. Nos. 639, 10/4/83; 894, 2/2/93; 970, 3/7/95; 1279, 12/4/06)

SECTION 1-308: 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 1-311 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. (Neb. Rev. Stat. §84-1411) (Ord. No. 453-A, 4/19/76) (Am. by Ord. No. 639, 10/4/83)

SECTION 1-309: MEETINGS; MINUTES

Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The minutes shall be public records and open to public inspection during normal business hours. Minutes shall be written and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier, except an additional ten days shall be allowed in the event of the clerk's serious illness or an emergency which prohibits the writing of such minutes and making them available to the public within ten working days as set forth herein. (Neb. Rev. Stat. §84-1412, 84-1413) (Ord. Nos. 453-A, 4/19/76; 1271, 1/9/06)

SECTION 1-310: 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 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. (Neb. Rev. Stat. §17-616, 84-1413) (Ord. No. 453-A, 4/19/76)

SECTION 1-311: MEETINGS; NOTICE TO NEWS MEDIA

The city 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. (Neb. Rev. Stat. §84-1411) (Ord. No. 453-A, 4/19/76)

SECTION 1-312: MEETINGS; RIGHTS OF PUBLIC

A. Subject to the provisions of this article, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body, except for closed meetings called pursuant to Section 1-307, may be videotaped, televised, photographed, broadcast or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or

sonic reproduction or in writing.

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

C. No public body shall for the purpose of circumventing the provisions of this article 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.

D. An agency which contracts with municipalities outside the State of Nebraska may hold meetings of any committee outside the State of Nebraska if such meetings are held only in such contracting municipalities. Final action on any agenda item shall only be taken by the agency at a meeting in the State of Nebraska, which meeting shall comply with Neb. Rev. Stat. §84-1408 to 84-1414.

E. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.

(Neb. Rev. Stat. §84-1412, 18-2438) (Ord. No. 453-A, 4/19/76) (Am. by Ord. Nos. 639, 10/4/83; 684, 12/3/85; 732, 9/1/87)

SECTION 1-313: MEETINGS; REGULAR; QUORUM

A. Regular meetings of the mayor and City Council shall be held on the first Monday of each month, except when the first Monday is the first day of the month, or the meeting day is a City-observed holiday, then it will fall on the next Monday. All regular meetings will commence at the hour of 6:30 P.M. (Neb. Rev. Stat. §17-105, 17-106) (Am. by Ord. Nos. 548, 10/7/80; 621, 12/14/82; 673, 4/2/85; 1076, 11/17/97; 1399, 7/12/21)

B. A majority of the members elected to the City Council shall constitute a quorum for the transaction of any business but a fewer number may adjourn from time to time and compel the attendance of absent members. Unless a greater vote is required by law, an affirmative vote of at least one-half of the elected members shall be required for the transaction of any business. (Neb. Rev. Stat. §17-105) (Ord. No. 1009, 2/6/96)

SECTION 1-314: MEETINGS; ABSENCE OF ELECTED OFFICIAL; HEARING; VACANCY

In the event that an elected official of the City shall be absent for five consecutive regular meetings, the City Council at its next regular meeting shall hold a hearing to determine whether such absences shall be excused. Notice of such in writing shall be delivered to the absent member at least ten days prior to such hearing and he shall be given the opportunity to present evidence and testimony to support a determination that such absences should be excused. After such hearing, the City Council shall vote to either excuse such absences or to determine that such absences are unexcused and declare the seat vacant. In the event the seat is determined vacant, the vacancy shall be filled pursuant to Section 1-106. (Ord. No. 1223, 11/4/02)

SECTION 1-315: MEETINGS; ORDER OF BUSINESS

All meetings of the City Council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the city clerk, the mayor and such other city officials that may be required shall take their regular stations in the meeting place and the business of the City shall be taken up for consideration and disposition in the manner prescribed by the official agenda on file at the clerk's office.

SECTION 1-316: MEETINGS; CHANGE IN OFFICE

The change in office shall be made as follows: The mayor and Council shall meet on the first regular meeting date in December of each year in which a city election is held and the outgoing officers and the outgoing members of the Council shall present their reports. Upon the old Council having completed its business up to the said time, the outgoing members shall surrender their offices to the incoming members and they shall thereupon each surrender to his or her successor in office all property, records, papers and monies belonging to the same. (Neb. Rev. Stat. §17-107.02(9)) (Am. by Ord. No. 445A, 4/6/76)

SECTION 1-317: MEETINGS; ORGANIZATIONAL

The newly elected City Council members shall convene at their regular meeting place in the City on the first regular meeting date in December of each year in which a city election is held immediately after the prior Council adjourns and proceed to organize themselves for the ensuing year. The mayor elected for the new municipal year shall call the meeting to order. The Council shall then proceed to examine the credentials of its members and other elective officers of the City 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 members are duly qualified, the Council shall then elect one of its own body who shall be styled as "president of the Council." The mayor shall then nominate his or her candidates for appointive offices. He or she shall then proceed with the regular order of business. It is hereby made the duty of each and every member of the Council or his or her or her successor in office and of each officer elected to any office to qualify prior to the first regular meeting in December following his or her election. All appointive officers shall qualify within two weeks following their appointments. Qualification for each officer who is not required to give bond shall consist in his or her subscribing and taking an oath to support the Constitution of the United States, the Constitution of the State of Nebraska, and the laws of the City and to perform faithfully and impartially the duties of his or her office, said oath to be filed in the office of the city clerk. Each officer who is required to give a bond shall file the required bond in the office of the city clerk with sufficient sureties, conditioned on the faithful discharge of the duties of his or her office, with the oath endorsed thereon. (Am. by Ord. No. 446-A, 4/6/76)

SECTION 1-318: MEETINGS; NOTICE

The City Council shall give reasonable advance publicized notice of the time and place of each meeting as follows:

A. Notice of regular meetings shall be given by publication for at least one week in the Holt County Independent prior to said meeting.

B. Notice of special meetings shall be given by publication on KBRX Radio or in the *Holt County Independent* and posting in the O'Neill City Office, Pinnacle Bank and United Nebraska Bank at least two days prior to said meeting.

C. If possible, notice of emergency meetings shall be given by publication on KBRX Radio and posting at the O'Neill City Office and the main offices of the local banks at least 24 hours prior to said meeting; however, when notice is not practical it

may be dispensed with. In this event 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 1-311 of this code 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 by no later than the end of the next regular business day.

D. Notice of committee meetings shall be given by posting at the O'Neill City Office and the main offices of the local banks at least two days prior to said meeting.

E. All such notices shall be transmitted to all members of the City Council and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, kept continually current, shall be readily available for public inspection at the clerk's office during normal business hours. Except for items of an emergency nature, the agenda shall not be enlarged later than 24 hours before the scheduled commencement of the meetings. The Council shall have the right to modify the agenda to include items of an emergency nature only at such public meeting.

(Neb. Rev. Stat. §84-1411) (Ord. No. 668, 2/5/85) (Am. by Ord. Nos. 717, 2/3/87; 718, 3/10/87; 927, 5/3/94)

SECTION 1-319: MEETINGS; SPECIAL MEETINGS

Special meetings may be called by the mayor or by three members of the City Council, the object of which shall be submitted to the Council in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the city clerk. On filing the call for a special meeting, the city clerk shall notify the council members of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a council member known to be out of the state or physically unable to be present. A majority of the members of the City Council shall constitute a quorum for the transaction of business but a smaller number may adjourn from day to day and compel the attendance of the absent members. Whether a quorum is present or not, all absent members shall be sent for and compelled to attend. At the hour appointed for the meeting, the city clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Council shall be called to order by the mayor, if present, or if absent, by the president of the Council. In the absence of both the mayor and the president of the Council, the City Council members shall elect a president pro tempore. All ordinances passed at any special meeting shall comply with procedures set forth in Chapter 1, Article 4 herein. (Neb. Rev. Stat. §17-106) (Ord. No. 673, 4/2/85)

SECTION 1-320: MEETINGS; VIDEOCONFERENCING, WHEN ALLOWED

A. 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 videoconferencing if:

1. Reasonable advance publicized notice is given;
2. Reasonable arrangements are made to accommodate the public's right to attend, hear and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing was not used;
3. At least one copy of all documents being considered is available to the pub-

lic at each site of the videoconference;

4. At least one member of the governing body or advisory committee is present at each site of the videoconference; and
5. No more than one-half of the governing body's or advisory committee's meetings in a calendar year are held by videoconference.

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

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

(Neb. Rev. Stat. §84-1409, 84-1411) (Ord. No. 1051, 7/1/97)

Article 4 – Ordinances, Resolutions and Motions

SECTION 1-401: GRANT OF POWER

The City Council 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 City and its trade, commerce and manufactories. (Neb. Rev. Stat. §17-505) (Am. by Ord. No. 1052, 7/1/97)

SECTION 1-402: INTRODUCTION

A. Ordinances and resolutions may be introduced by any member of the City Council. Such introduction shall be followed by a reading by title of such ordinance or resolution by the city attorney.

B. The Council may immediately consider passage of any ordinance and proceed to do so pursuant to Section 1-406 below or may, by majority vote, table consideration of the ordinance until a later date.

C. Resolutions, once introduced, may be immediately acted upon by vote of the City Council or may, by motion and majority vote of the Council, be tabled for later consideration.

SECTION 1-403: RESOLUTIONS AND MOTIONS; PROCEDURE

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.

SECTION 1-404: STYLE

The style of all city ordinances shall be: "Be it ordained by the mayor and City Council of the City of O'Neill, Nebraska." (Neb. Rev. Stat. §17-613)

SECTION 1-405: TITLE

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

SECTION 1-406: ORDINANCES, RESOLUTIONS, ORDERS, BYLAWS; READING; PASSAGE

Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the City Council votes to suspend this requirement, except that such requirement shall not be suspended for any ordinance for the annexation of territory. In case such requirement is suspended, the ordinance shall be read by title and then moved for final passage. Three-fourths of the Council 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 Council. On the passage or adoption of every bylaw or ordinance and every resolution or order to enter into a contract by the Council, the "yeas" and "nays" shall be called and recorded. To pass or adopt any bylaw, ordinance, or any such resolution or order, concurrence of a majority of the members of the City Council shall be required. All appointments of officers by the Council 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 if the City utilizes an electronic voting device which allows the "yeas" and "nays" of each member of the Council to be readily seen by the public. (Neb. Rev. Stat. §17-614, 17-616) (Am. by Ord. Nos. 971, 3/7/95; 1052, 7/1/97)

SECTION 1-407: PUBLICATION OR POSTING

All ordinances of a general nature shall be published one time within 15 days after they are passed (A) in a newspaper published in the City; or (B) if no paper is published in the City, then by posting a written or printed copy in each of three public places in the City; or (C) in book or pamphlet form. (Neb. Rev. Stat. §17-613) (Am. by Ord. Nos. 712, 9/27/86; 1052, 7/1/97)

SECTION 1-408: CERTIFICATE OF PUBLICATION OR POSTING

The passage, approval, and publication or posting of all ordinances shall be sufficiently proven by a certificate under the seal of the City from the city clerk showing that the said ordinance was passed and approved, when and in what paper the same was published, or when, by whom and where the same was posted. (Neb. Rev. Stat. §17-613)

SECTION 1-409: EFFECTIVE DATE; EMERGENCY ORDINANCES

A. Except as provided in subsection (B) of this section, an ordinance for the government of the City which has been adopted by the City Council without submission to the voters of the City shall not go into effect until published as required by Nebraska law.

B. 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 mayor and the posting thereof in at least three of the most public places in the City. Such emergency ordinance shall recite the emergency, be passed by a three-fourths vote of the Council, and be entered of record on the city clerk's minutes.

(Neb. Rev. Stat. §17-613, 19-3701) (Am. by Ord. No. 1052, 7/1/97)

SECTION 1-410: AMENDMENTS AND REVISIONS

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 City and modifications to zoning or building districts may be adopted as otherwise provided by law. (Neb. Rev. Stat. §17-614) (Ord. No. 1052, 7/1/97)

Article 5 – Fiscal Management

SECTION 1-501: FISCAL YEAR

The fiscal year of the City and any public utility of the City commences on October 1 and extends through the following September 30 except as provided in the Municipal Proprietary Function Act. (Neb. Rev. Stat. §17-701) (Am. by Ord. No. 1010, 2/6/96)

SECTION 1-502: DEPOSIT OF FUNDS

The treasurer for the City shall deposit and at all times keep on deposit for safekeeping in banks or institutions of approved and responsible standing all money collected, received, or held by him or her as treasurer. Such deposits shall be subject to all regulations imposed by law or adopted by the City for the receiving and holding thereof. A bond or pledged securities shall be required from all banks or financial institutions in which municipal funds are deposited in any amount exceeding that amount insured by Federal Deposit Insurance Corporation. (Neb. Rev. Stat. §17-607) (Am. by Ord. No. 1259, 10/4/04)

SECTION 1-503: INVESTMENT OF FUNDS

Whenever the City 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 City Council may invest any such surplus in certificates of deposit, in time deposits, and in any securities in which the State Investment officer is authorized by law and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. (Neb. Rev. Stat. §17-608, 17-609, 21-1316.01, 77-2341) (Am. by Ord. No. 786, 11/7/89)

SECTION 1-504: EXPENDITURES; AUTHORIZATION

No city official shall have the power to appropriate, issue or draw any order or warrant on the city 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 City shall exceed in any one year the amount provided for that improvement in the adopted budget statement. (Neb. Rev. Stat. §17-708)

SECTION 1-505: CONTRACTS; BIDDING

A. The City Council shall advertise for bids before making any contract for labor, goods or services in excess of \$25,000.00. In advertising for bids for any such work or for the purchase of such equipment, the Council may cause the amount of such estimate to be published therewith. When required, such advertisement shall be published once in the Holt County Independent, O'Neill, Nebraska, at least seven days prior to the date of opening bids, or a written or printed copy thereof may be posted in each of three public places in the City; provided, 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 vote of the City Council.

B. If, after advertising for bids as provided in this section, the City Council receives fewer than two bids on a contract for services, material or labor or if the bids received contain a price which exceeds the estimated cost of the project, the Council 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.

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

D. Public bidding shall not be required for any purchases utilizing the State of Nebraska's pooled purchasing contracts or on purchases made from any subdivision agency of the State.

(Neb. Rev. Stat. §17-568.01, 17-613) (Am. by Ord. Nos. 452-A, 4/19/76; 526, 11/6/79; 647, 12/6/83; 1365, 8/7/17)

SECTION 1-506: CLAIMS

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

SECTION 1-507: WARRANTS

All warrants drawn upon the city treasury must be signed by the mayor and countersigned by the city 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 in the adopted budget statement for the fund upon which it is drawn, and the amount already expended of such fund. (Neb. Rev. Stat. §17-711)

SECTION 1-508: DEBT COLLECTION; AUTHORITY TO CONTRACT WITH COLLECTION AGENCY

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

B. No debt owed pursuant to subsection (A) of this section may be assigned to a collection agency unless (1) there has been an attempt to advise the debtor by first-class mail, postage prepaid, at the last known address of the debtor of the existence of the debt and that the debt may be assigned to a collection agency for collection if the debt is not paid and (2) at least 30 days have elapsed from the time the notice was sent.

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

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

(Neb. Rev. Stat. §45-623) (Ord. No. 937, 6/14/94)

SECTION 1-509: ANNUAL AUDIT

The City Council shall cause an audit of the city accounts to be made by a qualified accountant as expeditiously as possible following the close of the fiscal year. The said audit shall be completed and the annual audit report made not later than six months after the close of the fiscal year. The accountant making the audit shall submit not less than three copies of the audit report to the Council. All public utilities or other enterprises which substantially generate their own revenue shall be audited separately and the results of such audits shall appear separately in the annual audit report. Such audits shall be on an accrual basis and shall contain statements and materials which conform to generally accepted accounting principles. The audit report shall set forth the financial position and results of financial operations for each fund or group of accounts of the City as well as an opinion by the accountant with respect to the financial statements. Two copies of the annual audit report shall be filed with the city clerk and shall become a part of the public records of the clerk's office, being open thereafter for public inspection. One copy shall be filed with the auditor of public accounts. (Neb. Rev. Stat. §19-2901 through 19-2909) (Am. by Ord. No. 484-A, 11/1/77)

SECTION 1-510: BOND ISSUES

The City Council 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 Council shall have the authority to levy special assessments for the payment of interest and principal on such bonds and may spread the payments up to the maximum number of years permitted by state law. (Neb. Rev. Stat. §10-201 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, 23-343.13, 39-836)

SECTION 1-511: APPROPRIATIONS

The City Council 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 City. (Neb. Rev. Stat. §17-706) (Am. by Ord. Nos. 943, 6/14/94; 1012, 2/6/96)

SECTION 1-512: BUDGET PROCEDURE; FORM AND MANUAL INCORPORATED

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

SECTION 1-513: PROPOSED BUDGET STATEMENT; FILING

A. The City Council shall, not later than the first day of August each year, on forms prescribed and furnished by the state auditor, prepare in writing and file with the

city clerk a proposed budget statement containing the following:

1. For the immediate two prior fiscal years, the revenue from all 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;
2. 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;
3. For the immediately ensuing fiscal year, an estimate of revenue from all 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 50% of the total budget adopted exclusive of capital outlay items;
4. A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property (a) for the purpose of paying the principal or interest on bonds issued by the City Council and (b) for all other purposes;
5. A uniform summary of the proposed budget statement which shall include a separate total for each fund, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Municipal Proprietary Function Act, and a grand total of all funds maintained by the City Council; and
6. A list of the proprietary functions which are not included in the budget statement if a separate proprietary budget statement has been prepared for such proprietary functions pursuant to the Municipal Proprietary Function Act.

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

C. The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the estimated income from all sources 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.

(Neb. Rev. Stat. §13-504, 13-505) (Am. by Ord. Nos. 935, 6/14/94; 1054, 7/1/97)

SECTION 1-514: PROPOSED BUDGET; HEARING

Subsequent to the filing of the proposed budget statement, the City Council 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 days prior to the date set for the hearing in a newspaper of general circulation in the City. The city clerk shall make available to the public the proposed budget statement prior to publication of the notice of the hearing on such proposed budget statement. 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 20 days after its adoption. (Neb. Rev. Stat. §13-506) (Am. by Ord. No. 1224, 11/4/02)

SECTION 1-515: EXPENDITURES PRIOR TO ADOPTION OF BUDGET

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

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

(Neb. Rev. Stat. §13-509.01, 13-509.02) (Ord. No. 972, 3/7/95)

SECTION 1-516: ADOPTED BUDGET STATEMENT; FILING

The City Council shall file with and certify to the levying board on or before September 20 each year and file with the state auditor a copy of the adopted budget statement, together with the amount of tax to be levied, setting out separately the amount to be levied for the payment of principal or interest on bonds issued by the Council and the amount to be levied for all other purposes. Proof of publication shall be attached to the statements. The Council 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 5% of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year. (Neb. Rev. Stat. §13-508) (Am. by Ord. Nos. 483-A, 11/1/77; 936, 6/14/94; 1011, 2/6/96; 1054, 7/1/97)

SECTION 1-517: PROPERTY TAX LEVY; AUTHORITY TO SET

Upon receipt of the preliminary levy from the county clerk, the City Council 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 City Council, the preliminary levy shall become the final levy without further action. The Council 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 be passed only after the City Council 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 City at least five days prior to the hearing. Any resolution or ordi-

nance setting a tax levy under this section shall be forwarded to the county clerk and certified. (Neb. Rev. Stat. §77-1601.01, 77-1601.02) (Ord. No. 1056, 7/1/97)

SECTION 1-518: PROPERTY TAX LEVY; CERTIFICATION OF AMOUNTS

The City Council 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 City 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. (Neb. Rev. Stat. §17-702)

SECTION 1-519: TRANSFER OF FUNDS

Whenever during the current fiscal year it becomes apparent due to unforeseen emergencies that there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the City Council may by majority vote transfer money from other funds to such fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement, except as authorized herein. If, as the result of unforeseen circumstances, the revenue of the current fiscal year shall be insufficient, the Council may propose to supplement the previously adopted budget statement and shall conduct a public hearing at which time any taxpayer may appear or file a written statement protesting the application for additional money. A written record shall be kept of all such hearings. Notice of a place and time for the said hearing shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the City. The published notice shall set forth the time and place of the proposed hearing, the amount of additional money required, the purpose of the required money, a statement setting forth the reasons why the adopted budget of expenditures cannot be reduced to meet the need for additional money, and a copy of the summary of the originally adopted budget previously published. Upon the conclusion of the public hearing on the proposed supplemental budget and with the approval by the City Council, the Council shall file with the county clerk and the state auditor a copy of the supplemental budget and shall certify the amount of additional tax to be levied. The Council may then issue warrants in payment for expenditures authorized by the adopted supplemental budget. The said warrants shall be referred to as "registered warrants" and shall be repaid during the next fiscal year from funds derived from taxes levied therefor. (Neb. Rev. Stat. §13-510, 13-511)

SECTION 1-520: GENERAL FUND

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

SECTION 1-521: COLLECTION OF SPECIAL ASSESSMENTS; PROCEDURE

The City 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 addresses of the persons against whom such special assessments are assessed or to the lending institution or other party responsible for paying such special assessments and any interest or penalties accrued thereon. The City shall file with the register of deeds (A) notice of the assessments and the amount of assessment being levied for each lot or tract of land and (B) a release of assessment upon final payment of each assessment. (Neb. Rev. Stat. §18-1216) (Ord. No. 1055, 7/1/97)

SECTION 1-522: SPECIAL ASSESSMENT FUND

All money received on special tax assessments shall be held by the city treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made. Such money shall be used for no other purpose unless to reimburse the City for money expended for any such improvement. (Neb. Rev. Stat. §17-710)

SECTION 1-523: SINKING FUNDS

The City Council, 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 City 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 City, 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 Council shall declare its purpose by resolution to submit to the qualified electors of the City the proposition to provide the improvement at the next general city election. The resolution shall set forth the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed, and the proposition as it will appear on the ballot. Notice of the said proposition shall be published in its entirety three times on successive weeks before the day of the election in a legal newspaper of general circulation in the City. 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 City Council 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 city treasurer shall, as they accumulate, be immediately invested with the written approval of the Council 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 Council is authorized to do so by 60% of the qualified electors of the City voting at a general election favoring such a change in the use of the sinking fund. (Neb. Rev. Stat. §19-1301 through 19-1304, 77-2337, 77-2339)

SECTION 1-524: SALES AND USE TAX

A. Pursuant to the approval by the electors of the City at the primary election held on May 15, 1990, there is hereby adopted pursuant to the provisions of Neb. Rev. Stat. §77-2701 to 77-27,135, as amended, known as the Nebraska Revenue Act of 1967, and Neb. Rev. Stat. §77-27,142 to 77,148, as amended, known as the Local Option Revenue Act of 1969, a sales and use tax, effective on and after October 1, 1990, of 1% percent upon the same transactions within the corporate limits of the City, as the same may from time to time be extended, on which the State of Nebraska is authorized to impose a tax pursuant to the provisions of the aforementioned state statutes.

B. Pursuant to Resolution #90-2 passed by the City Council, the proceeds of said tax shall be used as follows:

1. 50% to replace property tax levies;
2. 25% to be applied to the Water and Sewer Departments;
3. 25% to be applied to city improvement projects.

C. The administration of the sales and use tax imposed by this ordinance, the making of returns for the ascertainment and assessment, the provisions for tax claims and remedies, the laws governing consummation of sales, penalties and collection, and for the disposition and distribution of the taxes so imposed and collected shall be as provided by Neb. Rev. Stat. §77-27,142 to 77-27,148 and 77-2701 to 77-27,135.

SECTION 1-601: MEMBERS; OFFICERS; DUTIES; ALTERNATE

A. The Planning Commission shall consist of nine regular members who shall represent, insofar as is possible, the different professions or occupations in the City and shall be appointed by the mayor by and with the approval of a majority vote of the City Council. Two of the regular members may be residents of the area over which the City is authorized to exercise extraterritorial zoning and subdivision regulation. When there are a sufficient number of residents in the zoning and subdivision regulation, one regular member of the Commission shall be a resident from such area. If it is determined by the City Council that a sufficient number of residents resides in the area subject to extraterritorial zoning and subdivision regulation and no such resident is a regular member of the Commission, the first available vacancy on the Commission shall be filled by the appointment of such an individual. For purposes of this section, "a sufficient number of residents" shall mean 500 residents. The term of each regular member shall be three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the City Council, be removed by the mayor with the consent of a majority vote of the Council 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 mayor.

B. All regular members of the Commission shall serve without compensation and shall hold no other city office except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. §19-908. All members of the Commission may be required, in the discretion of the City Council, to give bond in a sum set by resolution of the Council and conditioned upon the faithful performance of their duties.

C. The mayor, with the approval of a majority vote of the City Council, shall appoint one alternate member to the Commission. The alternate member shall serve without compensation and shall hold no other city office. The term of the alternate member shall be three years and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the mayor with the approval of a majority vote of the elected members of the City Council. The alternate member may attend any meeting and may serve as a voting and participating member of the Commission at any time when less than the full number of regular commission members is present and capable of voting.

D. The Commission shall elect from its membership a chairperson and a secretary and shall create and fill such other of its offices as it may determine. The term of the chairperson and the secretary shall be one year and they shall be eligible for reelection. No member of the Commission shall serve in the capacity of both 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 city clerk, where they shall be available for public inspection during office hours. A number of commissioners equal to a majority of the number of regular members appointed to the Commission shall constitute a quorum for the transaction of any business. The Commission shall hold at least one regular meeting in each calendar quarter, except the City Council may require the Commission to meet more frequently and the chairperson of the Commission may call for a meeting when necessary to deal with business pending before the body. Special meetings may be held upon the call of any three members of the Commission.

E. The Commission shall be funded by the City Council from time to time out of the General Fund. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the Council and no expenditures nor

agreements for expenditures shall be valid in excess of such amounts. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record. The Commission shall make and adopt plans for the physical development of the City, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of the City, and shall carry out the other duties and exercise the powers specified in Neb. Rev. Stat. §19-929. All actions by the Commission shall be subject to the review and supervision of the mayor and City Council.

F. The Commission shall make its recommendations to the City Council so that they are received within 60 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 City Council may, from time to time, designate. Pursuant to Neb. Rev. Stat. §19-929(3), in addition to the original authority granted by statute and ordinance, the Commission is hereby authorized to review, investigate facts and make recommendation to the City Council for special/conditional uses of real estate within the jurisdiction of the City. (Neb. Rev. Stat. §19-924 through 19-929) (Am. by Ord. Nos. 929, 5/3/94; 973, 3/7/95; 1013, 2/6/96; 1084, 3/2/98; 1098, 7/6/98; 1180, 8/6/01)

Article 7 – Board of Adjustment

SECTION 1-701: MEMBERS; OFFICERS; DUTIES AND POWERS

A. The mayor shall appoint, with the consent of the City Council, a Board of Adjustment which shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason. No member of the Council shall serve as a member of the Board of Adjustment. Each member of the Board shall serve a term of three years unless reappointed and shall be removable only for cause by the City Council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another planning commissioner to the Board of Adjustment. After the effective date of this section, the first vacancy occurring on the Board shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the City at such time as more than 200 persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. The members of the Board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the Council and conditioned upon the faithful performance of their duties.

B. The Board shall organize at its first meeting in January each year and elect from its membership a chairperson and co-chairperson. No member of the Board of Adjustment shall serve in the capacity of both chairperson and secretary. A secretary will be selected either from the membership or the city employees. It shall be the duty of the secretary to keep complete and accurate minutes of all board meetings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact. The secretary shall keep records of the Board's examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. A majority of the Board shall constitute a quorum for the purpose of doing business. All meetings of the Board shall be open to the public and shall be held at such

times as the City Council may designate or at such other times as the chairperson may, in his or her discretion, call a meeting. Special meetings may be also held upon the call of any three members of the Board. The Board shall adopt rules in accordance with the provisions of Neb. Rev. Stat. §19-901 to 19-914.

C. It shall be the duty of the Board (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by a city official based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures; (2) to hear and decide, in accordance with the provisions of the zoning regulations, requests for interpretation of any map; and (3) where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment of the zoning regulations or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution.

D. No variance shall be authorized by the Board unless it finds that (1) The strict application of the zoning regulation would produce undue hardship; (2) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; (3) the authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and (4) the granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

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

F. The Board shall be responsible for making such reports and performing such other duties as the City Council may designate.

(Neb. Rev. Stat. §19-907 through 19-910) (Am. by Ord. Nos. 451-A, 4/19/76; 1014 2/6/96; 1084, 3/2/98)

Article 8 – Board of Health

SECTION 1-801: MEMBERS; OFFICERS; DUTIES

A. The City Council shall appoint a Board of Health which shall consist of four members including the mayor, who shall serve as chairperson; the president of the City Council; and two other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the Board's medical advisor. The final member shall be the chief of police, who shall serve as secretary and quarantine officer. The members of the Board shall serve, without compensation, one-year terms of office unless reappointed

and shall reorganize at the first meeting in December of each year. No member of the Board of Health shall hold more than one Board of Health position. The Board shall be funded by the City Council from time to time out of the General Fund.

B. The secretary shall keep full and correct minutes and records of all meetings and file the same with the city clerk, where they shall be available for public inspection during office hours. A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the City Council may designate. Special meetings may be held upon the call of the chairperson or any two members of the Board.

C. 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 City. The Board shall enforce the rules and regulations and provide fines and punishments for any violations thereof. It may regulate, suppress and prevent the occurrence of nuisances and enforce all state laws and city ordinances 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 City Council may direct. All members of the Board shall be responsible for making such reports and performing such other duties as the Council may, from time to time, designate.

(Neb. Rev. Stat. §17-121) (Am. by Ord. Nos. 482-A, 11/1/77; 1057, 7/1/97)

Article 9 – Parks and Pool

SECTION 1-901: BOARD OF PARK COMMISSIONERS

A. The City Council shall appoint the Board of Park Commissioners, which shall consist of not less than three members who shall be resident freeholders in the City. No member of the City Council shall serve as a member of the Park Board while serving a term of office as a member of the Council. The members of the Board shall serve one-year terms of office unless reappointed. They shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the Council and conditioned upon the faithful performance of their duties.

B. At the time of the Board's first meeting in January of each year, the Board shall organize by selecting from their number a chairperson and a co-chairperson. A secretary shall be selected from either the membership or the city employees. No member of the Park Board shall serve in the capacity of both 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 file the same with the city clerk, where they shall be available for public inspection at any reasonable time. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall meet at such times as the City Council may designate. Special meetings may be held upon the call of the chairman or any two of the board members.

C. It shall be the duty of the Board to take the immediate charge of all parks and recreational facilities belonging to the City. The Board shall establish appropriate rules and regulations for the management, use and operation of the same. All employees of the City doing work in or for the city park shall be under the supervision and direction of the Board. All actions of the Board shall be subject to the review and control of the City Council. The Board shall be responsible for making such reports and performing such other duties as the Council may, from time to time, designate.

(Neb. Rev. Stat. §17-952) (Am. by Ord. No. 1084, 3/2/98)

SECTION 1-902: CITY PARKS; OPERATION AND FUNDING

The City owns and operates the city parks and other recreational areas through the Board of Park Commissioners, which shall have the authority to adopt rules and regulations for the efficient management of the parks and other recreational areas of the City. The City Council, for the purpose of defraying the cost of the care, management, and maintenance of the 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 placed into the General Fund and shall remain in the custody of the city clerk/treasurer. Monies so levied and collected will be set aside by the City Council in the city budget for operation and maintenance of the city parks and shall be known as the park budget. The Board 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 City Council prior to the contractual agreement. (Neb. Rev. Stat. §17-948 through 17-952) (Am. by Ord. No. 741, 12/1/87)

SECTION 1-903: CITY PARKS; USE OF KIDDIE PARK

It shall be unlawful for any person over the age of 11 years to use or be on equipment designated for no use by anyone over 11 years of age in any city park. (Ord. No. 1222, 11/4/02)

SECTION 1-904: CITY PARKS; HOURS OF ENTRY

It shall be unlawful for any person, excluding campers and their guests in the camping grounds only, to enter any park between the hours of 12:00 A.M. to 6:00 A.M. without prior approval from the Park Board or city personnel. This section shall also apply to any street or alley in the parks. The hours of closing as set forth above shall be posted at all shelters in all parks in the City. (Ord. No. 1233, 7/7/03)

SECTION 1-905: CITY PARKS; INJURY TO PROPERTY

It shall be unlawful for any person to maliciously or willfully cut down, injure or destroy any tree, plant or shrub. It shall be unlawful for any person to injure or destroy any sodded or planted area or injure or destroy any building, structure, equipment, fence, bench, table or any other property of the city parks and recreational areas. No person shall commit any waste on or litter the parks or other public grounds. (Neb. Rev. Stat. §17-949)

SECTION 1-906: CITY SWIMMING POOL; OPERATION AND FUNDING

The City owns and manages the city swimming pool through the Board of Park Commissioners. The City Council, for the purpose of defraying the cost of the management, maintenance and improvements of the swimming pool, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the City that is subject to taxation. The revenue from the said tax shall be known as the General Fund and shall include all donations, gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the swimming pool and shall remain in the custody of the city clerk/treasurer. Said monies levied and collected will be set aside by the Council in the city budget for occupation and maintenance of the swimming pool and will be known as the park budget. The Board of Park Commissioners shall manage the pool and shall have the power and authority to hire and supervise the pool manager and such employees as may be deemed necessary. The Board shall pass such rules and regulations for the operation of the pool as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the City Council. (Neb. Rev. Stat. §17-948, 17-951, 17-952) (Am. by Ord. No. 742,

SECTION 1-907: CITY SWIMMING POOL; ADMISSION CHARGE

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

SECTION 1-908: CITY SWIMMING POOL; RENTALS

The Board of Park Commissioners shall have the authority to rent the swimming pool to such organizations and other persons as it may in its discretion see fit, subject to the review of the City Council. The Board shall prescribe rules and regulations for such rentals and shall require an appropriate number of qualified lifeguards to be in attendance during the rental period. Such fees and other costs shall be on file at the office of the city clerk and posted in a conspicuous place at the pool. (Neb. Rev. Stat. §17-949)

SECTION 1-909: CITY SWIMMING POOL; RULES AND REGULATIONS

The Board of Park Commissioners shall have the power and authority to enact bylaws, rules and regulations for the protection of those using the swimming pool and for the efficient management thereof. It may provide suitable penalties for the violation of such bylaws, rules and regulations, subject to the review and supervision of the City Council. (Neb. Rev. Stat. §17-949)

SECTION 1-910: CITY CAMPGROUNDS; USE AND FEES

A. Under seven-day stay: Pre-registration at office of city clerk. Dated permit issued.

B. Over seven-day stay: Pre-registration at office of city clerk with evidence of necessity of extended stay. Dated permit issued at discretion of city clerk.

C. Display permit in camper's door or front window or tent's side facing the street.

D. Rates:

1. Fees must be prepaid.
2. RV: Per day, as set below.
3. Tent(s) on RV pad (up to 2): Per day, as set below.
4. Tent off RV pad: Per day, as set below.
5. Fees for (2) through (4) shall be as set by resolution by the City Council and kept on file in the office of the city clerk.

(Ord. Nos. 1330, 10/7/13; 1394, 12/7/20)

Article 10 – Forestry Board

SECTION 1-1001: MEMBERS; OFFICERS; DUTIES

A. The City Council shall appoint the Forestry Board, which shall consist of nine members who shall serve terms of three years, unless reappointed. The city forester

shall act in advisory capacity to the Board. The board members shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the Council and conditioned upon the faithful performance of their duties.

B. At the time of the Board's first meeting in January each year, the members shall organize by selecting from their number a chairperson, co-chairperson and a secretary. No member of the Forestry Board shall serve in the capacity of both 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 city clerk, where they shall be available for public inspection during office hours. A majority of the board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as the City Council may designate. Special meetings may be held upon the call of the chairperson or any two of the board members.

C. The Forestry Board shall work in conjunction with the Park Board when any trees, etc. are on park grounds. The Forestry Board shall work in conjunction with the Cemetery Board when any trees, etc. are in the cemetery. The Forestry Board, when requested by the City Council, shall investigate, make findings, report and recommend upon any special matter or questions relating to trees. All actions of the Board shall be subject to the review and control of the City Council. The Board shall be responsible for making such reports and performing such other duties as the Council may, from time to time, designate.

(Ord. No. 670, 3/5/85) (Am. by Ord. Nos. 969, 3/7/95; 1084, 3/2/98; 1149, 02/07/00; 1230, 3/3/03; 1282, 05/07/07)

SECTION 1-1002: DEFINITIONS

"City forester" is defined as the official (public employee) representative of the Forestry Board and as such is responsible for administration of the Community Forest Program.

"Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks.

"Private community forest" is defined as all trees within city boundaries but not owned by the City.

"Public community forest" is defined as all street and park trees and other trees owned by the City as a total resource.

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

SECTION 1-1003: DISTANCES AND CLEARANCES FOR PLANTING

A. No trees shall be planted closer than 35 feet from any street corner in the City, measured from the point of the nearest intersection of curb or curb lines.

B. No tree shall be planted closer than 10 feet from any fireplug.

C. No tree shall be planted in the city right-of-way on any alley.

D. Special permission must be obtained from the community forest manager when planting trees within 10 feet of any point on a line on the ground immediately below any overhead utility wire.

E. Special permission must be obtained from the city forester when planting trees within the city right-of-way on any street.
(Am. by Ord. No. 1045, 2/4/97)

SECTION 1-1004: TREE TOPPING

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree or other tree on public property. "Topping," "rounding off" or "pollarding" is defined as the systematic cutting back of limbs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this section at the determination of the city forester.

SECTION 1-1005: DEAD, DISEASED OR HAZARDOUS TREES; REMOVAL

A. It is hereby declared a nuisance for a property owner to permit, allow or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits of the City.

B. It is hereby declared a nuisance for a property owner to permit, allow or maintain any dead or diseased trees on private property within the corporate limits of the City. For the purpose of carrying out the provisions of this section, the city police shall have the authority to enter upon private property to inspect the trees thereon.

C. Notice to abate and remove such nuisance and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within 30 days after the receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance, the City may have such work done and may levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied or assessed.

D. The City shall have the right to cause to be removed any tree within the city limits that is dead or has been declared a hazard. "Hazardous trees" are defined as trees with severe structural defects or splits. The City will notify in writing the owners of such trees; removal is the responsibility of the owners of said trees and shall be accomplished within time limits set by the community forest manager. Said owners shall remove all broken or decayed limbs which constitute a menace to the safety of the public.
(Neb. Rev. Stat. §17-555, 18-720, 28-1321) (Ord. No. 975, 3/21/95)

SECTION 1-1006: INTERFERENCE WITH THE FORESTRY BOARD

It shall be unlawful and determined to be a misdemeanor for any person to prevent, delay or interfere with the Forestry Board or any of its representatives or agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees within the public community forest. Any person found guilty of such interference shall be fined in a sum of not more than \$500.00.

Article 11 – Housing Authority

SECTION 1-1101: CONTINUED EXISTENCE

The local Housing Authority established under state law prior to Dec. 25, 1969, shall

have continued existence after that date under the Nebraska Housing Authority Act. All commissioners of such Authority and all officers, legal counsel, technical experts, directors, and other appointees or employees of such authority holding office or employment by virtue of prior state law on December 25, 1969, shall be deemed to have been appointed or employed by the mayor under the provisions of the Nebraska Housing Authority Act and shall from that date forward conduct their operations consistent with the provisions of that Act. (Neb. Rev. Stat. §71-1527)

SECTION 1-1102: OWNERSHIP

The Housing Authority is owned by the City and operated through the Housing Authority Commission. The Housing Authority shall constitute a body corporate and politic, and shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Nebraska Housing Authority Law. (Neb. Rev. Stat. §71-1529)

SECTION 1-1103: MEMBERS; MEETINGS; DUTIES

A. The City Council shall appoint five persons who shall constitute the Housing Authority Commission and such persons shall be called the commissioners. One commissioner shall be appointed each year, who shall serve a five-year term of office or until his or her successor is duly appointed, provided that all vacancies shall be filled for the unexpired terms. The Council may appoint one of its members to serve as one of the five members of the Housing Authority for such term as the Council may determine. No person shall serve as a commissioner unless he or she resides within the area of operation of the Authority. A certificate of the appointment or reappointment of any commissioner shall be filed with the city clerk and such certificate shall be conclusive evidence of the proper appointment of such commissioner. A commissioner shall receive no compensation for his or her services but he or she shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his or her duties.

B. A majority of commissioners shall constitute a quorum of the Authority for the purpose of conducting its business, exercising its powers, and for all other purposes. Action may be taken by the Authority upon the vote of a majority of the commissioners present, unless in any case the bylaws of the Authority shall require a larger number. The commissioners shall elect a chairman and Vice-chairman from among the commissioners and shall have the power to employ an executive director who shall serve as ex officio secretary. The Authority may also employ legal counsel or it may call upon the chief law officer of the City for such services as it may require. It may employ technical experts and such other officers, agents and employees as it may require and shall determine their qualifications, duties, compensations and terms of office. The Authority may delegate such other powers and duties to its agents or employees as it may deem proper.

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

by a governmental agency.

D. The mayor may remove a commissioner for neglect of duty or misconduct in office in the manner prescribed hereinafter. The mayor shall send a notice of removal to such commissioner which shall contain a statement of the charges against him or her. Unless within ten days from the receipt of such notice such commissioner files with the clerk a request for a hearing before the City Council, the commissioner shall be deemed as removed from office. If a request for a hearing is filed with the clerk, the Council shall hold a hearing at which the commissioner shall have the right to appear in person or by counsel and the Council shall determine whether the removal shall be disapproved or upheld. If the removal is disapproved, the commissioner shall continue to hold his or her position.

E. The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make a report to the City Council on all such information.

(Neb. Rev. Stat. §71-1524 through 71-1526, 71-1552) (Am. by Ord. No. 628, 3/1/83)

SECTION 1-1104: DEFINITIONS

Except as otherwise specifically provided, the definitions and terms set out in the Nebraska statutes relating to housing authorities under the Nebraska Housing Authority Act are hereby adopted by reference as they now exist or may hereafter be amended. (Neb. Rev. Stat. §71-1522)

SECTION 1-1105: OPERATION AND MANAGEMENT

The Authority shall at all times observe the following duties with respect to rentals and tenant selection:

A. It may rent or lease dwelling accommodations therein only to persons of low income, elderly or handicapped persons of low income, and displaced persons in need.

B. There shall be no discrimination in the eligibility or occupancy of tenants on the basis of race, sex, marital status, religion, color, creed, national origin or ancestry.

C. The Authority shall not accept any person as a tenant in any dwelling in the housing project if the persons who occupy the dwelling have an aggregate annual income which equals or exceeds the amount which the Authority has conclusively determined to be sufficient to enable one to secure, safe, sanitary and uncongested dwelling accommodations within the area served by the Authority and to provide an adequate standard of living.

D. The Authority may rent or lease to a tenant a dwelling consisting of a number of rooms which is deemed necessary to provide safe and sanitary accommodations to the occupants without overcrowding.

E. The Authority shall fix income limits for occupancy and rents after taking into consideration:

1. The family size, composition, age, physical handicaps, and other factors which might affect the rent paying ability of the person.
2. The economic factors which affect the financial stability and solvency of the project.

F. The Authority may accept as a tenant any displaced person or persons in need regardless of income but in no event shall such person or persons remain as a

tenant or tenants of the Authority for more than a period of six months unless such persons also qualify as persons of low income, elderly or handicapped persons of low income.

G. All persons of low income, elderly, or handicapped persons of low income, or displaced persons in need, shall be entitled to the benefits of this article and the Authority may establish rules and regulations consistent with the purposes of this article concerning eligibility and occupancy of the housing project or other such shelter.

H. Nothing herein shall prohibit the right of the Authority to inquire into the financial condition, family composition, medical, personal and employment history of any tenant or prospective tenant.

I. The Authority shall prohibit subletting by tenants.

J. The Authority may establish from time to time rules and regulations consistent with federal and state laws and regulations and the purposes of this article concerning the termination of tenancy. Any tenant so terminated shall be sent a written notice of termination setting out the reasons for such termination and any tenant served with a notice shall be given the opportunity to contest the termination in an appropriate hearing, except that tenants who have created or maintained a threat constituting a serious and clear danger to the health or safety of other tenants or Authority employees need not be given such a hearing by the Authority. Such notice may provide that if the tenant fails to pay his or her rent or comply with any covenant or condition of his or her lease or the rules and regulations of such Authority, or cure a violation or default thereof, as the case may be, as specified in such notice, or follow the procedure for a hearing as set forth in the notice, all within the time or times set forth in such notice, the tenancy shall then be automatically terminated and no other notice or notices need be given of such termination or the intent to terminate the tenancy, and upon such termination and without any notice other than as provided for in this section, the Authority may file suit against any tenant for recovery of possession of the premises and may recover the same as provided by law.

K. The Authority may establish from time to time rules and regulations consistent with the purposes of this article concerning personal property of tenants and other persons located in projects of the Authority, and if such personal property is not removed from a dwelling unit at the time of the termination of the lease, at the time of vacation or abandonment of the dwelling unit, or at the time of the death of any tenant, then the Authority may remove the same and store such property at the tenant's risk and expense. In the event that possession of such personal property is not taken by the tenant or other person authorized by law to take possession within 45 days after such termination, vacation or abandonment, and any storage removal charges remain unpaid, then the Authority may at its option dispose of the personal property in any manner which the Authority deems fit, except that any proceeds from the disposal of such personal property shall be paid to the general fund of the body which created the Authority. No tenant or other person shall have any cause of action against the Authority for such removal or disposition of such personal property.

(Neb. Rev. Stat. §71-1536) (Am. by Ord. No. 629, 3/15/83)

SECTION 1-1106: REPORTS

The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make an annual report at the second regular meeting in January each year to the City Council. Such report shall include all mortgages and other interests in real property held by the Housing Authority, including options to purchase and land sale contracts, a listing of all bond issues and their essential terms and obligations and all other financial obligations of the Authority over \$50,000.00. Such

reports shall be considered public records. If there has been no change from the last report in the status of any of the items reported pursuant to this section, the Housing Authority may file a statement to that effect in lieu of the report. (Neb. Rev. Stat. §71-1552) (Am. by Ord. No. 630, 3/15/83)

Article 12 – Airport Authority

SECTION 1-1201: OPERATION

A. The Airport Authority Board shall have the full and exclusive jurisdiction and control over all facilities owned or hereafter acquired by the City for the purpose of aviation operation, air navigation and air safety operation. The Board is a body corporate and politic constituting a public corporation and an agency of the City. The Board shall have such powers and duties as may be prescribed by state law.

B. The Board shall consist of five members, who shall be nominated and elected in the manner provided by law for the election of other elected officials. They shall take office on the first meeting in December following their election in each city election year. Members of the Board shall be residents of the City and shall serve terms of six years. Two members of the Board shall be elected in each city election year; provided, in each third election year, one member only shall be elected to the Board.

C. Any vacancy on the Board resulting from any other cause than the expiration of a term of office shall be filled by temporary appointment by the mayor, with the approval of the City Council, until a successor can be elected at the next general city election to serve the unexpired portion of the term.

D. A member of the Board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of such officer may be brought in the District Court of the County upon resolution of the City Council. (Neb. Rev. Stat. §3-501 through 3-514) (Am. by Ord. Nos. 760, 10/4/88; 1084, 3/2/98)

Article 13 – City Cemetery

SECTION 1-1301: CEMETERY BOARD

A. The City Council shall appoint the Cemetery Board, which shall consist of six members who are residents of the City and who shall serve without compensation for terms of three years. Two members shall be appointed each year and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the Council and conditioned upon the faithful performance of their duties. The Council shall also appoint as advisory, non-voting board members two individuals who reside outside of the city limits and who shall serve without compensation for a term of three years. No member of the City Council shall serve as a member of the Board while serving a term of office as a member of the Council.

B. At the first meeting in January each year, the Board shall organize by selecting from its membership a chairman and co-chairman. A secretary shall be selected from either the membership, the advisory members, or the city employees. No member of the Cemetery Board shall hold more than one Cemetery Board office. The secretary shall keep the full and correct minutes and records of all meetings and file the same with the city clerk, where they shall be available for public inspection at any reasonable time. A majority of the board members, not including advisory members, shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the City Council may designate. Special meetings may be held at the call of the chairman or

any three members of the Board.

C. The Board shall have the general care, management and supervision of the City Cemetery with the power and authority to limit and regulate the number of cemetery lots that may be owned by the same person; to prescribe rules for enclosing, adorning and erecting monuments and tombstones on cemetery lots; and to prohibit any diverse or improper use thereof; provided, no religious tests shall be made as to the ownership of lots, the burial therein, and the ornamentation of graves. The Board shall pass rules and regulations for the proper use of the Cemetery and prescribe penalties and fines for violations thereof. The Board shall use all revenue received from the sale of lots, gifts or by devise for the care, management and administration of the Cemetery. All actions of the Board shall be subject to the review and supervision of the City Council and it shall be responsible for making such reports and performing such additional duties as the Council may designate.

(Neb. Rev. Stat. §12-401 through 12-403) (Ord. No. 503-A, 10/3/78) (Am. by Ord. Nos. 1082, 2/2/98; 1084, 3/2/98)

SECTION 1-1302: OPERATION AND FUNDING

The City owns and manages the City Cemetery through the Cemetery Board. The City Council, for the purpose of defraying the cost of the care, management, maintenance and beautification of the Cemetery, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the City that is subject to taxation. The revenue from the said tax shall be known as the Cemetery Fund and shall include all gifts, grants, deeds of conveyance, bequests, money, stocks, bonds, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the Cemetery. The Cemetery Fund shall at all times be in the custody of the city treasurer. The Board shall have the power and authority to hire and supervise such employees as they may deem necessary and to pass such rules and regulations for the operation of the Cemetery as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the City Council. (Neb. Rev. Stat. §12-301 through 12-403) (Ord. No. 503-A, 10/3/78)

SECTION 1-1303: SEXTON

The Cemetery Board, subject to the approval of the City Council, shall have the authority to appoint a sexton, who shall perform such duties and make such reports as the Board shall direct. It shall be the duty of the sexton, upon receiving a burial permit, to locate and direct the party named in the permit to the lot mentioned therein and to dig and excavate or cause the same to be dug or excavated in compliance with the rules and regulations of the Cemetery Board. (Ord. No. 503-A, 10/3/78)

SECTION 1-1304: CONVEYANCE OF LOTS

The City Council may convey cemetery lots by certificate signed by the mayor and countersigned by the city clerk under the city seal specifying that the person to whom the same is issued is the owner of the lot described therein by number for the purpose of interment. The said certificate shall give a right in fee simple to the proprietor, his or her heirs and assigns. The certificate shall then be recorded in the office of the county clerk. (Neb. Rev. Stat. §17-941) (Ord. No. 503-A, 10/3/78)

SECTION 1-1305: FORFEITURE OF LOTS

If, for three consecutive years, all charges and liens are not paid by the holders of the lot certificates, the said certificates shall be declared forfeited and subject to resale. All certificates sold shall contain a forfeiture clause to the effect that if no interment is made

on the said lot and all liens paid, and the rights under the same may, at the option of the Cemetery Board, with the sanction of the City Council, be declared null and void and the lot shall be subject to resale. (Neb. Rev. Stat. §17-938) (Ord. No. 503-A, 10/3/78)

SECTION 1-1306: LOT TRANSFERS

Any person who wishes to transfer a certificate may do so by surrendering the original certificate to the city clerk, who shall issue a new certificate upon the receipt of the recording fee set by resolution of the City Council. (Ord. No. 503-A, 10/3/78)

SECTION 1-1307: PERPETUAL CARE

The city treasurer shall allocate and set apart a percentage of the entire amount paid for lots or burial spaces if the said lots or burial spaces are to be endowed with perpetual care. The fund shall be permanent in nature and as it accumulates shall be invested in such interest-bearing securities as are authorized by state law. The income earned thereon shall be used solely for the purposes of perpetual care for the cemetery lots. Any lot owner who, prior to the purchase of his or her lot, shall not have endowed his or her holdings with perpetual care, may do so by paying to the secretary of the Cemetery Board such sum of money as the Board may in each case fix and determine. Thereafter, the owner shall not be liable for the payment of an annual maintenance assessment. (Ord. No. 503-A, 10/3/78)

SECTION 1-1308: BURIAL PERMIT

A. All persons desiring to bury a deceased person shall first be required to file a completed death certificate with the registrar of the county before a body may be buried in the City Cemetery. If it is impossible to complete the certificate of death within the legal period of time prescribed by state law, the funeral director shall notify the registrar and obtain his or her written approval before the deceased person may be buried in the City Cemetery. The burial permit so issued by the registrar shall then be filed with the city clerk. It shall be unlawful for the sexton or other person to allow the interment of a body without first receiving such permit. The burial permit shall then be countersigned and dated by the sexton.

B. The interment of a body shall be performed under the direct supervision of a licensed funeral director. The applicant shall also file with the burial permit an application containing the name, age, sex, race and cause of death of the deceased person for the records of the Cemetery Board.
(Neb. Rev. Stat. §71-605) (Ord. No. 503-A, 10/3/78)

SECTION 1-1309: LOT CURBING

It shall be hereafter unlawful for the owner of any lot to construct, maintain, or suffer to remain any curbing around any lot or burial space therein of a height greater than one inch. (Ord. No. 503-A, 10/3/78)

SECTION 1-1310: SHRUBS AND TREES

It shall be unlawful, without the written permission of the Cemetery Board, to plant, maintain, or suffer to remain on any cemetery lot a shrub or tree. (Ord. No. 503-A, 10/3/78)

SECTION 1-1311: GRAVE DEPTH

Graves shall not be less than 4½ feet deep; provided, nothing herein shall be construed to prohibit the use of mausoleums or other recognized methods of interring deceased

persons if such a burial procedure is approved by the Cemetery Board. (Ord. No. 503-A, 10/3/78) (Am. by Ord. No. 922, 2/1/94)

SECTION 1-1312: DESTRUCTION OF PROPERTY

Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument or gravestone placed in the Cemetery or any fence, railing or other work for the protection or ornamentation of the Cemetery or who shall willfully destroy, cut, break or injure any tree, shrub or plant shall be deemed to be guilty of a misdemeanor. (Neb. Rev. Stat. §28-512) (Ord. No. 503-A, 10/3/78)

SECTION 1-1313: HOURS OF ENTRY

It shall be unlawful for any person to enter any cemetery in the City or remain there from dusk to dawn. Permission to enter any cemetery during these hours shall be granted upon good and satisfactory reasons for the same, only after requesting said permission from the chief of police and his or her allowance of entry. This section shall also be deemed to apply to any street or alley in any cemetery. The hours of closing as set forth above shall be posted at all entrances of any cemetery in the City. (Ord. No. 604, 7/1/82)

SECTION 1-1314: MINIMUM GRAVE LINER

Every grave shall have a grave liner and the minimum of such shall be concrete. (Ord. No. 826, 2/5/91)

SECTION 1-1315: MONUMENT REQUIREMENTS

No grave monument or marker of any type shall be placed on a grave unless it meets the following requirements:

- A. Headstone only, no foot stones or full grave covering.
- B. Monument or marker securely anchored to concrete foundation.
- C. Concrete foundation must extend at least 4 inches beyond base of monument on all sides and be flush with ground level.
- D. Monuments, plaques, markers, etc., shall be permanent stones such as marble, granite or bronze. No homemade concrete, wood or metal monuments or markers are allowed.
(Ord. No. 1263, 6/6/05)

Article 14 – Library

SECTION 1-1401: ESTABLISHMENT

The O'Neill Public Library is hereby established and shall operate as a city library according to the rules and regulations as established and adopted by the City of O'Neill and State of Nebraska from time to time.

SECTION 1-1402: NAME

The library shall be known as the O'Neill Public Library.

SECTION 1-1403: LIBRARY BOARD; DUTIES AND POWERS

- A. The library shall be controlled and operated by a Library Board of five mem-

bers who shall be residents of the City, appointed by the City Council.

B. Board members shall be appointed for terms of three years. The initial Library Board hereby appointed is the existing Board of the Grattan Township Library to serve their existing respective terms, and at the expiration of each existing term a successor member shall be appointed. Board members shall serve without compensation, unless repaid out-of-pocket costs for lawful library business. In case of any vacancy by resignation, removal or otherwise, the City Council shall fill the vacancy for the unexpired term.

C. The Library Board shall have all the duties and powers granted to municipal library boards as established from time to time by the State and City, including but not limited to:

1. Adopt bylaws, rules and regulations for operation of the library;
2. Have full control over the Library Fund, which is to be kept separate from other city funds and is paid out by the city treasurer upon receipt of vouchers signed by the Library Board president and authenticated by the Library Board treasurer;
3. Own, rent and construct library facilities;
4. Establish a sinking fund; and
5. Appoint a librarian and library staff, fix compensation, and have supervisory authority over the librarian and all employees.

D. At the time of the Board's first meeting of each year, the members shall organize by selecting from their number a chairperson and secretary. No member of the Library Board shall serve in the capacity of both chairperson and secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file the same with the city clerk, where they shall be available for public inspection at any reasonable time.

E. A majority of the board members shall constitute a quorum for the transaction of business. The Board shall meet at regular times as the members establish or at such times as the City Council may designate. Special meetings may be held upon the call of the chairperson or a majority of the members of the Board.

SECTION 1-1404: LIBRARY BOARD; SUBJECT TO REVIEW OF CITY COUNCIL

A. The Library Board shall have general charge of the library and shall establish appropriate rules and regulations for its management, operation and use; however, the mayor and City Council shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the Library Board. All actions of the Board shall be subject to the review and supervision of the Council.

B. The Library Board shall, on or before the second Monday in February of each year, make a report to the City Council of the condition of its trust on the last day of the prior fiscal year and all money received and credited or expended the prior fiscal year. The report shall show the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection; the number of materials circulated; and other statistics of the prior calendar year, together with information and suggestions as the Library Board may deem of general interest or as the City Council may require.

Article 15 – Police Department

SECTION 1-1501: DUTIES

The Police Department shall consist of the chief of police and such further number of regular police officers as may be duly ordered by resolution of the City Council. The chief of police shall, subject to the direction of the mayor, have control and management of all matters relating to the Police Department, its officers and members, and shall have the custody and control of all property and books belonging to the Department. The Department shall execute and enforce all laws and also the orders of the mayor. It shall be the duty of the Department to protect the rights of persons and property. There shall be a proper police force at all fires. The Department shall take notice of all nuisances, impediments, obstructions and defects in the streets, avenues, alleys, business places and residences of the City. The Department shall execute or cause to be executed the processes issued and shall cause all persons arrested to be brought before the proper court for trial as speedily as possible. The chief of police and all regular and special police officers shall become thoroughly conversant with the laws of the City, shall see that the same are strictly enforced and shall make sworn complaints against any person or persons for violation of the same.

SECTION 1-1502: RESERVE OFFICER'S BOND

No appointment of a law enforcement reserve officer shall be valid until a bond in the amount of \$2,000.00, payable to the City, has been filed with the city clerk by the individual appointed, or a blanket surety bond arranged and paid for by the City Council and bonding all such officers has been filed. Such bonds shall be subject to the provisions of Neb. Rev. Stat. Chapter 11, Article 1. (Neb. Rev. Stat. §81-1444) (Ord. No. 708, 9/28/86)

SECTION 1-1503: ARREST JURISDICTION

A. Every city 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 City.

B. Any city 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:

1. Any 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 there arrest and detain such person and return such person to the officer's primary jurisdiction;
2. Any 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 25 miles of the boundaries of the officer's primary jurisdiction and there arrest and detain such person and return such person to the officer's primary jurisdiction;
3. Any 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 is in need of assistance. A "law enforcement officer in need of assistance" shall mean (a) a law enforcement officer whose life is in danger or (b) a law enforcement officer who needs assistance in making an arrest and the suspect will not be apprehended unless immediately arrested, may cause injury to himself or herself or others or damage to property unless immediately arrested, or may destroy or conceal evidence of the commission of a crime; and

4. If the City, 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 City shall provide liability insurance coverage for its own law enforcement personnel as provided in Neb. Rev. Stat. §13-1802.

(Neb. Rev. Stat. §29-215) (Ord. No. 974, 3/7/95)

SECTION 1-1504: POLICE OFFICERS; DISCIPLINE OR REMOVAL FROM DUTY; NOTICE AND HEARING; DETERMINATION

A. No police officer, including the chief of police, 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 City Council.

B. Any police officer so disciplined, suspended, demoted, removed or discharged may, within ten days after being notified of such disciplinary action, suspension, demotion, removal or discharge, file with the city clerk a written demand for a hearing before the City Council. The Council shall set the matter for hearing not less than ten nor more than 20 days after the filing of the written demand for a hearing. The City Council shall give the officer written notice of the hearing not less than seven nor more than 14 days prior to the hearing.

C. At the hearing, the officer shall have the right to: (1) respond in person to the charges and to present witnesses and documentary evidence; (2) confront and cross-examine available adverse witnesses; and (3) be represented by counsel.

D. Not later than 30 days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse or modify the disciplinary action, suspension, demotion, removal or discharge. Failure of the Council to act within 30 days or the failure of a majority of the elected council 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 City Council 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.

E. 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.

(Neb. Rev. Stat. §17-107) (Ord. No. 1015, 2/6/96)

Article 16 – Community Development Agency

SECTION 1-1601: CREATION

There is hereby created the Community Development Agency of the City pursuant to Neb. Rev. Stat. §18-2101.01.

SECTION 1-1602: POWERS

The Community Development Agency shall have all of the powers set forth in Neb. Rev. Stat. §18-2101 through 18-2154 and any additional powers granted by the Legislature of the State of Nebraska from time to time for Community Redevelopment Authorities.

SECTION 1-1603: ADMINISTRATION BY CITY COUNCIL

The affairs of the Community Development Agency of the City shall be administered by the City Council sitting as the Community Development Agency.

SECTION 1-1604: OFFICERS

The mayor shall serve as the chairman and the city clerk shall serve as the secretary of the Community Development Agency. The Agency shall have the power to employ counsel and a director and such other officers and employees as may be desired.

Article 17 – Penal Provision

SECTION 1-1701: VIOLATION; PENALTY

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