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## **CHAPTER 2 – COMMISSIONS AND BOARDS**

### **Article 1 – Standing Committees; Nursing Home Committee**

(Neb. Rev. Stat. §17-204) (Ord. No. 319, 6/11/86)

#### **SECTION 2-101: APPOINTMENT; ELECTION OF CHAIRMAN**

The village chairman shall each year at the Village Board's December meeting appoint a Nursing Home Committee, which shall consist of seven members who shall serve one-year terms of office unless reappointed. Five of the members of the committee shall be appointed from the Village Board and the village chairman shall also appoint two other members who are residents of the Village. At the December meeting each year immediately after the Nursing Home Committee appointments, the Village Board members shall elect a committee chairman from the committee members other than the village chairman.

#### **SECTION 2-102: DUTIES**

The Nursing Home Committee shall have general charge of the Nursing Home and of all improvements, extensions, and equipment pertaining thereto. The committee shall investigate and plan the maintenance and future improvements of the Nursing Home. The chairman shall have such additional duties and shall make such reports to the Village Board as the board as a whole shall designate.



## **Article 2 – Park Board**

(Neb. Rev. Stat. §§17-948 through 17-952)  
(Am. Ord. No. 321, 9/8/86)

### **SECTION 2-201: OPERATION AND FUNDING**

The Village owns and manages the village parks through the Park Board. The Village Board, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the parks, swimming pools, and other similar areas of recreation and amusement, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the Village that is subject to taxation. The revenue from the said tax shall be known as the park fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the parks and recreational areas of the Village. The park fund shall be in the custody of the village treasurer. The chairman of the Park Board shall draw warrants on the park fund and, when countersigned by the secretary, shall be honored by the village treasurer.

### **SECTION 2-202: MEMBERS; MEETINGS**

The Village Board shall appoint the Park Board, which shall consist of five members who shall be residents of the Village. The board shall serve without compensation and may be required, at the discretion of the Village Board, to give a bond in a sum set by resolution of the Village Board, conditioned upon the faithful performance of their duties. At the time of the board's first meeting in June of each year, the board shall organize by selecting from their number a chairman and secretary. No member of the board shall serve in the capacity of both chairman and secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file the same with the village clerk, where they shall be made available for public inspection during office hours. A majority of the board members shall constitute a quorum for the transaction of business. The board shall meet at such times as the Village Board may designate. Special meetings may be held upon the call of the chairman or any two of the board members.

### **SECTION 2-203: DUTIES AND RESPONSIBILITIES**

It shall be the duty of the Park Board to have charge of village parks and recreational facilities. The board shall establish appropriate rules and regulations for the management, use, and operation of the same. The board shall have the power and authority to hire such employees as deemed necessary for the operation of the parks and recreational areas; however, all employees of the Village doing work in or for the village parks shall be under the supervision and direction of the Village Board. All actions of the Park Board shall be subject to the review and control of the Village Board. The Park Board shall be responsible for making such reports and performing such other duties as the Village Board may, from time to time, designate.



## Article 3 – Board of Health

### SECTION 2-301: MEMBERS; TERMS

The Village Board shall appoint a Board of Health consisting of three members who are residents of the Village, including the chairman of the Village Board, who shall serve as chairman, and two other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the medical advisor. In the event no physician resides within the Village, the chairman shall appoint a citizen at large to serve instead. If the Village Board has appointed a police chief, he or she may be appointed to the Board of Health and serve as secretary and quarantine officer. If the Village has a contract with the Cedar County Sheriff for law enforcement services, the chairman may appoint the county sheriff to serve as secretary and quarantine officer. The members of the board shall serve one-year terms of office, unless removed by the village chairman with the advice and consent of the trustees, or unless reappointed. The board shall be funded by the Village Board from time to time from the general fund. (Neb. Rev. Stat. §17-208) (Am. Ord. No. 496, 8/11/97)

### SECTION 2-302: MEETINGS; OFFICERS

The Board of Health shall meet at such times as the Village Board may designate. The board members shall elect officers at their next meeting after any appointment is made to the board and, if necessary, select a member to serve as secretary, who shall keep full and correct minutes and records of all meetings and file the same with the village clerk, where they shall be available for public inspection during office hours. No member of the board shall hold more than one board office. A majority of the board shall constitute a quorum for the purpose of doing business. Special meetings may be held upon the call of the chairman or any two members of the board.

### SECTION 2-303: DUTIES

It shall be the duty of the Board of Health to enact rules and regulations, which shall have the full force and effect of law to safeguard the health of the people of the Village. The board shall enforce the rules and regulations and provide fines and punishments for any violations thereof. It may regulate, suppress, and prevent the occurrence of nuisances and shall actively enforce all laws of the State of Nebraska and ordinances of the Village relating to nuisances and matters of sanitation which affect the health and safety of the people. The board shall regularly inspect such premises and businesses as the Village Board may direct. The board shall be responsible for making such reports, prescribing such penalties, and performing such other duties as the Village Board may designate from time to time. All actions of the Board of Health shall be subject to the review and supervision of the Village Board. (Neb. Rev. Stat. §17-208)

**SECTION 2-304: ENFORCEMENT OFFICIAL**

The police chief, if appointed as the quarantine officer, shall be the chief health officer of the Village. It shall then be his or her duty to notify the Village Board and the Board of Health of health nuisances within the Village and its zoning jurisdiction. (Neb. Rev. Stat. §17-208)

**SECTION 2-305: STATE RULES**

The rules and regulations relating to public health as promulgated by the Nebraska Department of Health and Human Services are hereby incorporated by reference when the same are applicable to the Village. (Neb. Rev. Stat. §18-132)

**SECTION 2-306: COUNTY HEALTH BOARD**

It shall be the duty of the Board of Health to work closely with the County Health Board, if any, in protecting the health and welfare of the residents of the Village.

## Article 4 – Tree Board

(Ord. No. 357, 4/20/90)

### SECTION 2-401: OPERATION

There is hereby created and established a village Tree Board, which shall consist of four members who shall be citizens and residents of this village, one of whom shall be a member of the Park Board and three who shall be appointed by the chairman with the approval of the Village Board. Additional advisory members may be appointed at the discretion of the chairman. The terms of the four persons to be appointed by the chairman shall be two years and shall expire December 31. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. Members of the Tree Board shall serve without compensation. The 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. The Village Board shall have the right to review the conduct, acts, and decisions of the Tree Board. Any person may appeal any ruling or order of the Tree Board to the Village Board, which may hear the matter and make a final decision.

### SECTION 2-402: DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Tree Board to study, investigate, counsel, develop, 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 updated periodically and presented to the Village Board and, upon its acceptance and approval, shall constitute the official comprehensive tree plan for the Village. The Tree Board, when requested by the Village Board, shall consider, investigate, make finding, report, and recommend upon any special matter or question coming within the scope of its work.



## Article 5 – Housing Authority

### SECTION 2-501: CONTINUED EXISTENCE AS HOUSING AGENCY

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

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

C. All commissioners of the Housing Authority and all officers, legal counsel, technical experts, directors, and other appointees or employees of the agency holding office or employment by virtue of any such prior law on January 1, 2000, shall be deemed to have been appointed or employed under the Act.  
(Neb. Rev. Stat. §71-1576) (Ord. No. 562, 6/12/00)

### SECTION 2-502: MEMBERS

A. The Village Board shall appoint five persons who shall constitute the Housing Authority, called the commissioners. One commissioner shall be appointed each year. Each commissioner shall serve a five-year term of office or until his or her successor is duly appointed; provided, all vacancies shall be filled for the unexpired terms. The board may appoint one of its members to serve as one of the five members of the authority for such term as the board may determine.

B. No person shall serve as a commissioner unless he or she resides within the area of operation of the Housing Authority. A certificate of the appointment or reappointment of any commissioner shall be filed with the village clerk and such certificate shall be conclusive evidence of the proper appointment of such commissioner. A commissioner shall receive no compensation for his or her services but shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his or her duties.

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

**SECTION 2-503: CONFLICT OF INTEREST**

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

**SECTION 2-504: DUTIES**

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

**SECTION 2-505: MEETINGS**

The commissioners shall elect a chairman and vice-chairman and shall have the power to employ an executive director, who shall serve as an officio secretary of the Housing Authority. A majority of commissioners shall constitute a quorum for the purpose of conducting business, exercising powers, and for all other purposes. Action may be taken by the authority upon the vote of the majority of the commissioners present unless in any case the bylaws of the authority shall require a larger number. (Neb. Rev. Stat. §§71-1594, 71-1595)

**SECTION 2-506: REMOVAL OF MEMBER**

A commissioner may be removed for neglect of duty, misconduct in office, or conviction of any felony by the Village Board, which shall send a notice of removal to such commissioner. The said notice shall set forth the charges against him or her. Unless within ten days from the receipt of such notice the commissioner files with the village clerk a request for a hearing before the Village Board, the commissioner shall be deemed removed from office. If a request for hearing is so filed, the board shall hold a hearing not sooner than ten days after the date a hearing is requested, at which hearing the

commissioner shall have the right to appear in person or by counsel and the Village Board shall determine whether the removal shall be upheld. If the removal is not upheld by the board, the commissioner shall continue to hold his or her office. (Neb. Rev. Stat. §71-15,105)



## Article 6 – Planning Commission

(Neb. Rev. Stat. §§19-924 through 19-929)  
(Am. Ord. Nos. 293, 12/15/82; 426, 2/13/95; 534, 7/13/98)

### **SECTION 2-601: MEMBERS**

The Planning Commission shall consist of five members who shall represent, insofar as is possible, the different professions or occupations in the Village and shall be appointed by the chairman by and with the approval of a majority vote of the Village Board. Two of the regular members may be residents of the area over which the Village is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the Village exercises extraterritorial zoning and subdivision regulation, one regular member of the commission shall be a resident from such area. If it is determined by the Village Board that a sufficient number of residents reside in the area subject to extraterritorial zoning and subdivision regulation and no such resident is a regular member of the commission, the first available vacancy on the commission shall be filled by the appointment of such an individual. For purposes of this section, “a sufficient number of residents” shall mean 200 residents. All regular members of the commission shall serve without compensation and shall hold no other village office except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. §19-908.

### **SECTION 2-602: ALTERNATE MEMBER**

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

### **SECTION 2-603: TERMS; VACANCIES**

The term of each regular Planning Commission member shall be three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before Village Board, be removed by the chairman with the consent of a majority vote of the board members for inefficiency, neglect of duty, malfeasance in office, or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the chairman.

**SECTION 2-604: OFFICERS; MEETINGS**

The Planning Commission shall elect its chairman from its members and create and fill such other of its offices as it may determine. The term of the chairman shall be one year and he or she shall be eligible for re-election. The commission shall hold at least one regular meeting in each calendar quarter, except the Village Board may require the commission to meet more frequently and the chairman of the commission may call for a meeting when necessary to deal with business pending before the commission. A number of commissioners equal to a majority of the number of regular members appointed to the commission shall constitute a quorum for the transaction of any business. The commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record.

**SECTION 2-605: FUNDING**

The Village Board may provide the funds, equipment, and accommodations necessary for the work of the Planning Commission but its expenditures, exclusive of gifts, shall be within the amounts appropriated for that purpose by the board; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts.

**SECTION 2-606: POWERS AND DUTIES; APPEAL**

A. Except as provided in Neb. Rev. Stat. §§19-930 to 19-933, the Planning Commission shall (1) make and adopt plans for the physical development of the Village, including any areas outside its boundaries which in the commission's judgment bear relation to the planning of such village and including a Comprehensive Development Plan as defined by Neb. Rev. Stat. §19-903; (2) prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested municipal departments; and (3) consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the Comprehensive Development Plan and its implemental programs. The commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports. The Village Board shall not take final action on matters relating to the Comprehensive Development Plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the Planning Commission. The Village Board shall by ordinance set a reasonable time within which the recommendation from the commission is to be received. A recommendation from the commission shall not be required for subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights of way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the Village Board has designated an agent by ordinance pursuant to Neb. Rev. Stat. §19-916.

B. The commission may, with the consent of the Village Board, in its own name (1) make and enter into contracts with public or private bodies, (2) receive contributions, bequests, gifts, or grant funds from public or private sources, (3) expend the funds appropriated to it by the Village, (4) employ agents and employees, and (5) acquire, hold, and dispose of property. The commission may on its own authority make arrangements consistent with its program, conduct or sponsor special studies or planning work for any public body or appropriate agency, receive grants, remuneration, or reimbursement for such studies or work, and at its public hearings, summon witnesses, administer oaths, and compel the giving of testimony.

C. The commission may grant conditional uses or special exceptions to property owners for the use of their property if the Village Board has, through a zoning ordinance or special ordinance, generally authorized the commission to exercise such powers and has approved the standards and procedures adopted by the commission for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the zoning ordinance as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized. The power to grant conditional uses or special exceptions shall be the exclusive authority of the commission, except that the Village Board may choose to retain for itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the zoning ordinance. The board may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and will promote the public interest. An appeal of a decision by the commission or Village Board regarding a conditional use or special exception shall be made to the District Court.



## Article 7 – Board of Adjustment

### SECTION 2-701: OPERATION

A. The Village Board shall serve as the Board of Adjustment, which shall be funded from time to time out of the general fund by the Village Board. Meetings of the board shall be held when necessary as provided in subsection (B). A majority of the board shall constitute a quorum for the purpose of doing business.

B. It shall be the duty of the board to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by a village official based on any zoning ordinance of the Village; to hear and decide in accordance with the provisions of any zoning ordinance, requests for interpretation of any map or decision relating to zoning regulations; and to authorize a variance from the strict application of any zoning ordinance if it is found that a specific piece of property, due to exceptional specifications existing at the time of passage of the said ordinance, would result in exceptional difficulties and undue hardship; provided, no variance shall be granted if the undue hardship appears to affect the property in the district generally, or if the situation of the property concerned appears to be so general or recurring in nature as to make reasonably practicable the formulation of a general regulation to be adopted by the Village Board as an ordinance. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination made by a village official on any matter which was governed by any village zoning ordinance.

(Neb. Rev. Stat. §§19-907 through 19-910, 19-912.01)



## **Article 8 – Penal Provision**

### **SECTION 2-801: VIOLATION; PENALTY**

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