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CHAPTER 2 – COMMISSIONS AND BOARDS

Article 1 – Library Board

(Ord. Nos. 209, 7/1/75; 327, 10/6/81; 624, 11/3/98; 696, 6/8/05; 697, 6/8/05)

SECTION 2-101: LIBRARY; OPERATION AND FUNDING

A. The village owns and manages the village library through the Library Board. The Village Board, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the library, 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 library 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 library. The library fund shall at all times be in the custody of the village treasurer.

B. All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of the village library shall be kept for the use of the library separate and apart from all other funds of the village, shall be drawn upon and paid out by the village treasurer upon vouchers signed by the president of the Library Board and authenticated by the secretary of the board, and shall not be used or disbursed for any other purpose or in any other manner. The Village Board may establish a public library sinking fund for major capital expenditures. Any money collected by the library shall be turned over monthly by the librarian to the village treasurer along with a report of the sources of the revenue.

(Neb. Rev. Stat. §§51-201, 51-202, 51-211)

SECTION 2-102: MEMBERS; TERMS

The Library Board shall have control and management of the library. The board shall consist of five members who are residents of the village. The Village Board shall by ordinance adopt the manner in which the members of the Library Board are to be chosen. If the members are to be chosen by appointment, the nominated members must receive a majority vote of the board. If the members are to be elected, the usual election procedures of the village shall be followed. Each member shall serve a term of four years. In case of vacancy for any reason, the Village Board shall fill such vacancy for the unexpired term. The terms of members serving on the effective date of a change in the number of members shall not be shortened, and any successors to those members shall be appointed as the terms of those members expire. The Village Board may require the members of the Library Board to give a bond in a sum set by resolution and conditioned upon the faithful performance of their duties. No Village Board member shall be a member of the Library Board. No Library Board member shall receive any pay or compensation for any services rendered as a member of the board. (Neb. Rev. Stat. §51-202)

SECTION 2-103: OFFICERS; MEETINGS

The Library Board shall meet at such times as the Village Board may designate. At the time of the first meeting in July of each year, the members shall organize by selecting from their number a president, secretary, and such other officers as may be necessary. No member of the Library Board shall serve in the capacity of both chairman and secretary. It shall be the duty of the secretary to prepare an agenda for all regular and special meetings, 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 available for public inspection during office hours within ten working days or before the next board meeting, whichever is earlier. A majority of the board members shall constitute a quorum for the transaction of business. Special meetings may be held upon the call of the chairman or a majority of board members. (Neb. Rev. Stat. §51-204)

SECTION 2-104: POWERS AND DUTIES

The Library Board shall have the power and authority to appoint the librarian and to hire such other employees as it may deem necessary and may pass such other rules and regulations for the operation of the library as may be proper for its efficient operation; however, the Village Board shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the Library Board. All actions by the Library Board shall be under the supervision and control of the Village Board. The Library Board shall be responsible for making such reports and performing such additional duties as the Village Board may designate from time to time. (Neb. Rev. Stat. §§51-205, 51-211) (Ord. No. 697, 6/8/05)

SECTION 2-105: GROUNDS AND BUILDING

The Library Board may purchase or lease grounds, exercise the power of eminent domain, and condemn real estate for the purpose of securing a site for a library building. The procedure to condemn property shall be exercised in the manner set forth in Neb. Rev. Stat. §§76-704 through 76-724. The board may erect, lease or occupy an appropriate building for the use of the library. (Neb. Rev. Stat. §51-210)

SECTION 2-106: SALE AND CONVEYANCE OF REAL ESTATE

The Library Board may by resolution direct the sale and conveyance of any real estate owned by the board or by the village library which is not used for library purposes or of any real estate so donated or devised to the board or to the library upon such terms as the board may deem best pursuant to Neb. Rev. Stat. §51-216. (Neb. Rev. Stat. §51-216)

SECTION 2-107: MORTGAGES; RELEASE OR RENEWAL

The president of the Library Board shall have the power to release, upon full payment, any mortgage constituting a credit to the library fund and standing in the name

of the Library Board. The signature of the president on any such release shall be authenticated by the secretary of the board. The president and secretary in like manner, upon resolution duly passed and adopted by the board, may renew any such mortgage. (Neb. Rev. Stat. §51-206)

SECTION 2-108: ANNUAL REPORT TO VILLAGE BOARD

The Library Board shall, on or before the second Monday in February each year, make a report to the Village Board of the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Library Board may deem of general interest or as the Village Board may require. The report shall be verified by affidavit of the proper officers of the Library Board. (Neb. Rev. Stat. §51-213) (Ord. No. 697, 6/8/05)

SECTION 2-109: LIBRARY; RULES AND REGULATIONS

The Library Board shall establish rules and regulations for the governing of the village library and for the preservation and efficient management thereof. By general rules it shall fix and impose penalties and forfeitures for injury to the library grounds, rooms, books, or other property or for failure to return a book. All fees, penalties and forfeitures may be collected in civil action in the event of failure, neglect, or refusal to pay the said assessments. (Neb. Rev. Stat. §§51-205, 51-211)

SECTION 2-110: LIBRARY; DISCRIMINATION PROHIBITED

No library service shall be denied to any person because of race, sex, religion, age, color, national origin, ancestry, physical handicap, or marital status. (Neb. Rev. Stat. §51-211)

SECTION 2-111: LIBRARY; COST OF USE; VIOLATION OF RULES

A. Except as provided in subsection (B), the village library and reading room shall be forever free to the use of the inhabitants of the village, subject always to such reasonable regulations as the Library Board may adopt to render the library of the greatest use to such inhabitants. The board may exclude from the use of the library and reading rooms any person who willfully violates or refuses to comply with rules and regulations established for the government thereof.

B. The library shall make its basic services available without charge to all residents of the village. The board may fix and impose reasonable fees, not to exceed the library's actual cost, for non-basic services.

C. For purposes of this section:

1. Basic services shall include but not be limited to free loan of circulating print and non-print materials from the local collection and general reference and information services.
2. Non-basic services shall include but not be limited to the use of:
 - a. Photocopying equipment;
 - b. Telephones, facsimile equipment, and other telecommunications equipment;
 - c. Media equipment;
 - d. Personal computers; and
 - e. Videocassette recording and playing equipment.

(Neb. Rev. Stat. §§51-201.01, 51-211, 51-212)

SECTION 2-112: LIBRARY; BOOK REMOVAL

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book or any other material from the library without the consent of the librarian or an authorized employee of the library. Any person removing a book or other material from the library without properly checking it out shall be deemed guilty of an offense. (Neb. Rev. Stat. §51-211)

SECTION 2-113: LIBRARY; LOST AND DAMAGED MATERIALS

Any person who injures or fails to return any item checked out from the library shall forfeit and pay not less than the value of the item in addition to any replacement costs and penalty which the Library Board may assess. (Neb. Rev. Stat. §51-211)

SECTION 2-114: LIBRARY; SALE, EXCHANGE, OR DISPOSAL OF BOOKS

The Library 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 books so disposed of. (Neb. Rev. Stat. §51-207)

SECTION 2-115: LIBRARY; DONATIONS

Any person may make donation of money, lands or other property for the benefit of the village library. The title to property so donated may be made to and shall vest in the Library Board and their successors in office and the board shall thereby become the owners thereof in trust to the uses of the village library. (Neb. Rev. Stat. §51-215)

SECTION 2-116: LIBRARY; PENALTIES; RECOVERY; DISPOSITION

Penalties imposed or accruing by any bylaw or regulation of the Library Board and any court costs and attorney's fees may be recovered in a civil action before any

court having jurisdiction, with such action to be instituted in the name of the Library Board. Money, other than any court costs and attorney's fees, collected in such actions shall be placed in the treasury of the village to the credit of the library fund. Attorney's fees collected pursuant to this section shall be placed in the treasury of the village and credited to the budget of the village attorney's office. (Neb. Rev. Stat. §51-214)

Article 2 – Board of Health

SECTION 2-201: MEMBERS; TERMS

The Village Board shall appoint a Board of Health consisting of three members, 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 Saline 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. (Neb. Rev. Stat. §17-208) (Am. Ord. Nos. 391, 7/3/84; 612, 11/4/98)

SECTION 2-202: OFFICERS; MEETINGS

The members of the Board of Health shall reorganize at the first meeting in December each year. No member of the board shall hold more than one board position. The secretary 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. The Board of Health shall be funded by the Village Board from time to time out of the general fund. A majority of the board shall constitute a quorum for the purpose of doing 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 members of the Board of Health. (Am. Ord. Nos. 391, 7/3/84; 612, 11/4/98)

SECTION 2-203: 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) (Am. Ord. Nos. 391, 7/3/84; 612, 11/4/98)

SECTION 2-204: ENFORCEMENT OFFICIAL

The chairman of the Village Board, 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 2-205: STATE RULES

The publication *Rules and Regulations Relating to Public Health*, Nebraska Department of Health, is hereby incorporated by reference when the same is applicable to the village, in its present form and as it may hereafter be amended. One copy of the said publication shall be filed at the office of the village clerk and shall be available for public inspection during office hours. (Neb. Rev. Stat. §18-132)

SECTION 2-206: COUNTY HEALTH BOARD

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

Article 3 – Park Board

(Am. Ord. No. 239, 5/3/77)

SECTION 2-301: OPERATION AND FUNDING

A. The village owns and operates the village parks and the swimming pool through the Park Board. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the village parks, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the park fund and shall remain in the custody of the village treasurer. All bills accrued for the village park shall be audited by the Park Board.

B. The board shall have the authority to adopt rules and regulations for the efficient management of the village parks and the swimming pool. The board shall not enter into a contract of any nature which involves an expenditure of funds unless the contract has been approved by resolution of the majority of the members of the Village Board prior to contractual agreement.

(Neb. Rev. Stat. §§17-948 through 17-952)

SECTION 2-302: MEMBERS; TERMS

The Village Board shall appoint the Park Board, which shall consist of three members who shall be residents of the village. The board shall have charge of all parks and recreational facilities belonging to the village and shall have the power to establish rules for the management, care, and use of the same. Each member shall serve a one-year term of office and may be reappointed. The members shall serve without compensation and may be required, in the discretion of the Village Board, to give a bond in a sum set by resolution of the said Village Board and conditioned upon the faithful performance of their duties. (Neb. Rev. Stat. §17-952)

SECTION 2-303: OFFICERS; MEETINGS

The Park Board shall meet at such times as the Village Board may designate. At the June meeting each year, the members shall organize by selecting from their membership a chairman and secretary. No member of the Park Board shall serve in the capacity of both chairman and secretary. No member of the Village Board shall serve as a member of the Park Board while serving a term of office as a member of the Village Board. 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 available for public inspection during office hours. A majority of the board members shall constitute a quorum for the transaction of business. Special meetings may be held upon the call of the chairman or any two board members.

SECTION 2-304: DUTIES

The Park Board shall establish appropriate rules and regulations for the management, use, and operation of the village parks and recreation areas. All employees of the village doing work in or for the park shall be under the supervision and direction of the board. The board shall be responsible for making a budget request at the regular meeting of the Village Board in July each year. The board shall also make an annual report of the condition of the park(s) at the first regular meeting of the Village Board in August of each year as of the year up to and including July 31. All actions of the 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 designate from time to time.

Article 4 – Tree Board

(Ord. No. 511, 11/5/91)

SECTION 2-401: OPERATION

A. There is hereby established a Tree Board for the village which shall consist of three members who are residents of the village. They shall be appointed by the village chairman with the advice and consent of the Village Board in June each year for the term expiring in that year. Members shall serve terms of three years each. No more than one seat on the board shall be filled by any person who is a trustee of the village. In the event of a vacancy on the board, a successor member shall be appointed as provided above to fill the unexpired portion of the term. Members of the Tree Board shall serve without compensation but may be reimbursed for expenses incurred in carrying out the functions of office to the extent authorized by the Village Board from time to time. Members of the Tree Board may be removed from office by the Village Board upon a showing of failure to fulfill the responsibilities of office.

B. The Tree Board shall hold an organizational meeting in July each year and shall elect a chairman and secretary from its membership. The board shall meet at such regular times as it may designate and at such times as the Village Board shall direct. Special meetings may be called by the chairman or any two members of the Tree Board. A majority of the board shall constitute a quorum for conducting business. The secretary shall keep complete minutes of the meetings of the board. Such record shall be kept on file at the office of the village clerk, available for public inspection during normal business hours.

SECTION 2-402: POWERS AND DUTIES

The Tree Board shall develop and maintain a comprehensive public tree plan for the village and a list of the species and varieties of trees which may hereafter be planted upon any public property, including parks and rights of way. A current copy of such document(s) shall be maintained on file with the village clerk to be available for public inspection during normal office hours. Upon request of the Village Board, the Tree Board shall consider, investigate, make findings, and make recommendations upon any issue relating to trees.

SECTION 2-403: INTERFERENCE

It shall be unlawful for any person to prevent, delay, or interfere with access to private property by the employees or agents of the village in the performance of any of the provisions of this article.

SECTION 2-404: TREES; DEFINITIONS

“Street trees” shall mean all trees on land lying between property lines on either side of all platted streets and avenues within the village.

“Park trees” shall mean all trees on land within public parks or upon other village-owned property.

“Public trees” shall mean all street trees, park trees and all other trees owned by the village.

“Private trees” shall mean all trees within the corporate limits of the village which are not public trees.

SECTION 2-405: TREES; SIZES

Tree sizes shall be classified as follows:

A. “Small trees” shall mean trees with expected mature heights of 25 feet or less. Small trees shall include woody perennial shrubs.

B. “Medium trees” shall mean trees with expected mature heights over 25 feet and not greater than 40 feet.

C. “Large trees” shall mean trees with expected mature heights in excess of 40 feet.

SECTION 2-406: TREES; SPECIES TO BE PLANTED

The village shall maintain a list of the species and varieties of trees which may hereafter be planted upon public property and which are recommended for planting upon private property. The purpose of this list shall be to maintain diversity in the total tree population. This list shall be available to residents of the village to aid in the selection of trees for private and public properties. The list of recommended trees shall be updated periodically to reflect new developments or species that will affect the population of the community forest.

SECTION 2-407: TREES; SPACING

Public trees shall be planted with the following spacing with respect to adjacent trees: small trees shall be planted no closer than 25 feet apart; medium trees shall be planted no closer than 40 feet apart; and large trees shall be planted no closer than 50 feet apart.

SECTION 2-408: TREES; DISTANCE FROM CURB AND SIDEWALK

Street trees may be planted in the tree lawn lying between the property lines on either side of platted streets and avenues within the village only where there is at least 7 feet between the edge of any sidewalk present and the curb or edge of the street. Public trees (including street trees) shall be planted no closer than 4 feet from any street or 3 feet from any sidewalk.

SECTION 2-409: TREES; DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS

No street tree shall be planted closer than 20 feet from any street corner, measured from the point of the nearest intersection of curb lines, or 10 feet from any fire hydrant or fireplug.

SECTION 2-410: TREES; UTILITIES

All public and private trees shall be kept trimmed back from the boundaries of all public alleys so as to not interfere with the use thereof. No trees other than small trees may be planted under or within 10 lateral feet of any overhead utility line. No trees may be planted within 4 lateral feet of any underground utility line.

SECTION 2-411: TREES; MAINTENANCE; REMOVAL; PLANTING BY ADJACENT PROPERTY OWNERS

The village shall have the right but not the obligation to plant, prune, trim, and remove trees, shrubs, and hedges within the public right of way boundaries on either side of all platted streets and avenues in the village and within the boundaries of all public parks and other village-owned real estate in the village in conformity with the village's comprehensive public tree plan and as may be necessary to insure the public safety. The village may remove any public tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to electric power lines or other public improvements or is seriously affected with any fatal disease.

SECTION 2-412: TREES; TOPPING

It shall be unlawful as a normal practice for any person, firm, or village department to top any public trees. "Topping" is defined as the systematic cutting back of limbs within the tree's crown to such a degree as to disfigure it by removing the normal canopy.

SECTION 2-413: TREES; PRUNING; CLEARANCE

Public trees shall be trimmed to maintain a clearance of 8 feet over sidewalks and 15 feet over streets and alleys. Property owners are responsible for trimming and maintaining trees on the tree lawn included within the platted public right of way which abuts their property. Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the electric system shall comply with Section 7-413.

SECTION 2-414: TREES; PERMIT; PLANTING OR REMOVING

A. Any person desiring to plant, remove or destroy any tree in or upon any public property including, without limitation, the tree lawn lying between the property lines on either side of platted streets and avenues within the village, shall first make a

written application to the Village Board to do so upon a form furnished by the village. Such application shall set forth the name and address of the applicant, the name and address of the person, firm or corporation doing the work, and such other information as the village may require. At the time of making such application, the applicant shall agree, in writing, to save the village harmless and to protect the village and the public at all times in connection with such work under such permit and to do such work in conformance with the specifications set forth hereby and in the village's comprehensive public tree plan and list of recommended tree species.

B. At the time of making such application, if the applicant is other than the owner of the property adjacent to the public property on which the work is proposed to be done, the applicant shall furnish the village clerk with the written consent to the issuance of the permit from the owner of such property. No permit shall be required for any tree planting or removal done by the village or at its direction, but such work shall be done in conformity with the requirements set forth herein.

SECTION 2-415: TREES; DEAD, DYING, OR DISEASED

A. It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead, dying, or diseased trees within the right of way of streets or on private property within the corporate limits of the village. For the purpose of carrying out the provisions of this section, the utilities superintendent shall have the authority to enter upon private property to inspect the trees thereon.

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

C. 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, which shall be that address listed on the current tax rolls at the time such required notice was first published.

(Neb. Rev. Stat. §§18-1720, 28-1321) (Am. Ord. No. 214, 7/1/75)

SECTION 2-416: TREES; 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 2-417: TREES; PUBLIC SERVICE COMPANIES

Any public service company desiring to trim or cut down any tree, except on property owned and controlled by it, shall make an application to the Village Board to do so; and the written permit of the board in accordance with its decision to allow such an action shall constitute the only lawful authority on the part of the company to do so. (Neb. Rev. Stat. §17-555)

Article 5 – Planning Commission

(Neb. Rev. Stat. §§19-924 through 19-929)
(Ord. Nos. 291, 6/3/80; 457, 7/20/87; 542, 11/1/94; 630, 2/2/99)

SECTION 2-501: 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 2-502: 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 2-503: 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 2-504: 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 2-505: 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 2-506: 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 6 – Board of Adjustment

SECTION 2-601: ESTABLISHMENT; POWERS AND DUTIES; APPEALS

The Saline County Board of Adjustment shall serve as the Board of Adjustment for the village. (Ord. No. 250, 6/6/78)

Article 7 – DeWitt Civic Board

(To be added later)

Article 8 – Aging Services Commission

(Ord. No. 502, 6/8/90)

SECTION 2-801: PURPOSE

It is the purpose of this article to authorize provision of a varied program of group activities and services to be offered through the senior citizens' program and senior center in the village; to establish, arrange for and deliver special individual and in-home services for those elderly whose independence and self-sufficiency are threatened by conditions beyond their control; and to develop the organizational and financial support within the community to ensure long-term stability and continuity of the center and its program by the utilization of all federal and state grants and funding available and fees and assessments from the participants of the program together with additional financial assistance from the village necessary to operate the program.

SECTION 2-802: OPERATION

A. The chairman, with the advice and consent of the Village Board, shall appoint the Aging Services Commission, which shall consist of ten members, five being appointed each year and serving for terms of two years each. No member shall serve more than two consecutive terms. No member of the Village Board shall serve as a member of the Aging Services Commission but the board may appoint one or more of its members to serve as *ex officio* non-voting members of the commission.

B. The commission members shall serve without compensation. At its meeting in August each year, the commission shall organize by selection of a chairman, secretary, and any additional officers deemed necessary. No member may serve in more than one office. The secretary 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. All expenditures shall be paid by the village clerk, subject to approval by the Village Board, upon vouchers presented by the commission.

C. A majority of the members shall constitute a quorum for the transaction of business. The commission shall meet at such times as shall be determined by the members. Special meetings may be held upon the call of the chairman or a majority of the members but notice shall be communicated to all members at least 48 hours prior to a special meeting.

D. The village may employ a manager and such other employees and/or volunteers for the program as may be required. The salary and terms of such employment shall be determined and fixed by the Village Board. The commission shall have general charge of the aging services program and may establish appropriate policies, plans, and proposed budgets for operation of the program and shall utilize all of the available federal and state funding available to make the program as self-supporting as possible from such funds and from fees and assessments from the citizens taking

part in such programs.

E. All funds and financing, including gifts, grants, fees, and assessments shall be maintained in an account or accounts of the village for use and benefit of the senior citizens' program in accordance with this article and in accordance with any conditions placed upon such receipts.

F. The chairman and board reserve the final decision-making authority relative to all matters concerning the senior citizens' program established hereunder and may modify, amend, enlarge, or restrict the scope and operation of said program by resolution of the board.

Article 9 – Penal Provision

SECTION 2-901: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (Am. Ord. Nos. 647, 9/2/03; 658, 9/2/03)