

## CHAPTER I

## CIVIL ADMINISTRATION

### ARTICLE I - VILLAGE BOARD

- 1-101 CORPORATE EXISTENCE
- 1-102 CORPORATE SEAL
- 1-103 NUMBER AND QUALIFICATIONS OF MEMBERS
- 1-104 ELECTION OF VILLAGE OFFICIALS
- 1-105 OFFICERS; BONDS
- 1-106 OFFICERS; OATH OF OFFICE
- 1-107 OFFICERS; SALARIES
- 1-108 CONFLICT OF INTEREST
- 1-109 CHAIRMAN OF THE BOARD OF TRUSTEES; DUTIES
- 1-110 VACANCIES IN VILLAGE OFFICES
- 1-111 ABSENCE AT MEETINGS; HEARING; VACANCY  
DECLARED
- 1-112 VILLAGE BOARD; POWERS
- 1-113 PUBLIC MEETINGS
- 1-114 MEETINGS; CLOSED SESSIONS
- 1-115 MEETINGS; EMERGENCY
- 1-116 MEETINGS; MINUTES
- 1-117 MEETINGS; VOTES
- 1-118 MEETINGS; NOTICE TO NEWS MEDIA
- 1-119 MEETINGS; PUBLIC PARTICIPATION
- 1-120 MEETINGS; VILLAGE BOARD
- 1-121 MEETINGS; ORDER OF BUSINESS
- 1-122 MEETINGS; PARLIAMENTARY PROCEDURE
- 1-123 MEETINGS; VIDEOCONFERENCING, WHEN ALLOWED
- 1-124 CHANGE IN OFFICE
- 1-125 REORGANIZATION MEETING
- 1-126 APPOINTMENT OF COMMITTEES

### ARTICLE II - APPOINTIVE OFFICERS

- 1-201 APPOINTIVE OFFICERS
- 1-202 MERGER OF OFFICES
- 1-203 VILLAGE CLERK; DUTIES
- 1-204 VILLAGE TREASURER; DUTIES
- 1-205 VILLAGE ATTORNEY; DUTIES
- 1-206 VILLAGE POLICE OFFICER; DUTIES; SPECIAL POLICE
- 1-207 SPECIAL ENGINEER
- 1-208 UTILITIES SUPERINTENDENT
- 1-209 WATER COMMISSIONER
- 1-210 SEWER COMMISSIONER
- 1-211 STREET COMMISSIONER

## ARTICLE III - ORDINANCES

- 1-301 GRANT OF POWER
- 1-302 INTRODUCTION
- 1-303 RESOLUTIONS AND MOTIONS
- 1-304 PASSAGE
- 1-305 STYLE
- 1-306 EFFECTIVE DATE
- 1-307 TITLE
- 1-308 CERTIFICATE OF PUBLICATION
- 1-309 AMENDMENTS AND REVISIONS
- 1-310 EMERGENCY ORDINANCES

## ARTICLE IV - FISCAL MANAGEMENT

- 1-401 FISCAL YEAR
- 1-402 BUDGET PROCEDURE
- 1-403 BUDGET STATEMENT
- 1-404 BUDGET HEARING
- 1-405 BUDGET FILING
- 1-406 ANNUAL AUDIT
- 1-407 ALL-PURPOSE LEVY
- 1-408 CONTRACTS
- 1-409 CLAIMS
- 1-410 WARRANTS
- 1-411 TRANSFER OF FUNDS
- 1-412 SPECIAL ASSESSMENT FUND
- 1-413 SINKING FUNDS
- 1-414 DEPOSIT OF FUNDS
- 1-415 INVESTMENT OF FUNDS
- 1-416 EXPENDITURES

## ARTICLE V - ELECTIONS

- 1-501 ELECTION OF OFFICERS; CERTIFICATION
- 1-502 FILING FEE
- 1-503 VOTER QUALIFICATIONS
- 1-504 CAUCUS CANDIDATES
- 1-505 PETITION CANDIDATES
- 1-506 SPECIAL JOINT ELECTIONS
- 1-507 TIE VOTES
- 1-508 CERTIFICATE OF NOMINATION OR ELECTION
- 1-509 INABILITY TO ASSUME OFFICE
- 1-510 RECALL PROCEDURE
- 1-511 BALLOTS
- 1-512 EXIT POLLS

## ARTICLE VI - LIBRARY BOARD

- 1-601 MEMBERS; TERM OF OFFICE; COMPENSATION
- 1-602 OFFICERS
- 1-603 DUTIES
- 1-604 FINANCES
- 1-605 BOOKS
- 1-606 RECOVERY OF PENALTIES
- 1-607 DESTRUCTION OF LIBRARY PROPERTY; VIOLATION,  
PENALTY

## ARTICLE VII - VILLAGE TREE BOARD

- 1-701 CREATION AND ESTABLISHMENT OF A VILLAGE TREE  
BOARD
- 1-702 DEFINITIONS
- 1-703 TERM OF OFFICE
- 1-704 COMPENSATION
- 1-705 DUTIES AND RESPONSIBILITIES
- 1-706 OPERATION
- 1-707 STREET TREE SPECIES TO BE PLANTED
- 1-708 SPACING
- 1-709 DISTANCE FROM CURB AND SIDEWALK
- 1-710 DISTANCE FROM STREET CORNERS AND FIREPLUGS
- 1-711 UTILITIES
- 1-712 PUBLIC TREE CARE
- 1-713 CONSENT OF PROPERTY OWNER
- 1-714 TREE TOPPING
- 1-715 PRUNING; CORNER CLEARANCE
- 1-716 DEAD OR DISEASED TREE REMOVAL ON PRIVATE  
PROPERTY
- 1-717 REMOVAL OF STUMPS
- 1-718 INTERFERENCE WITH VILLAGE TREE BOARD
- 1-719 ARBORIST'S LICENSE
- 1-720 REVIEW BY VILLAGE BOARD OF TRUSTEES

## CHAPTER I

## CIVIL ADMINISTRATION

### ARTICLE I - VILLAGE BOARD

#### SECTION 1-101: CORPORATE EXISTENCE

The Village of Oconto, Nebraska, having a population of less than 800 inhabitants, is hereby declared to be a village, and shall be governed in all respects by the laws regulating villages.

#### SECTION 1-102: CORPORATE SEAL

There shall be owned by the Village of Oconto, in the office of the village clerk, a common seal of the corporation, having engraved thereon the words "Village of Oconto, Custer County, Nebraska, Seal."

The village clerk shall affix an impression of said seal on all papers or documents executed by him/her in his/her official capacity.

Source: Neb. Rev. Stat. §17-502

#### SECTION 1-103: NUMBER AND QUALIFICATIONS OF MEMBERS

The Village Board shall consist of five members who shall be citizens of the United States and residents of the Village, and who shall be registered voters. Every trustee so elected and so qualified shall hold his/her office for the term of four years; provided, a trustee's term shall expire and the office will become vacant upon a change of residence from the Village. The Board of Trustees shall, before entering upon the duties of their office, take an oath to support the Constitution of the United States and the Constitution of the State of Nebraska, and faithfully and impartially discharge the duties of their office. The Board of Trustees shall qualify and meet at the first regular meeting in December, organize, elect a chairman of the Board and appoint the village officers required by law.

Source: Neb. Rev. Stat. §17-202 through 17-204

#### SECTION 1-104: ELECTION OF VILLAGE OFFICIALS

The term of office of each member of the Board of Trustees is four years. The election of the Board of Trustees shall be held on the date of the statewide general election.

#### SECTION 1-105: OFFICERS; BONDS

Official bonds of the Village shall be in form, joint and several, and shall be made payable to the Village in such penalty as the Board of Trustees may set by resolution; provided, the penalty amount on any bond shall not fall below the

legal minimum, when one has been set by the State of Nebraska, for each particular official. All official bonds of the village 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 village official still in his/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 Village. 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 Village and any persons who may be injured by a breach of the conditions of such bonds. No bond shall be deemed to be given or complete until the approval of the Board of Trustees, and all sureties are endorsed in writing on the said instrument by the village clerk pursuant to the said approval of the Board of Trustees. The premium on any official bond required to be given may be paid out of the General Fund or other proper village fund upon a resolution to that effect by the Board of Trustees at the beginning of any village year. All official bonds meeting the conditions herein shall be filed with the village clerk for his/her official records, and it shall be the duty of the village 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 Board of Trustees.

In the event that sureties on the official bond of any officer of the Village become insufficient in the opinion of the Village Board of Trustees, the Board may require by resolution a reasonable time within which such officer may give a new bond or additional sureties thereon as directed. In the event that this officer shall fail, refuse or neglect to give a new bond or additional sureties to the satisfaction and approval of the Board, then the office shall, by such failure, refusal or neglect, become vacant; and it shall be the duty of the Village Board of Trustees to appoint a competent and qualified person to fill this said office. Any official who is re-elected to office shall be required to file a new bond after each election.  
Source: Neb. Rev. Stat. §11-103 through 11-118, 17-604

#### SECTION 1-106: OFFICERS; OATH OF OFFICE

All officials of the Village, 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, without mental reservation, and not for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of

\_\_\_\_\_, according to law and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence; and that during such time as I am in this position I will not advocate, nor become a member of any political party or organization that advocates the overthrow of the government of the United States or this State by force or violence. So help me God."  
Source: Neb. Rev. Stat. §11-101

#### SECTION 1-107: OFFICERS; SALARIES

All elected officers shall receive such compensation as the Board of Trustees shall fix by ordinance. The emoluments of appointive and elective officers of this village shall be neither increased nor decreased during the term for which elected or appointed, except by merger of offices or when there are other officers elected or appointed to the Board and the terms of one or more members commence and end at different times; the compensation of all members of such board may be increased or diminished at the beginning of the full term of any member thereof. The officers' salaries shall be as follows:

Chairman of the Village Board	\$30.00 per meeting attended
Village Board Members	\$20.00 per meeting attended
Village Treasurer	Salary as established by Board
Village Clerk	Salary as established by Board

No person who shall have resigned or vacated any office shall be eligible to the same during the time for which he/she was elected or appointed, if during the same time the emoluments thereof have been increased. In addition to the salaries herein provided, the various officers shall be entitled to mileage and expenses if and when claims therefor are filed, audited and allowed. The chairman and Board of Trustees may by resolution authorize clerical assistance in one or more offices when the same may be needed, and claims therefor out of the proper funds may be presented, allowed, audited and paid. All fees earned by an officer of this village in the performance of his/her duties as such shall be considered the property of this village, and shall be promptly paid over to the village treasurer and by him/her credited to the appropriate fund.

#### SECTION 1-108: CONFLICT OF INTEREST

No officer of the Village shall be permitted to benefit from any contract to which the Village is a party when the consideration of the said contract is in an amount in excess of \$10,000.00 in any one year, and no contract may be divided for the purpose of evading the requirements of this section. Any such interest in a contract shall void any obligation on the part of the Village; provided, the receiving of deposits, cashing of checks, and buying and selling of the warrants and bonds of the Village shall not be considered a contract under the provisions

of this section. No official shall receive any pay or compensation from the Village other than his/her salary. The Board of Trustees 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 Village; provided that ownership of less than 1% of the outstanding stock of any class in a corporation shall not constitute an interest within the meaning of this section.

Source: Neb. Rev. Stat. §17-611, 18-305 through 18-312

#### SECTION 1-109: CHAIRMAN OF THE BOARD OF TRUSTEES; DUTIES

At its first meeting in December of each election year, the Village Board shall select one of its own body who shall be the chairman of said board and whose term shall be two years until the next general election. He/she shall have charge over all property belonging to the Village and not in particular charge of any officer. He/she shall preside over all meetings of the Board of Trustees. If the chairman be absent at any meeting, the Board shall elect a chairman pro tempore as chairman of the Board for that particular meeting, and the election of said chairman pro tempore shall be duly recorded in the minutes of the meeting for that date.

The village chairman shall require all village officers and employees to give him/her a receipt for any and all articles belonging to the Village now in their charge and all that may thereafter come under their charge. All outgoing village officers and village employees shall deliver over to the chairman or account to him/her for all articles used by them in the duties of their office whenever their term of office or employment with the Village ceases.

The village chairman shall also examine each and every appropriation ordinance and satisfy himself/herself as to the correctness of the same before giving his/her approval. All financial reports of the village treasurer shall be audited by the chairman and the Board of Trustees, and if found to be correct they shall be endorsed and shall be filed in the office of the village clerk. The chairman of the Board shall sign the clerk's minutes of all meetings after they have been spread at large upon the journal when the same shall be approved by the action or the acquiescence of the Board. He/she shall sign all warrants for the payment of money when ordered by the Board.

The chairman shall sign all ordinances, resolutions and orders which have been passed, approved and declared to be the law of the Village. He/she shall cause the ordinances of the Village to be carried into effect and shall be vigilant and active to promote the peace and welfare of the Village. He/she shall require all officers to be faithful in the performance of their duties as prescribed by law and the village ordinances for the peace and order of the Village. He/she shall call special meetings of the Board of Trustees at his/her discretion or as provided by the provisions of this code. He/she shall be chairman of the Board of Health, ex

officio. At the specific direction of the Board of Trustees, he/she shall act as the purchasing agent for the Village.

#### SECTION 1-110: VACANCIES IN VILLAGE OFFICES

Vacancies shall be filled by the Board for the balance of the unexpired term. If a vacancy occurs in the office of chairman of the Board by resignation or removal from the Village, the remaining board members shall appoint a new chairman of the Board by motion and majority vote of the remaining members, at the same meeting when acceptance of the resignation or notice of removal of residency is received. In the event of the death of the chairman of the Board, a new chairman shall be appointed by motion and majority vote of the remaining members at the next regular meeting of the Board. In the event of any vacancy on the Board, notice of such vacancy shall be in writing as part of the agenda at the next regular meeting. At such meeting the Board shall give public notice of the vacancy by causing to be published in a newspaper of general circulation within the Village or posting in three public places in the Village notice of the office vacated and the length of the unexpired term.

Within two weeks after the regular meeting at which such notice of vacancy has been presented, or after the death of the incumbent, the chairman of the Board shall call a special meeting of the Board, at which time he/she shall submit the name of a qualified elector to fill the vacancy for the balance of the unexpired term. The board members shall vote upon such nominee, and if a majority of the Board votes in favor of such nominee, the vacancy shall be declared filled. If a majority fails to confirm such appointment, the nomination shall be rejected and the chairman shall, at the next regular meeting, submit the name of another qualified elector to fill the vacancy. If the vote on the nominee at such meeting fails to carry by a majority vote, the chairman shall continue at such meeting to submit the names of qualified electors of the Village in nomination and the Board shall continue to vote until the vacancy is filled. The chairman of the Board shall vote for or against the nominee in case of a tie vote of the Board. All trustees present shall cast a ballot for or against the nominee.

Source: Neb. Rev. Stat. §17-212, 32-568, 32-569

#### SECTION 1-111: ABSENCE AT MEETINGS; HEARING; VACANCY DECLARED

In the event that an elected official of the Village shall be absent for five consecutive meetings, the Village Board 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/she shall be given the opportunity to present evidence and testimony to support a determination that such absences should be excused. After such hearing, the Village Board 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 1-110. (Added October 21, 2002, Ord. No. 10-23-02)

#### SECTION 1-112: VILLAGE BOARD; POWERS

The Board of Trustees shall have all powers granted under the laws of the State of Nebraska, including but not limited to the following: to pass ordinances to prevent and remove nuisances; to prevent, restrain and suppress gambling and disorderly houses; to license and regulate amusements; to establish and provide for police protection; to prevent the spread of contagious diseases; to regulate business; to erect, repair, construct and regulate public ways and property; to maintain good government, public welfare and domestic tranquillity; and to enforce all ordinances by imposing penalties upon inhabitants or other persons for violation thereof not exceeding that amount permitted by Nebraska law for violation of a municipal code for each offense, recoverable with costs, together with enforcement by injunction where necessary.

#### SECTION 1-113: PUBLIC MEETINGS

All public meetings as defined by law shall be held in a public building located within the Village which shall be open to attendance by the public. All meetings shall be held in the public building in which the Board of Trustees 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 Board of Trustees and to the public by a method designated by the Board of Trustees. Such notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice, or a statement that such an agenda, kept continually current, shall be available for public inspection at the office of the village clerk. The Board of Trustees shall have the right to modify the agenda at the public meeting when convened. The minutes of the village clerk shall include the record of the manner by which the advance publicized notice was given, the time and specific place of the meetings, and the names of each member of the Board of Trustees present or absent at each convened meeting.

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

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.

Source: Neb. Rev. Stat. §84-1408 through 84-1414

## SECTION 1-114: MEETINGS; CLOSED SESSIONS

Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting.

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

The vote to hold a closed session shall be taken in open session. The vote of each member on the holding of a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. The meeting shall be reconvened in open session before any formal action may be taken.

Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session. Such challenge shall be overruled only by a majority of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

Source: Neb. Rev. Stat. §84-1410

## SECTION 1-115: MEETINGS; EMERGENCY

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, provided reasonable efforts are made by the village clerk to give advance notice of time and place of such meetings to news media requesting notification of 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.

Source: Neb. Rev. Stat. §84-1411

## SECTION 1-116: 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.

Source: Neb. Rev. Stat. §84-1412, 84-1413

## SECTION 1-117: 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.

Source: Neb. Rev. Stat. §17-616, 84-1413

## SECTION 1-118: MEETINGS; NOTICE TO NEWS MEDIA

The village 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.

Source: Neb. Rev. Stat. §84-1411

## SECTION 1-119: MEETINGS; PUBLIC PARTICIPATION

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 1-114, may be videotaped, televised, photographed, broadcast or recorded by any person in attendance by means of a tape recorder, camera, video equipment or any other means of pictorial or sonic reproduction or in writing.

It shall not be a violation of 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 is not required to allow citizens to speak at each meeting, nor may it 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, however, require any member of the public desiring to address the body to identify himself/herself. No public body shall for the purpose of circumventing the provisions of this article hold a meeting in 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. 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.

Source: Neb. Rev. Stat. §84-1412

## SECTION 1-120: MEETINGS; VILLAGE BOARD

The meetings of the Village Board shall be held at the village hall or other location set by the Board by resolution. Regular meetings shall be held on the third Monday of each month at the hour of 8:00 P.M. A special meeting may be called by the Board chairman or by a majority of the Village Board for those purposes which shall be submitted in writing to the Board members prior to said meeting. The call and object of said meeting shall be entered upon the journal by the village clerk, as well as the disposition of said meeting.

A majority of the members of the Village Board shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members; provided that on the request of any two 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 village clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Village Board shall be called to order by the chairman. In the absence of the chairman, the Board shall have the power to appoint a chairman pro tempore, who shall exercise and perform the same duties as the regular chairman of the Board. The Board of Trustees shall go into an executive session only upon a motion duly made, seconded and passed by a majority of the Board of Trustees in open session.

Source: Neb. Rev. Stat. §17-204, 17-205

## SECTION 1-121: MEETINGS; ORDER OF BUSINESS

All meetings of the Village Board shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Board, the chairman, the village clerk and such other village officials that may be required shall take their regular stations in the village hall, and the business of the Village shall be taken up for consideration and disposition in the following order:

- Roll call
- Reading and approval of the minutes of the previous meeting
- Consideration of petitions and other communications
- Reports of officers, boards and committees
- Unfinished business of the preceding meeting
- Introduction of ordinances and resolutions; first reading
- Second reading of ordinances
- Third reading of ordinances
- Final passage of ordinances
- New business
- Miscellaneous business
- Appropriations and consideration of claims
- Adjournment

## SECTION 1-122: MEETINGS; PARLIAMENTARY PROCEDURE

The chairman shall preserve order during meetings of the Village Board and shall decide all questions of order, subject to an appeal to the Village Board. When any person is called to order, he/she shall be seated until the point is decided. When the chairman is putting the question, no person shall leave the meeting room. Every person present, before speaking, shall rise from his/her seat and address himself/herself to the presiding officer, and while speaking shall confine himself/herself to the question. When two or more persons rise at once, the chairman shall recognize the one who spoke first.

All resolutions or motions shall be reduced to writing before being acted upon, if requested by the village clerk or any member of the Board. Every member of the Board who is present when a question is voted upon shall cast his/her vote, unless excused by a majority of the Village Board present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the chairman before being debated. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Board making the motion or resolution shall be entered also. Before the vote is actually taken, any resolution, motion or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the member of the Board seconding the said resolution, motion or ordinance. After each vote, a roll call vote shall be taken and entered in the minutes upon the request of any member of the Board.

When, in consideration of an ordinance, different times or amounts are proposed, the question shall be put on the largest sum or the longest time. A question to reconsider shall be in order when made by a trustee voting with the majority, but such motion to reconsider must be made before the expiration of the third regular meeting after the initial consideration of the question. When any question is under debate, no motion shall be made, entertained or seconded except the previous question, a motion to table, and a motion to adjourn. Each of the said motions shall be decided without debate. Any of the rules of the Village Board for meeting may be suspended by a two-thirds vote of the members present. In all cases in which provisions are not made by these rules, Robert's Rules of Order is the authority by which the Village Board shall decide all procedural disputes that may arise.

## SECTION 1-123: MEETINGS; VIDEOCONFERENCING, WHEN ALLOWED

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, recording 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 public 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.

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

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's location, including public input. Interaction between meeting participants shall be possible at all meeting locations.

Source: Neb. Rev. Stat. §84-1409, 84-1411

#### SECTION 1-124: CHANGE IN OFFICE

The chairman and Board of Trustees shall meet on the first regular meeting date in December in each election year, and the outgoing officers and the outgoing members of the Board of Trustees shall present their reports, and upon the old Board having completed its business, the outgoing members of said Board shall surrender their offices to the incoming members, and the outgoing officers shall thereupon each surrender to his/her successor in office all property, records, papers and monies belonging to the same.

#### SECTION 1-125: REORGANIZATIONAL MEETING

The newly elected Board shall convene at the village office at the first regular meeting in December in each election year immediately after the prior Board adjourns and proceed to organize themselves for the ensuing year. The chairman pro tempore shall call the meeting to order. The Board shall then proceed to examine the credentials of its members and other elective officers of the Village 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 Board shall then elect one of its own body who shall be styled as chairman of the Board of Trustees. The chairman shall then nominate his/her candidates for appointive offices and said officers shall hold office until their successors are duly appointed and qualified. He/she shall

then proceed with the regular order of business. It is hereby made the duty of each and every member of the Board or of its successors in office and of each officer hereafter elected to any office to qualify prior to the first regular meeting in December following his/her election. Immediately upon the assembly of the newly elected Board at the first regular meeting in December following the election, each officer elected at the regular village election shall take possession of his/her office. Each appointive officer who is required to give bond shall qualify by filing the required bond, approved by the Board of Trustees, in the office of the village clerk within two weeks from the date of his/her said appointment; provided, on said bond shall be endorsed the same oath as required of a village trustee. Failure to qualify by elective or appointive officers within the time and manner provided in this section shall and does in itself create a vacancy in the office to which said person failing to qualify shall have been elected or appointed.

#### SECTION 1-126: APPOINTMENT OF COMMITTEES

The Board of Trustees may appoint such committees as may be necessary from time to time, which committees shall serve at the pleasure of the Board of Trustees.

## ARTICLE II - APPOINTIVE OFFICERS

### SECTION 1-201: APPOINTIVE OFFICERS

The Village Board of Trustees may appoint a village clerk, village treasurer, village attorney, village police, water commissioner and street commissioner. The Village Board may enact resolutions to require from all officers and servants, elected or appointed, bonds and security for the faithful performance of their duty. The Village may pay the premium for such bond. They shall also appoint such additional officials and employees as they may determine the Village needs. All such appointees shall hold office for one year, unless sooner removed by the chairman of the Board by and with the advice and consent of the Village Board. If the Village has a water commissioner, the water commissioner may at any time, for sufficient cause, be removed from office by a 2/3 vote of the Board of Trustees.

### SECTION 1-202: MERGER OF OFFICES

The Board of Trustees may, in 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 trustee, with any other elective or appointive office or employment, so that one or more of such offices or employments may be held by the officer or employee at the same time; except that trustees may perform and upon Board approval receive compensation for seasonal or emergency work subject to Neb. Rev. Stat. §49-14,103.01 to 49-14,103.06. 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 and 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 each of the offices and/or employments so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers.

Source: Neb. Rev. Stat. §17-209.02, 49-14,103.01 through 49-14,103.06

### SECTION 1-203: VILLAGE CLERK; DUTIES

The village clerk shall attend all meetings of the Board of Trustees and keep a correct journal of the proceedings of the Board. He/she shall keep a record of all outstanding bonds against the Village, and when any bonds are sold, purchased, paid or canceled, said record shall show the fact. He/she shall make at the end of the fiscal year a report of the business of the Village transacted through his/her office for the year. That record shall describe particularly the bonds issued and sold during the year, and the terms of the sales with each and every item and expense thereof. He/she shall file all official bonds after the same shall have been properly executed and approved. He/she shall make the proper certificate

of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Board of Trustees.

The village clerk shall issue and sign all licenses, permits and occupation tax receipts authorized by law and required by the village ordinances. He/she shall collect all occupation taxes and license money except where some other village officer is specifically charged with that duty. He/she shall keep a register of all licenses granted in the Village and the purpose for which they have been issued. The village clerk shall permit no records, public papers or other documents of the Village kept and preserved in his/her office to be taken therefrom, except by such officers of the Village as may be entitled to the use of the same, but only upon their leaving a receipt therefor. He/she shall keep all the records of his/her office, including a record of all licenses issued in a record book with a proper index. He/she shall include as part of the records all petitions under which the Board of Trustees 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/she shall endorse the date and hour of filing upon every paper or document so filed in his/her office. All such filings shall be properly docketed. Included in his/her records shall be all standard codes, amendments thereto, and other documents incorporated by reference.

The village clerk shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notice to them of time and place of each meeting and the subjects to be discussed at that meeting.

The village clerk shall keep and preserve the proceedings of the Board of Trustees in two separate and distinct record books. The minute records shall contain a record of all the miscellaneous and informal doings of the Board of Trustees. The minute record shall not include the passage and approval of ordinances except resolutions incorporating by reference the ordinance record into the minute record. The ordinance record shall contain the formal proceedings of the Board of Trustees in the matter of passing, approving, publishing, posting and certifying of ordinances. After the formalities for the legal enactment of an ordinance have been completed, the village clerk shall record and spread at large in the ordinance record his/her ordinance minutes of printed forms. In all cases hereafter where single ordinances are introduced for the consideration of the Board of Trustees, the village clerk shall cause to be introduced an appropriate resolution incorporating by reference the ordinance record into the minute record. Minutes shall be written and available for inspection within ten working days or prior to the next convened meeting, whichever occurs earlier.

The village clerk shall keep an accurate and complete account of the appropriation of the several funds, draw, sign and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he/she shall then make a report of the amounts

appropriated to the various funds and the amounts of the warrants drawn thereon. Nothing herein shall be construed to prevent any citizen, official or other person from examining any public records at all reasonable times.

The village clerk shall deliver all warrants, ordinances and resolutions under his/her charge to the chairman of the Board of Trustees for his/her signature. He/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 Village, he/she shall duly attest the chairman's signature to all ordinances, deeds and papers required to be attested to when ordered to do so by the Board of Trustees.

Within 30 days after any meeting of the Board of Trustees, the village clerk shall prepare and publish the official proceedings of the Village Board, including 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, in a legal newspaper of general circulation in the Village, and which was duly designated as such by the Board of Trustees; provided, the charge for such publication shall not exceed the rates provided by the statutes of the State of Nebraska. Said publication shall be charged against the General Fund.

Between July 15 and August 15 each year, the names of all employees and their current annual, monthly or hourly salaries shall be published. Any changes in salaries or the hiring of new employees during the calendar quarter preceding the months of October, January and April shall be published during the months of November, April and May. The village clerk shall then keep in a book with a proper index copies of all notices required to be published or posted by him/her by order of the Board of Trustees or under the ordinances of the Village. 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 village clerk's certificate under seal where the same are required to be posted only.

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

Source: Neb. Rev. Stat. §17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712

#### **SECTION 1-204: VILLAGE TREASURER; DUTIES**

The village treasurer shall be custodian of all monies belonging to the Village; he/she shall deposit public funds which have come into his/her hands in such

depository bank or banks or in other eligible financial institutions for depository purposes as designated by the chairman and Board of Trustees.

He/she shall keep a separate account of each and every fund or appropriation and the debits and credits therein; he/she shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid, and also file copies of said receipts with his/her monthly reports made to the chairman and Board of Trustees. He/she shall, at the end of each month and as often as may be required, render a report to the chairman and Board of Trustees showing, under oath, the condition of the various accounts of the treasury at the time of such reports and the balance of money in the treasury; he/she shall accompany such accounts with a statement of all receipts and disbursements, together with all warrants paid by him/her. Such warrants with any and all vouchers held by him/her shall be filed with his/her accounts in the village clerk's office. He/she shall keep a record, in a book suitable for that purpose, of each and every warrant paid and from what fund paid.

He/she shall also procure and keep a warrant register which shall show in columns arranged for that purpose the number, date and amount of each warrant presented and registered as hereinafter provided, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person in whose name the same is registered, the date of payment, the amount of interest, and the total amount paid thereon, with the date when the notice to such person in whose name such warrant is registered is mailed as hereinafter provided. Upon presentation of any warrant for payment, in the presence of the person presenting such warrant, it shall be the duty of the village treasurer to enter said warrant in the warrant register for payment in the order of its presentation. Upon every warrant as presented and registered, he/she shall endorse "Registered for Payment" with the date of such registration and register number; and he/she shall sign such endorsement, whereupon such warrant shall draw interest at the legal rate from the date of registration until notice of payment shall be given to the holder as provided by law.

If the village treasurer neglects or fails, for a period of ten days from the end of each and every month, to render his/her account, his/her office shall be declared vacant pursuant to Section 17-606, R.R.S. Neb. 1943, and the chairman and Board of Trustees shall fill the vacancy by appointment until the next election of village officials.

The village treasurer is also required to publish or cause to be published in a legal weekly newspaper published in or of general circulation in said village within 60 days following the end of the fiscal year a report of the activities of his/her office, which said report shall show in detail all receipts, disbursements, warrants outstanding, and the debit or credit balance of the Village.

Source: Neb. Rev. Stat. §17-606 through 17-609, 19-1101, and 84-712

## **SECTION 1-205: VILLAGE ATTORNEY; DUTIES**

The village attorney is the Village's legal advisor, and as such he/she shall commence, prosecute and defend all suits on behalf of the Village. When requested by the Board of Trustees, he/she shall attend meetings of the Board of Trustees and shall advise any village official in all matters of law in which the interests of the Village may be involved. He/she shall draft such ordinances, bonds, contracts and other writings as may be required in the administration of the affairs of the Village. He/she shall examine all bonds, contracts and documents on which the Board of Trustees will be required to act, and attach thereto a brief statement in writing to all such instruments and documents as to whether or not the document is in legal and proper form. He/she shall prepare complaints, attend and prosecute violations of the village ordinances when directed to do so by the Board of Trustees. Without direction, he/she shall appear and prosecute all cases for violation of the village ordinances that have been appealed to and are pending in any higher court. He/she shall also examine the ordinance records when requested to do so by the Board of Trustees and advise and assist the village clerk as much as may be necessary to the end that each procedural step will be taken in the passage of each ordinance to insure that they will be valid, and subsisting local laws in so far as their passage and approval are concerned. The Board of Trustees shall have the right to compensate the village attorney for legal services on such terms as the Board of Trustees and the village attorney may agree, and to employ any additional legal assistance as may be necessary.

Source: Neb. Rev. Stat. §17-610

## **SECTION 1-206: VILLAGE POLICE OFFICER; DUTIES; SPECIAL POLICE**

In the event the Village maintains a police department, the following shall apply:

It shall be the duty of the village police officer, and he/she is hereby authorized and empowered, to diligently inquire into any and all violations of the village ordinances and to make order and arrest with proper process for any offense against the laws or ordinances of the Village, and he/she shall prosecute all those guilty of violation. The village police officer shall have general control over motor vehicular traffic, and said police, together with such special officers detailed to assist him/her as traffic officers by the chairman and Board of Trustees, shall direct the movement of traffic at intersections and elsewhere; and it shall be unlawful for any person to violate any order or signal of the village police or of any special traffic officer.

The village police officer shall bring all prisoners who are under arrest for the violation of any village ordinances before the County Court whenever required to do so by rule or order of the county judge, and he/she shall make or cause to be made the necessary written complaint against such person or persons when arrested.

He/she shall perform such other duties as may be required of him/her by resolution or by order of the chairman and Board of Trustees.

Source: Neb. Rev. Stat. §17-213

#### SECTION 1-207: SPECIAL ENGINEER

The Board of Trustees may employ a special engineer to make or assist the village engineer in making any estimate, survey or other work. The engineer shall make a record of the minutes of his/her surveys and all other work done for the Village. He/she shall, when directed by the Board of Trustees, accurately make all plats, sections, profiles and maps as may be necessary in the judgment of the Board of Trustees. He/she shall, upon request of the Board of Trustees, make estimates of the costs of labor and material which may be done or furnished by contract with the Village, and make all surveys, estimates and calculations necessary for the establishment of grades, bridges or culverts and for the building, constructing or repairing of any public improvement of the Village. All records of the engineer shall be public records which shall belong to the Village and shall be turned over to his/her successor. He/she shall, when directed by the Board of Trustees, inspect all works of public improvement, and if found to be properly done, shall accept the same and report his/her acceptance to the Board of Trustees. He/she shall estimate the cost of all proposed village utilities and public improvements, together with any extensions thereof which the Board of Trustees may propose to construct or improve.

Source: Neb. Rev. Stat. §17-405, 17-568, 17-568.01, 17-919

#### SECTION 1-208: UTILITIES SUPERINTENDENT

A utilities superintendent may be appointed if the Village Board determines that it is in the best interest of the Village to appoint one official to have the immediate control over all the said village utilities and village streets. The utilities superintendent may be removed at any time by a 2/3 vote of the Village Board. 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 village officials.

#### SECTION 1-209: WATER COMMISSIONER

It shall be the duty of the water commissioner to have the general management and control of the waterworks of the Village and he/she 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 Village. All actions, decisions and procedures of the water commissioner shall be subject to the general directives and control of the Village Board. The water commissioner shall have the general control and supervisory

authority over all employees of the water system which the Village Board may from time to time hire to operate and maintain the said system. He/she shall, at the request of the Board, make detailed reports on the condition of the Village water system and any necessary improvements he/she determines necessary. No money shall be expended for improvements, repairs or extensions of the said waterworks system except upon the recommendation of the water commissioner. The water commissioner shall be liable upon his/her official bond for the faithful performance of his/her duties. He/she shall perform such additional duties as may be prescribed by the Village Board.

Source: Neb. Rev. Stat. §17-541

#### SECTION 1-210: SEWER COMMISSIONER

The sewer commissioner shall have the immediate control and supervision over all employees and property that make up the village sewer system, subject to the general control and direction of the Village Board. He/she shall issue permits for all connections to the village water system and inspect and supervise all repairs made to said system. He/she shall, at the request of the Board, make detailed reports on the condition of the village sewer system and any necessary improvements he/she determines necessary. He/she shall have such other duties as the Board of Trustees may designate. He/she shall issue permits for all connections to the village sewer system, and inspect and supervise all repairs made to the said system.

#### SECTION 1-211: STREET COMMISSIONER

The street commissioner shall, subject to the orders and directives of the Village Board, have general charge, direction and control of all work on the streets, sidewalks, culverts and bridges of the Village, and shall perform such other duties as the Board may require. It shall be his/her responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. He/she shall, at the request of the Board, make detailed reports on the condition of the streets, sidewalks, culverts, alleys and bridges of the Village and direct its attention to such improvements, repairs, extensions, additions and additional employees as he/she may believe are needed to maintain a satisfactory street system in the Village, along with estimates of the costs thereof. He/she shall issue such permits and assume such other duties as the Board of Trustees may direct.

Source: Neb. Rev. Stat. §17-214

## ARTICLE III - ORDINANCES

### SECTION 1-301: GRANT OF POWER

The Village Board shall have the responsibility of making all ordinances, by-laws, rules, regulations and resolutions not inconsistent with the laws of the State of Nebraska, as may be necessary and proper for maintaining the peace, good government and welfare of the Village and its trade, commerce and security.

Source: Neb. Rev. Stat. §17-505

### SECTION 1-302: INTRODUCTION

Ordinances shall be introduced by members of the Village Board in either of the following ways:

1. With the recognition of the chairman, a Board member may, in the presence and hearing of a majority of the members elected to the Board, read aloud the substance of his/her proposed ordinance and file a copy of the same with the village clerk for future consideration; or
2. With the recognition of the chairman, a Board member may present his/her proposed ordinance to the village clerk, who, in the presence and hearing of a majority of the members elected to the Board, shall read aloud the substance of the same and shall file the same for future consideration.

### SECTION 1-303: RESOLUTIONS AND MOTIONS

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

### SECTION 1-304: PASSAGE

Ordinances, resolutions or orders for the appropriation of money shall require for their passage the concurrence of the majority of the members elected to the Board. Ordinances of a general or permanent nature shall be fully and distinctly read on three different days.

In the event that three-fourths of the members of the Board present vote to dispense with the rule that ordinances of a general or permanent nature be fully read on three different days, such ordinances may be passed by reading the title

one time when introduced, read by title a second time after the rule has been dispensed with, read at large a third time, and then put upon final passage.  
Source: Neb. Rev. Stat. §17-614

#### SECTION 1-305: STYLE

The style of all village ordinances shall be:

"Be it ordained by the Chairman and Board of Trustees of the Village of Oconto, Nebraska:"

Source: Neb. Rev. Stat. §17-613

#### SECTION 1-306: EFFECTIVE DATE

The village clerk shall, within 15 days after the passage of any ordinance, publish the same in a legal newspaper of general circulation in the Village or post the ordinance in the normal three public places. The ordinance shall then become effective upon publication or posting.

Source: Neb. Rev. Stat. §17-613, 19-3701

#### SECTION 1-307: TITLE

No ordinance shall contain a subject not clearly expressed in its title.

Source: Neb. Rev. Stat. §17-614

#### SECTION 1-308: CERTIFICATE OF PUBLICATION

The passage, approval and publication or posting of all ordinances shall be sufficiently proven by a certificate under the village seal from the village clerk showing that the said ordinance was passed and approved, and when, and in what paper the same was published, or when, by whom, and where the same was posted.

Source: Neb. Rev. Stat. §17-613

#### SECTION 1-309: 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. The ordinance or section so amended shall be repealed.

Source: Neb. Rev. Stat. §17-614

#### SECTION 1-310: EMERGENCY ORDINANCES

In the case of an ordinance passed concerning riot, infectious or contagious diseases or other impending danger, failure of a public utility or other emergency requiring its immediate operation, such ordinance shall take effect upon the

proclamation of the village chairman and the posting thereof in at least three of the most public places in the Village. Such emergency notice shall recite the emergency and shall be passed by a three-fourths vote of the Board and entered upon the village clerk's minutes.

Source: Neb. Rev. Stat. §17-613

## ARTICLE IV - FISCAL MANAGEMENT

### SECTION 1-401: FISCAL YEAR

The fiscal year of the Village shall commence on October 1 and extend through the following September 30.

Source: Neb. Rev. Stat. §17-701

### SECTION 1-402: BUDGET PROCEDURE

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

### SECTION 1-403: BUDGET STATEMENT

The Village Board shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed the "The Annual Appropriation Bill," in which the Board shall appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the Village. Such budget statement shall be prepared on forms prescribed and furnished by the state auditor and shall contain that information required by the aforementioned *Manual of Instructions for City/Village: Budgets*.

The annual appropriation bill shall not be amended without a majority vote of the Village Board after a public hearing. Notice of the time and place of the hearing shall be published at least five days prior to the date set for hearing in a newspaper of general circulation within the Village. The income arising from the operation of proprietary functions shall be deemed especially appropriated to the payment of the current expenses of and to the cost of improvements, extensions and additions to such functions and shall not be included in the annual appropriation bill.

Source: Neb. Rev. Stat. §17-706

### SECTION 1-404: BUDGET HEARING

Subsequent to the filing of the proposed budget statement, the Village Board shall publish a proposed budget and conduct a public hearing on the said 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 Village. The village 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. (Amended October 21, 2002, Ord. No. 10-22-02)

Source: Neb. Rev. Stat. §13-506

#### SECTION 1-405: BUDGET FILING

The Village Board shall file with and certify to the levying board and file with the state auditor a copy of the adopted budget statement, together with the amount of the tax to be levied and proof of publication. Such filing shall be made on or before September 20th. The Village Board shall not certify any tax that exceeds the maximum levy prescribed by state law; provided, 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.

Source: Neb. Rev. Stat. §13-508

#### SECTION 1-406: ANNUAL AUDIT

The Village Board shall cause an audit of the village accounts to be made by a qualified accountant, or shall prepare an unaudited statement of cash receipts and disbursements in lieu of an audit, as expeditiously as possible following the close of the fiscal year. If an audit is authorized by the Village Board, it shall be made on a cash or accrual method at the discretion of the Board and shall be completed within six months of the close of the fiscal year. In the event the Village elects not to have an audit performed, the village treasurer shall prepare an unaudited statement of cash receipts and disbursements in a form prescribed by the state auditor and shall submit not less than three copies of the unaudited report to the Village Board. The state auditor may require an audit of any village account based upon information contained in its unaudited statement and may specify the period within which such audit must be performed.

All public utilities shall be audited separately, and the results of such audits shall appear separately in the annual audit report. The audit shall be a form that is in general conformity with accepted accounting principles and shall set forth the financial position for each fund of the Village as well as an opinion by the accountant with respect to the financial statements. Two copies of the annual report shall be filed with the village clerk and shall become a part of the public records of the village clerk's office, and will at all times thereafter be open for public inspection. One copy shall be filed with the state auditor.

Source: Neb. Rev. Stat. §19-2901 through 19-2909

#### SECTION 1-407: ALL-PURPOSE LEVY

The Village Board has determined that the amount of money to be raised by taxation shall be certified to the county clerk in the form of one all-purpose levy instead of certifying a schedule of levies for specific purposes added together. Said all-purpose levy shall not exceed an annual levy in excess of the legal maximum as prescribed by state law upon the assessed valuation of all taxable property in the Village, except intangible property.

Source: Neb. Rev. Stat. §17-702

#### SECTION 1-408: CONTRACTS

Before entering into any contract for labor, materials or any public improvement which exceeds \$20,000.00 in cash as estimated by the village engineer, the Village Board shall advertise for bids once each week for three consecutive weeks in a legal newspaper of general circulation in the Village, or post a printed or written copy thereof in each of three public places in the Village; provided that in the case of a public emergency which is a serious danger to life, health or property, estimates of costs and advertising for bids may be waived in the emergency ordinance when adopted by a three-fourths vote of the Village Board. If fewer than two bids are received by the Board of Trustees, or if the bids contain a price in excess of the estimated cost of the project, the Board of Trustees may negotiate a contract in an attempt to complete the proposed project at a cost commensurate with the estimate given. If the manufacturer and the Board of Trustees agree that no cost can be estimated until the materials have been manufactured or assembled, the Board of Trustees may authorize, manufacture and assemble the materials and thereafter approve the cost estimate.

Source: Neb. Rev. Stat. §17-568.01

#### SECTION 1-409: CLAIMS

All claims against the Village shall be presented to the Village Board 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 Village in any action brought against it for an unliquidated claim which has not been presented to the Village Board 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 village treasury for the appropriate fund against which it is to be drawn; provided that 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.

Source: Neb. Rev. Stat. §17-714, 17-715

## SECTION 1-410: WARRANTS

All warrants drawn upon the village treasury must be signed by the chairman of the Board and countersigned by the village clerk, stating the particular fund to which the warrant is chargeable, the person to whom it is payable, and the purpose of the expenditure. No money shall be otherwise paid than upon warrants so drawn. Each warrant shall specify the amount included of such fund.  
Source: Neb. Rev. Stat. §17-711

## SECTION 1-411: 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 Village Board may by a 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 Village Board 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 Village. 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 approval by the Village Board, said board 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 Village Board 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.

Source: Neb. Rev. Stat. §13-510, 13-511

## SECTION 1-412: SPECIAL ASSESSMENT FUND

All money received on special tax assessments shall be held by the village treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made.

Source: Neb. Rev. Stat. §17-710

#### SECTION 1-413: SINKING FUNDS

The Village Board, subject to the limitations set forth herein, shall have the power to levy a tax 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 Village, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension or repair of the approved projects as authorized by state law. To initiate the said sinking fund, the Village Board shall declare its purpose by resolution to submit to the qualified electors of the Village the proposition to provide the improvement at the next general village 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 Village.

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 Village Board 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 village treasurer shall, as they accumulate, be immediately invested with the written approval of the Village Board 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 Village Board is authorized to do so by 60% of the qualified electors of the Village voting at a general election favoring such a change in the use of the sinking fund.

Source: Neb. Rev. Stat. §19-1301 through 19-1304, 77-2337, 77-2339

#### SECTION 1-414: DEPOSIT OF FUNDS

The Village Board, at its first meeting in each fiscal year, shall designate one or more banks of approved and responsible standing in which the village treasurer shall keep at all times all money held by him/her; provided, if more than one bank in the Village meets the requirements for approved banks as herein defined, the said funds shall be deposited in each of them and the village treasurer shall not give a preference to any one or more of them in the money he/she shall deposit. A bond shall be required from all banks so selected in a penal sum which equals the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or a pledge of sufficient assets of the bank to secure the payment of all such deposits.

Source: Neb. Rev. Stat. §17-607, 77-2362 through 77-2364

## SECTION 1-415: INVESTMENT OF FUNDS

The Village Board may, by resolution, direct and authorize the village treasurer to invest surplus funds in the outstanding bonds or registered warrants of the Village and other approved bonds and obligations as provided by law. The interest on such bonds or warrants shall be credited to the fund out of which the said bonds or warrants were purchased.

Source: Neb. Rev. Stat. §17-608, 17-609, 72-1259, 77-2341

## SECTION 1-416: EXPENDITURES

No village official shall have the power to appropriate, issue or draw any order or warrant on the village treasury for money, unless the same has been appropriated or ordered by ordinance, or the claim for the payment of such order or warrant has been allowed according to Nebraska law and funds for the claim or out of which said claim is payable had been included in the adopted budget statement according to law.

Source: Neb. Rev. Stat. §17-708

## ARTICLE V - ELECTIONS

### SECTION 1-501: ELECTION OF OFFICERS; CERTIFICATION

All village elections involving the election of officers shall be held in accordance with the Election Act and in conjunction with the statewide general election. No later than July 1 of each even-numbered year, the Village Board shall certify to the Secretary of State, the election commissioner or the county clerk, the name of the Village, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office.

Source: Neb. Rev. Stat. §17-202, 32-401, 32-404, 32-532, 32-556

### SECTION 1-502: FILING FEE

Prior to the filing of any nomination papers, there shall be paid to the village treasurer a filing fee which shall amount to 1% of the annual salary for the office for which the candidate will file; provided, there shall be no filing fee for any candidate filing for an office in which a per diem is paid rather than a salary, or an office for which there is a salary of less than \$500.00 per year. No nominating papers shall be filed until the proper village treasurer's receipt, showing payment of the filing fee, shall be presented to the election officer with whom the nomination papers are to be filed.

Source: Neb. Rev. Stat. §32-608

### SECTION 1-503: VOTER QUALIFICATIONS

"Elector" shall mean a person of the constitutionally prescribed age or upwards, who shall have the right to vote for all officers to be elected to public office, and upon all questions and proposals, lawfully submitted to the voters at any and all elections authorized or provided for by the Constitution or the laws of the State of Nebraska, except school elections; provided, no person shall be qualified to vote at any election unless such person shall be a resident of the State and shall have been properly registered with the election official of the county.

Source: Neb. Rev. Stat. §17-602, 32-110

### SECTION 1-504: CAUCUS CANDIDATES

The Village Board may, by ordinance, call a caucus for the purpose of nomination of candidates for offices to be filled in the village election. Such caucus shall be held at least ten days before the filing deadline for such election, and the Village Board shall publish notice of such caucus in at least one newspaper of general circulation in the county at least once each week for two consecutive weeks before such caucus.

The village clerk shall notify the persons so nominated of their nomination not later than five days after such caucus. A candidate so nominated shall not have his/her name placed upon the ballot unless, not more than ten days after the holding of such caucus, he/she files with the village clerk a written statement accepting the nomination of the caucus and pays the filing fee, if any, for the office for which he/she was nominated.

Source: Neb. Rev. Stat. §17-601.01, 17-601.02

## SECTION 1-505: PETITION CANDIDATES

Any registered voter who was not a candidate in the primary election may have his/her name placed on the general election ballot for a partisan office by filing petitions as prescribed in this section and Neb. Rev. Stat. §32-621, or by nomination by political party convention or committee.

Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his/her name placed on the general election ballot if a vacancy exists on the ballot under subsection (1) of Neb. Rev. Stat. §32-626 and the candidate files for the office by petition as prescribed in this section.

The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be at least 10% of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the Village.

The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be at least 20% of the total vote for Governor or President of the United States at the immediately preceding general election within the Village, not to exceed 2000.

Petitions for nomination shall conform to the requirements of Neb. Rev. Stat. §32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. Petitions shall be signed by registered voters residing in the Village and shall be filed with the filing officer in the same manner as provided for candidate filing forms in Neb. Rev. Stat. §32-607. Petition signers and circulators shall conform to the requirements of Neb. Rev. Stat. §32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing payment of the required filing fee. The petitions shall be filed by September 1 in the year of the general election.

Source: Neb. Rev. Stat. §32-616 through 32-618

## SECTION 1-506: SPECIAL JOINT ELECTIONS

Any issue to be submitted to the registered voters at a special election by the

Village shall be certified by the village clerk to the election commissioner or county clerk at least 50 days prior to the election. A special election may be held by mail as provided in Neb. Rev. Stat. §32-952 through 32-959. No special election to be conducted by the election commissioner or county clerk shall be held within 30 days prior to or 60 days after the statewide primary election, and no special election to be conducted by the election commissioner or county clerk shall be held within 30 days prior to or 60 days after the statewide general election.

In lieu of submitting the issue at a special election, the Village may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the village clerk to the election commissioner or county clerk by March 1 for the primary election and by September 1 for the general election.

After the election commissioner or county clerk has received the certification of the issue to be submitted, he/she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the village clerk shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election issues. The election commissioner or county clerk shall prepare the ballots and issue absentee ballots and shall also conduct the submission of the issue, including the receiving and counting of the ballots on the issue. The election returns shall be made to the election commissioner or county clerk. The ballots, including absentee ballots, shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the county canvassing board, the election commissioner or county clerk shall certify the election results to the Village Board. The canvass by the county canvassing board shall have the same force and effect as if made by the Village Board.

Source: Neb. Rev. Stat. §32-559

#### SECTION 1-507: TIE VOTES

In the case of a tie vote of any of the candidates in either the primary or general election, the county clerk shall notify such candidates to appear at his/her office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

Source: Neb. Rev. Stat. §32-1122

#### SECTION 1-508: CERTIFICATE OF NOMINATION OR ELECTION

The village clerk shall, within 40 days after the election, prepare, sign and deliver a certificate of nomination or certificate of election to each person whom the

canvassing board has declared to have received the highest vote for each municipal office. No person shall be issued a certificate of nomination as a candidate of a political party unless such person has received a number of votes at least equal to 5% of the total ballots cast at the primary election by registered voters affiliated with that political party in the district which the office for which he/she is a candidate serves.

A certificate of election prepared by the village clerk shall be in the form as nearly as possible prescribed in Neb. Rev. Stat. §32-1033 and shall be signed by the chairman of the Board of Trustees, under the seal of the Village, and countersigned by the village clerk.

Source: Neb. Rev. Stat §19-3041, 32-558, 32-1033

#### SECTION 1-509: INABILITY TO ASSUME OFFICE

In any general election, where the person who received the highest number of votes in ineligible, disqualified, deceased, or for any other reason is unable to assume the office for which he was a candidate, and the electorate had reasonable notice of such disability at the time of election, the candidate in such election who received the highest number of votes shall be declared elected, and shall be entitled to the certificate of election; provided that any candidate so declared elected received not less than 35% of the total number of votes cast for such office in the election. If any of the qualifications of this section are not met by the candidate to be declared elected, or reasonable notice of the winner's ineligibility is not available to the voters, a vacancy in such office shall be declared to exist at the time of commencement of the term and shall be filled as prescribed by law.

#### SECTION 1-510: RECALL PROCEDURE

1. Any or all of the elected officials of the Village may be removed from office by recall pursuant to Neb. Rev. Stat. §32-1301 to 32-1309.
2. Petition circulators shall conform to the requirements of the Election Act. The petition papers shall be procured from the village clerk. Each petition paper shall conform to the requirements of state law. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the village clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator(s) of the recall petition. The affidavit shall state the name and office of the official sought to be removed and shall request that the village clerk issue initial petition papers to the principal circulator for circulation. The village clerk shall notify the principal circulator that the necessary signatures must be gathered within 30 days from the date of issuing petitions.
3. The village clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his/her office, the name of

the principal circulator to whom the papers were issued, the date of issuance, and the number of papers issued. The village clerk shall certify on the papers the name of the principal circulator to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator who checks out petitions from the village clerk may distribute such petitions to registered voters residing in the Village who may act as circulators of such petitions.

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

5. A petition demanding that the question of removing a member of the Village Board be submitted to the registered voters shall be signed by registered voters equal in number to at least 45% of the total vote cast for the person receiving the most votes for that office in the last general election.

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

7. If the recall petition is found to be sufficient, the village clerk shall notify the official whose removal is sought and the Village Board that sufficient signatures have been gathered. If the official does not resign within five days after receiving the notice, the Village Board shall order an election to be held not less than 30 nor more than 45 days after the expiration of the five-day period, except that if any other election is to be held in the Village within 90 days of the expiration of the five-day period, the Village Board shall provide for the holding of the removal election on the same day. After the Village Board sets the date for the recall election, the recall election shall be held regardless of whether the official whose removal is sought resigns before the recall election is held.

8. If a majority of the votes cast at a recall election are against the removal of the official named on the ballot or the election results in a tie, the official shall continue in office for the remainder of his/her term but may be subject to further

recall attempts as provided in subsection 10 of this section. If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he/she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the official is deemed removed, the removal shall result in a vacancy in the office which shall be filled as otherwise provided in this code and state law. If the election results show a margin of votes equal to 1% or less between the removal or retention of the official in question, the Secretary of State, election commissioner or county clerk shall order a recount of the votes cast unless the official named on the ballot files a written statement with the village clerk that he/she does not want a recount. If there are vacancies in the offices of a majority or more of the members of the Village Board at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the Secretary of State, election commissioner or county clerk.

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

10. No recall petition shall be filed against an elected official within 12 months after a recall election has failed to remove him/her from office or within six months after the beginning of his/her term of office or within six months prior to the incumbent filing deadline for the office.

Source: Neb. Rev. Stat. §32-1301 through 32-1309

#### SECTION 1-511: BALLOTS

The county clerk shall provide printed ballots for every general municipal election and the expense of printing and delivering the ballots and cards of instruction shall be charged to the Village.

Source: Neb. Rev. Stat. §32-1202

#### SECTION 1-512: EXIT POLLS

No person shall conduct any exit poll, public opinion poll, or any other interview with voters on election day seeking to determine voter preference within 20 feet of the entrance to any polling place or, if inside the polling place or building, within 100 feet of any voting booth.

Source: Neb. Rev. Stat. §32-1525

## ARTICLE VI - LIBRARY BOARD

### SECTION 1-601: MEMBERS; TERM OF OFFICE; COMPENSATION

The Library Board shall consist of five appointed members who shall be residents of this village. The nominated members must receive a majority vote of the chairman and Board of Trustees. The members of the Library Board shall serve a four-year term of office as specified by the statutes of the State of Nebraska. The Library Board shall serve without compensation and may be required, at the discretion of the chairman and Board of Trustees, to give a bond in a sum set by resolution of said chairman and Board of Trustees and conditioned upon the faithful performance of their duty.

### SECTION 1-602: OFFICERS

At the time of the Board's first meeting in November of each year, the Board shall organize by selecting from their number a chairman and secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings, and to 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 shall constitute a quorum for the transaction of business. The Board shall meet at such times as the chairman and Board of Trustees may designate. Special meetings may be held upon the call of the chairman or any three members of the Board. Neither the chairman nor any member of the Board of Trustees shall serve as a member of the Library Board. No member of the Library Board shall serve in the capacity of both chairman and secretary of the Board.

### SECTION 1-603: DUTIES

It shall be the duty of the Board to have general charge of the public library and establish appropriate rules and regulations for the management, operation and use of the same. All actions of the Board shall be subject to the review and supervision of the chairman and Board of Trustees. The Board shall be responsible for making such reports and performing such additional duties as the chairman and Board of Trustees may designate from time to time.

### SECTION 1-604: FINANCES

All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance or support of the public library shall be kept for the use of such library, separate and apart from other funds of the Village, and shall be drawn upon and paid out by the village treasurer upon vouchers signed by the chairman of the Library Board and authenticated by the secretary of said board, and shall not be used or disbursed for any other purpose or in any other manner.

## **SECTION 1-605: BOOKS**

The Board may authorize the sale, exchange or disposal of any surplus, damaged, defective, obsolete or duplicate books in the library. Records shall be kept of any such surplus, damaged, defective, obsolete or duplicate books so disposed of.

## **SECTION 1-606: RECOVERY OF PENALTIES**

Penalties imposed or accruing by any by-law or regulation of the Library Board may be recovered in a civil action before the police officer of this village or any other court having jurisdiction, such action to be instituted in the name of the Library Board. Money collected in such actions shall be forthwith placed in the village treasury to the credit of the Library Fund.

## **SECTION 1-607: DESTRUCTION OF LIBRARY PROPERTY; VIOLATION, PENALTY**

Any person who shall willfully and maliciously write upon, injure, deface, tear or destroy any book, newspaper, plate, engraving or any property or thing of value belonging to the public library shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than \$10.00 nor more than the amount permitted by Nebraska law for violation of a municipal ordinance.

## ARTICLE VII - VILLAGE TREE BOARD

### SECTION 1-701: CREATION AND ESTABLISHMENT OF A VILLAGE TREE BOARD

The Village Board may create and establish a Village Tree Board for the Village of Oconto, in which event such board shall consist of three members, citizens and residents of this village, who shall be appointed by the chairman with the approval of the Board of Trustees.

### SECTION 1-702: DEFINITIONS

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

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

### SECTION 1-703: TERM OF OFFICE

The term of the three persons to be appointed by the chairman of the Board of Trustees shall be three years, except that the term of one of the members appointed to the first Tree Board shall be for only one year, and the term of two members of the first Tree Board shall be for two years. Terms shall commence July 1 of each year. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

### SECTION 1-704: COMPENSATION

Members of the Tree Board shall serve without compensation.

### SECTION 1-705: DUTIES AND RESPONSIBILITIES

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

## **SECTION 1-706: OPERATION**

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

## **SECTION 1-707: STREET TREE SPECIES TO BE PLANTED**

The tree list adopted by the Tree Board and published by it constitutes the official street tree species for the Village. No species other than those included in this list may be planted as street trees without written permission of the Village Tree Board.

## **SECTION 1-708: SPACING**

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

## **SECTION 1-709: DISTANCE FROM CURB AND SIDEWALK**

The distance which trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in the tree list, and no trees may be planted closer to any curb or sidewalk than the following: small trees, two feet; medium trees, three feet; and large trees, four feet.

## **SECTION 1-710: DISTANCE FROM STREET CORNERS AND FIREPLUGS**

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

## **SECTION 1-711: UTILITIES**

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

## **SECTION 1-712: PUBLIC TREE CARE**

The Village shall have the right to plant, subject to Section 1-713 herein, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such

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

#### **SECTION 1-713: CONSENT OF PROPERTY OWNER**

The Village Tree Board shall plant no trees on public right of way without the consent of the adjacent property owners. Such consent shall be in writing and shall be maintained as part of the official tree board records.

#### **SECTION 1-714: TREE TOPPING**

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

#### **SECTION 1-715: PRUNING; CORNER CLEARANCE**

Every owner of any tree overhanging any street or right of way within the Village shall prune the branches so that such branches shall not obstruct the light from any street light or obstruct the view of any street intersection, and so that there shall be a clear space of eight feet above the surface of the street or sidewalk.

#### **SECTION 1-716: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY**

All trees that are in a diseased, dying or dead condition are declared to be a public nuisance and shall be removed by the property owner from the private property on which they are located. For the purpose of carrying out the provisions of this section, the Village Tree Board shall have the authority to enter on private property to inspect the trees thereon. In the event that the trees are diseased or dead, notice shall be given to the owner of the property by mail or personal service, and such notice shall allow the said owner 60 days to remove the said tree or trees.

In the event that the owner is a non-resident, notice shall be made by publication in a newspaper of general circulation, or by certified mail if the name and address are known. The person charged with the removal may enter into an agreement with the Village that such work be accomplished by the Village, and the expense shall be declared to be a lien upon such property from the time the same becomes due until paid. If the owner fails, neglects or refuses to enter into such

an agreement or to remove the trees, the Village Tree Board may enter upon the property and proceed to direct the removal of the trees; the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the Village after being properly billed, the costs shall be assessed against the property and certified by the village clerk to the county treasurer to be collected in the manner prescribed by law.

In the event the property owner is a non-resident of the county in which the property lies, the Village shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the non-resident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.

#### **SECTION 1-717: REMOVAL OF STUMPS**

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

#### **SECTION 1-718: INTERFERENCE WITH VILLAGE TREE BOARD**

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

#### **SECTION 1-719: ARBORIST'S LICENSE**

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street trees within the Village without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance; provided, however, that no license shall be required of any public service company or village employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 for property damage, indemnifying the Village or any person injured or damaged as a result of the pursuit of such endeavors as herein described.

#### **SECTION 1-720: REVIEW BY VILLAGE BOARD OF TRUSTEES**

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