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CHAPTER 1 – CIVIL ADMINISTRATION

Article 1 – Village Board

SECTION 1-101: CORPORATE EXISTENCE

The Village of Hadar, Nebraska, having a population of fewer 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, in the office of the village clerk, a common seal of the corporation, which may have engraved thereon the words "Village of Hadar, Nebraska, Seal." The village clerk shall affix an impression of said seal on all papers or documents executed by him or her in his or her official capacity. (Neb. Rev. Stat. §17-502)

SECTION 1-103: BONDS; BLANKET BOND

A. 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 Village Board 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 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, while still in his or her official term of office, shall be accepted as surety on any other official's bond, contractor's bond, license bond, or appeal bond under any circumstances. Only companies that are legally authorized to transact business in the State of Nebraska shall be eligible for suretyship on the bond of an official of the Village.

B. 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 approved by the Village Board and all sureties are endorsed in writing on the said instrument by the chairman and village clerk pursuant to the said approval of the Village Board. All official bonds meeting the conditions herein shall be filed with the village clerk for the official records and it shall be the duty of the clerk to furnish a certified copy of any bond so filed upon the payment of a fee which shall be set by resolution of the board.

C. 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 Village Board at the beginning of any village year. All surety and other bonds required

by village ordinances or by Nebraska law for village officials may be provided by the purchase of a blanket bond, undertaking or equivalent insurance. The Village may pay the premium for the bond or insurance coverage. The bond or insurance coverage shall be, at a minimum, an aggregate of the amounts fixed by law or by the Village Board and on such terms and conditions as may be required.

D. If the sureties on the official bond of any officer of the Village become insufficient in the opinion of the Village Board, it may by resolution fix a reasonable time within which the said officer may give a new bond or additional sureties as directed. In the event that the officer should fail, refuse, or neglect to give a new bond or additional sureties to the satisfaction and approval of the board, then the office shall, by such failure, refusal, or neglect, become vacant and it shall be the duty of the board to appoint a competent and qualified person to fill the said office. Any official re-elected to office shall be required to file a new bond after each election.

(Neb. Rev. Stat. §11-104, 11-105, 11-110 through 11-119, 11-121, 11-122, 17-604) (Am. 3/11/13)

SECTION 1-104: 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: power to pass ordinances to prevent and remove nuisances; to prevent, restrain and suppress gambling and disorderly houses; to license and regulate amusements; to establish 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 tranquility; and to enforce all ordinances by imposing penalties upon inhabitants or other persons for violation thereof not exceeding \$500.00 for each offense, recoverable with costs, together with enforcement by injunction where necessary.

SECTION 1-105: NUMBER AND QUALIFICATIONS

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 or 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 on the first Thursday in December, organize, elect a chairman of the board and appoint the village officers required by law.

(Neb. Rev. Stat. §17-202 through 17-204)

SECTION 1-106: ELECTION; TERMS

A. All general and special elections shall be held in conjunction with the statewide primary or general election and shall be governed by the provisions of the Ne-

braska Election Act. No later than July 1 of each even-numbered year, the Village Board shall certify to the county clerk, on forms provided by the Nebraska Secretary of State, 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 the election and the length of remaining terms, and the number of votes to be cast by a registered voter for each office.

B. The board members who were elected in the 1994 statewide primary election shall hold their terms of office until the first regular meeting of the board in December of 1998, with a successor to be elected at the statewide general election of 1998 and every four years thereafter.

(Am. by Ord. No. 2-14-05B, 2/14/05)

SECTION 1-107: OATH OF OFFICE

All officials of the Village, whether elected or appointed, except when a different oath is specifically provided herein, before entering upon their respective duties shall take and subscribe the following oath, which shall be endorsed upon their respective bonds:

"I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservation or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of _____, according to law and to the best of my ability. And I do further swear that I do not advocate nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position I will not advocate nor become a member of any political or organization that advocates the overthrow of the government of the United States or this state by force or violence. So help me God."

(Neb. Rev. Stat. §11-101)

SECTION 1-108: SALARIES

A. 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 set by resolution of the board from time to time.

B. In the event a regular meeting is not attended by a member of the Board of Trustees, that member shall not be paid the wage for the month of such meeting. All

payments of compensation shall be made quarterly.

C. No person who shall have resigned or vacated any office shall be eligible to the same during the time for which he or 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 or her duties as such shall be considered the property of this village and shall be promptly paid over to the village treasurer and credited to the appropriate fund.

SECTION 1-109: CONFLICT OF INTEREST

A. 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.

B. No official shall receive any pay or compensation from the Village other than his or 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, 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.

(Neb. Rev. Stat. §17-611, 18-301 through 18-312)

SECTION 1-110: VACANCY IN OFFICE

A. Any vacancy 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 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, 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.

B. 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 or 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 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 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.

(Neb. Rev. Stat. §32-4,152)

SECTION 1-111: VACANCY DUE TO UNEXCUSED ABSENCES

All members of the Village Board shall be required to attend board meetings regularly, and if any board member fails to attend three consecutive meetings, his or her office shall be vacated and the board may fill the vacancy created pursuant to Section 1-110 herein; provided, however, the board may excuse said absences by majority vote for just cause shown, in which event said board member's office shall not be deemed vacated. Upon any member's absence for three consecutive meetings, the chairman of the board shall call for a vote on whether to excuse said absences, which vote shall be duly recorded by the village clerk. (Neb. Rev. Stat. §17-205)

SECTION 1-112: CHAIRMAN; SELECTION AND DUTIES

A. At its first meeting in each municipal year, the Village Board shall select one of its own body who shall be the chairman of said board. He or she shall have charge over all property belonging to the Village and not in particular charge of any officer and shall preside over all meetings of the board. If the chairman is absent from any meeting, the board members 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.

B. The village chairman shall require all village officers and employees to give 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 or her for all articles used by them in the duties of their offices whenever their terms of office or employment with the Village cease.

C. The village chairman shall also examine each and every appropriation or-

dinance and satisfy himself or herself as to the correctness of the same before giving 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 filed in the office of the village clerk. The chairman shall sign the clerk's minutes of all meetings after they have been spread at large upon the journal when the same shall have been approved by the action or the acquiescence of the board. He or she shall sign all warrants for the payment of money when ordered by the board.

D. The chairman shall sign all ordinances, resolutions and orders which have been passed, approved and declared to be the law of the Village. He or 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. The chairman 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 or she shall call special meetings of the Board of Trustees at his or her discretion or as provided by the provisions of this code. He or she shall be chairman of the Board of Health, ex officio. At the specific direction of the Board of Trustees, the chairman shall act as the purchasing agent for the Village.

SECTION 1-113: MEETINGS; RIGHTS OF THE PUBLIC

A. Subject to the Open Meetings Act, 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 1-119, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

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

C. No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

D. No public body shall for the purpose of circumventing the Open Meetings Act hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

E. The public body shall, upon request, make a reasonable effort to accom-

modate the public's right to hear the discussion and testimony presented at the meeting.

F. Public bodies shall make available at least one current copy of the Open Meetings Act, to be posted in the meeting room at a location accessible to members of the public. At the beginning of each meeting, the public shall be informed about the location of the posted information. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.

(Neb. Rev. Stat. §84-1408, 84-1412) (Am. 3/11/13)

SECTION 1-114: MEETINGS; DAY, PLACE, TIME

A. 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 second Monday of each month at the hour of 7:30 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.

B. 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, 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 in open session.

(Neb. Rev. Stat. §17-204, 17-205)

SECTION 1-115: 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 1-116: MEETINGS; PARLIAMENTARY PROCEDURE

A. The chairman shall preserve order during meetings of the Village Board and shall decide all questions of order, subject to an appeal to the board. When any person is called to order, he or 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 shall rise from his or her seat before speaking and address the presiding officer, and while speaking shall confine himself or herself to the question. When two or more persons rise at once, the chairman shall recognize the one who spoke first.

B. All resolutions or motions shall be reduced to writing before being acted upon if requested by the village clerk or any member of the Village Board. Every member of the board who is present when a question is voted upon shall cast his or her vote, unless excused by a majority of the board members 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 board member 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 board member 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.

C. When different times or amounts are proposed in consideration of an ordinance, 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 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 1-117: MEETINGS; APPOINTMENT OF COMMITTEES

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

SECTION 1-118: MEETINGS; MINUTES

The Village Board shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The minutes of all meetings and evidence and documentation received or disclosed in open session 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 of the meeting or prior to the next convened meeting, whichever occurs earlier, but an additional ten working days shall be allowed if the employee responsible for writing the minutes is absent due to a serious illness or an emergency. (Neb. Rev. Stat. §84-1413(1), (4), (5)) (Adopted 3/11/13)

SECTION 1-119: MEETINGS; CLOSED SESSIONS

A. The Village Board 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. Closed sessions may be held for, but shall not be limited to, such reasons as:

1. Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;
2. Discussion regarding deployment of security personnel or devices;
3. Investigative proceedings regarding allegations of criminal misconduct;
- or
4. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

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

C. The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion to close passes, then the presiding officer immediately prior to the closed session shall restate on the record the limitation of the subject matter of the closed session. The public body holding such a closed session shall restrict its consideration of matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The

meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, "formal action" shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subsection (A) of this section.

D. Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (1) the protection of the public interest or (2) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

E. Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the provisions of this article. No closed session, informal meeting, chance meeting, social gathering, or electronic communication shall be used for the purpose of circumventing the provisions of this article.

F. The provisions of this article shall not apply to chance meetings or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened and there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power.

(Neb. Rev. Stat. §84-1410) (Am. 3/11/13)

Article 2 – Appointed Officials

SECTION 1-201: APPOINTMENTS

The Village Board may appoint a village clerk, treasurer, attorney, overseer of the streets, police chief and other such officers as shall be required by ordinance or otherwise required by law. It shall also appoint a Board of Health as provided in Chapter 1, Article 5. All such appointees, except regular police officers, shall hold office for one year unless sooner removed by the chairman of the Board of Trustees by and with the advice and consent of the remainder of the board. If the Village has a water commissioner, he may at any time be removed from office by a two-thirds vote of the board for sufficient cause. (Neb. Rev. Stat. §17-208, 17-541) (Am. 3/11/13)

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 with any other elective or appointive office, so that one or more of such offices may be held by the officer or employee at the same time; provided, the offices 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; and provided further, the salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of each of the offices so combined. (Neb. Rev. Stat. §17-209.02)

SECTION 1-203: VILLAGE CLERK

A. The village clerk shall attend the meetings of the Village Board and keep a correct journal of the proceedings of that body. Within 30 days after any board meeting, he or she shall prepare and publish the official proceedings in a legal newspaper of general circulation in the Village which was duly designated as such by the board. Said publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item.

B. The village clerk 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. At the end of the fiscal year he or she shall make a report of the business of the Village transacted through the office for the year, describing particularly the bonds issued and sold during the year and the terms of the sale with each and every item and expense thereof. He or she shall file all official bonds after the same shall have been properly executed and approved and shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted.

C. The village clerk shall maintain a list of the news media requesting notifica-

tion 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.

D. The village clerk shall issue and sign all licenses, permits, and occupation tax receipts authorized by law and required by the village ordinances, collect all occupation taxes and license money except where some other village officer is specifically charged with that duty, and keep a register of all licenses granted in the Village and the purpose for which they were issued.

E. The village clerk shall keep an accurate and complete account of the appropriation of the several funds and draw, sign, and attest all warrants ordered for the payment of money on the particular funds from which the same are payable. At the end of each month he or she shall make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon.

F. The village clerk shall deliver all warrants, ordinances and resolutions to the chairman for his or her signature. The clerk shall also deliver to officers, employees, and committees all resolutions and communications which are directed to them. With the seal of the Village, he or she shall duly attest the chairman's signature on all ordinances, deeds and papers required to be attested to.

G. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for such publication shall not exceed the rates provided by state statutes. Said publication shall be charged against the general fund. He or she shall then keep in a book with a proper index copies of all notices required to be published or posted by order of the Village Board or under the ordinances of the Village. To each of the file copies of said notices shall be attached to 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.

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

I. The village clerk shall keep all village records, including a record of all licenses issued, in a blank book with a proper index. He or she shall include as part of the records all petitions under which the Village Board shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. He or she shall endorse the date and hour of filing upon every paper or document so filed in his or her office. All such filings shall be properly docketed. Included in the records shall be all standard codes,

amendments thereto, and other documents incorporated by reference and arranged in a manner convenient for reference.

J. The village clerk shall permit no records, public papers, or other documents of the Village kept and preserved in the 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. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records during office hours. The village clerk may charge a reasonable fee for certified copies of any record in his or her office as set by resolution of the Village Board.

K. The village clerk shall have the custody of all laws and ordinances and shall keep a correct journal of the proceedings of the Board of Trustees. After the period of time specified by the state records administrator pursuant to Neb. Rev. Stat. §84-1201 to 84-1220, the clerk may transfer the journal of the board proceedings of to the state archives of the Nebraska State Historical Society for permanent preservation. (Neb. Rev. Stat. §17-605, 19-1102, 84-1201 through 84-1220, 84-712)

SECTION 1-204: VILLAGE TREASURER

A. The village treasurer shall be custodian of all monies belonging to the Village; he or she shall deposit public funds which have come into his or her hands in such depository bank or banks or in other eligible financial institutions for depository purposes as designated by the Board of Trustees.

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

C. The village treasurer 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 present-

ing 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 or she shall endorse "Registered for Payment" with the date of such registration and register number; and he or 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.

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

E. 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 or her office, which said report shall show in detail all receipts, disbursements, warrants outstanding, and the debit or credit balance of the Village.
(Neb. Rev. Stat. §17-606, 17-609, 19-1101, 84-712)

SECTION 1-205: VILLAGE ATTORNEY

The village attorney shall be the legal advisor of the Board of Trustees. He or she shall commence, prosecute, and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the Village or that may be ordered by the board. When requested, he or she shall attend meetings of the board and give an opinion upon any matters submitted to him or her either orally or in writing. The attorney shall draft or review for legal correctness ordinances, contracts, franchises and other instruments as may be required and shall perform such other duties as may be imposed by general law or ordinance. The Village Board shall have the right to pay the village attorney compensation for legal services performed by him or her on such terms as the board and attorney may agree and to employ additional legal assistance and to pay for such legal assistance out of the funds of the Village. (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:

A. It shall be the duty of any village police officer, and he or 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 said ordinances, and he or she shall prosecute all those guilty of violation.

B. Village police officers shall have general control over motor vehicular traffic and said police, together with such special officers detailed to assist them 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.

C. Village police officers shall bring all prisoners who are under arrest for violation of any village ordinances before the County Court whenever required to do so by rule or order of the county judge, and they shall make or cause to be made the necessary written complaints against such persons when arrested.

D. Every village police officer shall perform such other duties as may be required of him or her by resolution or by order of the chairman and Board of Trustees. (Neb. Rev. Stat. §17-213)

SECTION 1-207: VILLAGE ENGINEER

The Board of Trustees may employ a village engineer to make any estimate, survey or other work. The engineer shall make a record of the minutes of his surveys and all other work done for the Village. He 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. He shall, upon request of the board, 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 successor. He 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 acceptance to the Board of Trustees. He 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. (Neb. Rev. Stat. §17-405, 17-568, 17-919)

SECTION 1-208: VILLAGE SEWER COMMISSIONER

The Village Board of Trustees shall have the power to appoint one of its members to maintain 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 board. He shall make a detailed report to the board every six months on the condition of the sewer system and direct its attention to such improvements, repairs, extensions, additions and additional employees as he may believe are needed, along with estimates of the cost thereof. He shall issue permits for all connections to the village water system and inspect and supervise all repairs made to said system. He shall have such other duties as the Board of Trustees may delegate to him. (Neb. Rev. Stat. §19-1405)

SECTION 1-209: VILLAGE STREET COMMISSIONER

The Board of Trustees shall have the power to appoint one of its members to serve

as the village street commissioner, to have general charge, direction and control of all work on the streets, sidewalks, culverts and bridges of the Village and perform such other duties as the board may require. It shall be his responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. At the request of the board he shall 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 may believe are needed to maintain a satisfactory street system in the Village, along with estimates of the cost thereof. He shall issue such permits and assume such other duties as the Board of Trustees may direct. The street commissioner may be removed at any time by a two-thirds vote of the board. (Neb. Rev. Stat. §17-214)

Article 3 – Ordinances and Resolutions

SECTION 1-301: GRANT OF POWER

The Village Board shall have the responsibility of making all ordinances, bylaws, 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. (Neb. Rev. Stat. §17-505)

SECTION 1-302: STYLE

The style of all village ordinances shall be: "Be it ordained by the chairman and Board of Trustees of the Village of Hadar, Nebraska:" (Neb. Rev. Stat. §17-613)

SECTION 1-303: TITLE

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

SECTION 1-304: PASSAGE

A. 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 Village Board. Ordinances of a general or permanent nature shall be fully and distinctly read on three different days.

B. In the event that three-fourths of the members of the board 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.
(Neb. Rev. Stat. §17-614)

SECTION 1-305: CERTIFICATE OF PUBLICATION OR POSTING

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, when and in what paper the same was published, or when, by whom and where the same was posted. (Neb. Rev. Stat. §17-613)

SECTION 1-306: EFFECTIVE DATE

The village clerk shall, within 15 days after the passage of any ordinances, 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. (Neb. Rev. Stat. §17-613)

SECTION 1-307: 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. (Neb. Rev. Stat. §17-614)

SECTION 1-308: 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, be passed by a three-fourths vote of the Village Board and entered upon the village clerk's minutes. (Neb. Rev. Stat. §17-613)

Article 4 – 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. (Neb. Rev. Stat. §17-701)

SECTION 1-402: 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 or 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 or 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. (Neb. Rev. Stat. §17-607, 77-2362 through 77-2364)

SECTION 1-403: INVESTMENT OF FUNDS

A. 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. (Neb. Rev. Stat. §17-608, 17-609, 72-1259, 77-2341)

B. Notwithstanding any other provision of law, to the extent that the funds of the Village may be invested or deposited by the village treasurer in certificates of deposit or time interest-bearing deposits with banks, capital stock financial institutions, or qualifying mutual financial institutions, such authorization shall may include the investment or deposit of funds in certificates of deposit and time interest-bearing deposits in accordance with the following conditions as an alternative to the furnishing of securities or the providing of a deposit guaranty bond pursuant to the Public Funds Deposit Security Act:

1. The bank, capital stock financial institution, or qualifying mutual financial institution in this state through which the investment or deposit of funds is initially made arranges for the deposit of a portion or all of such funds in one or more certificates of deposit or time interest-bearing deposits with other banks, capital stock financial institutions, or qualifying mutual financial institutions located in the United States;
2. Each such certificate of deposit or time interest-bearing deposit is fully insured or guaranteed by the Federal Deposit Insurance Corporation;

3. The bank, capital stock financial institution, or qualifying mutual financial institution through which the investment or deposit of funds was initially made acts as a custodian for the Village with respect to any such certificate of deposit or time interest-bearing deposit issued for the account of the State; and
4. At the same time that the funds are deposited into and such certificates of deposit or time deposits are issued by other banks, capital stock financial institutions, or qualifying mutual financial institutions, the bank, capital stock financial institution, or qualifying mutual financial institution through which the investment or deposit of funds in certificates of deposit or time interest-bearing deposits was initially made receives an amount of deposits from customers of other banks, capital stock financial institutions, or qualifying mutual financial institutions located in the United States which is equal to or greater than the amount of the investment or deposit of funds in certificates of deposit or time interest-bearing deposits initially made by the Village.

(Neb. Rev. Stat. §17-608, 17-609, 21-1216.01, 77-2341, 77-2365.02) (Am. 3/11/13)

SECTION 1-404: 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, in the event there exist obligated funds from the federal and/or state government for the general purpose of such warrant, then such warrant may be drawn in excess of 85% but not more than 100% of the current levy for the purpose for which said warrant is drawn. (Neb. Rev. Stat. §17-714, 17-715)

SECTION 1-405: WARRANTS

All warrants drawn upon the village treasury must be signed by the village chairman 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. (Neb. Rev. Stat. §17-711)

SECTION 1-406: EXPENDITURES

No village official shall have the power to appropriate, issue or draw any order or war-

rant on the village treasury for money unless the same has been appropriated or ordered by ordinance. No expenditure for any improvement to be paid for out of the general fund of the Village shall exceed in any one year the amount provided for that improvement in the adopted budget statement. (Neb. Rev. Stat. §17-708)

SECTION 1-407: SINKING FUNDS

A. 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 uses 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 at the next general village election the proposition to provide the improvement. 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.

B. 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.

(Neb. Rev. Stat. §19-1301 through 19-1304, 71-2337, 17-2339)

SECTION 1-408: 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. (Neb. Rev. Stat. §17-710)

SECTION 1-409: CONTRACTS; BIDDING AND OTHER REQUIREMENTS

Before entering into any contract for labor, materials or any public improvement which exceeds \$30,000.00 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, 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 or if the bids contain a price in excess of the estimated cost of the project, the board 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 may authorize, manufacture and assemble and thereafter approve the cost estimate. (Neb. Rev. Stat. §17-568.01) (Am. 3/11/13)

SECTION 1-410: ANNUAL AUDIT; FINANCIAL STATEMENTS

A. 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 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 auditor of public accounts and shall submit no fewer than three copies of the unaudited report to the Village Board. The auditor of public accounts 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.

B. 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 his or her office, being at all times thereafter open for public inspection. One copy shall be filed with the auditor of public accounts.

(Neb. Rev. Stat. §19-2901 through 19-2909)

SECTION 1-411: ANNUAL APPROPRIATIONS

A. The Village Board shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill," in which such corporate authorities may appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation.

B. 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 pro-

prietary 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.

(Neb. Rev. Stat. §17-706, 23-923, 23-924)

SECTION 1-412: BUDGET PROCEDURE; FORM AND MANUAL INCORPORATED

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

SECTION 1-413: PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; PUBLICATION

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. After such hearing, the statement shall be adopted, or amended and adopted as amended, and a written record shall be made of such hearing. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 days after its adoption. (Neb. Rev. Stat. §23-925)

SECTION 1-414: ADOPTED BUDGET; FILING; CERTIFICATION OF TAX

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 November 1. 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. (Neb. Rev. Stat. §23-927)

SECTION 1-415: EMERGENCY; TRANSFER OF FUNDS; HEARING

A. 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 state-

ment 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.

B. 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.

C. 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 of public accounts a copy of the supplemental budget and shall certify the amount of additional tax to be levied. The 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.

(Neb. Rev. Stat. §23-928, 23-929)

SECTION 1-416: 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. (Neb. Rev. Stat. §17-702)

Article 5 – Board of Health

SECTION 1-501: MEMBERS

A Board of Health is hereby created, which shall consist of three members: the chairman of the Village Board; a village physician, who shall be the medical advisor to the board; and the village police officer, who shall be secretary and quarantine officer of the board. In the event no physician resides within the Village, the chairman shall appoint a citizen at large to serve on said board in addition to himself or herself and the village police officer. In the event that the Village has no village police officer, the board may appoint the county sheriff to act as village police officer to serve as a member of the Board of Health. (Neb. Rev. Stat. §17-208)

SECTION 1-502: POWERS AND DUTIES

The chairman of the Village Board shall act as chairman of the Board of Health. A majority of the board shall constitute a quorum and shall enact rules and regulations to safeguard the health of the people of the Village and shall provide fines and punishments for violations thereof. The board is authorized and directed to make all necessary rules and regulations relating to matters of sanitation, including the removal of dead animals, and sanitary conditions of the streets, alleys and vacant grounds, of private and public stockyards and all other buildings and places where filth, nuisances or offensive matter is kept or is liable to and does accumulate. It shall suppress and prevent the occurrence of nuisances and enforce all laws of the State and ordinances of the Village relating to matters of sanitation. It shall keep a record of all matters transacted at its meetings and all actions taken by it, which records shall be filed with the village clerk and be part of the public records of the Village. (Neb. Rev. Stat. §17-208)

SECTION 1-503: STATE HEALTH RULES; INCORPORATED BY REFERENCE

Three copies of the Rules and Regulations Relating to Public Health published by the Department of Health of the State of Nebraska, as revised, adopted and promulgated in pamphlet form, are hereby incorporated by reference insofar as the same are applicable to villages, and they shall be incorporated herein the same as though copied at full length in this article. (Neb. Rev. Stat. §18-132)

SECTION 1-504: DEPOSITING OR PERMITTING DEPOSIT OR ACCUMULATION OF ANY SUBSTANCE DETRIMENTAL TO HEALTH OR OFFENSIVE TO SMELL; PENALTY

It shall be unlawful for any person to deposit or permit the deposit or accumulation of any garbage, refuse of any kind, or any decayed or putrid substance or other article or thing which is detrimental to health or from which obnoxious or offensive odors arise, on the streets, alleys or public grounds or on any private premises including enclosures in which livestock is kept within said village. Any person who violates this

section and shall fail to remove such objectionable substances or otherwise comply with the orders of the Board of Health with reference thereto within 24 hours from the receipt of written notice thereof shall be fined upon conviction in any amount not exceeding that permitted by Nebraska law for violation of a municipal ordinance and shall pay the costs of prosecution. The court shall order the offensive matter removed by or at the expense of the defendant. Each 24-hour failure to comply with the orders of the board shall constitute a separate and distinct offense.

Article 6 – Village Tree Board

SECTION 1-601: CREATION AND ESTABLISHMENT

There is hereby created and established a Tree Board for the Village, which shall consist of three members who are citizens and residents of this village, appointed by the chairman with the approval of the Board of Trustees.

SECTION 1-602: TERMS OF OFFICE

The terms of the three persons to be appointed by the chairman of the Board of Trustees shall be three years and the terms shall commence July 1 of each year. 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.

SECTION 1-603: COMPENSATION

Members of the Tree Board shall serve without compensation.

SECTION 1-604: 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 and, upon its acceptance and approval, shall constitute the official comprehensive village tree plan. 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 1-605: 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 1-606: TREES; DEFINITIONS

“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.

“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.

SECTION 1-607: TREES; 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 on such list may be planted as street trees without written permission of the Tree Board.

SECTION 1-608: TREES; SPACING

The spacing of street trees will be in accordance with the three species size classes listed on the tree list and 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 1-609: TREES; DISTANCE FROM CURB AND SIDEWALK

The distance which trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed on the tree list, and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

SECTION 1-610: TREES; 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 curb lines. No street tree shall be planted closer than 10 feet to any fireplug.

SECTION 1-611: TREES; UTILITIES

No street trees other than those species listed as small trees on the tree list may be planted under or within 10 lateral feet of any overhead utility wire or over or within 5 lateral feet of any underground water line sewer line, transmission line or other utility.

SECTION 1-612: TREES; PUBLIC TREE CARE

The Village shall have the right to plant, subject to Section 1-613 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 1-613: TREES; CONSENT OF PROPERTY OWNER

The 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 1-614: 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 3 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 Tree Board.

SECTION 1-615: TREES; PRUNING; CORNER CLEARANCE

Every owner of any tree overhanging any street or right of way within the Village shall prune the branches so that they 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 8 feet above the surface of the street or sidewalk.

SECTION 1-616: TREES; DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

A. 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 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.

B. 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 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.

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 cer-

tified 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.

SECTION 1-617: 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 does not project above the surface of the ground.

SECTION 1-618: INTERFERENCE WITH VILLAGE TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the Tree Board or any of its agents while they are 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 1-619: 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, 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 resulting from the pursuit of such endeavors as herein described.

SECTION 1-620: REVIEW BY VILLAGE BOARD

The Board of Trustees 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 Board of Trustees, which may hear the matter and make a final decision.

Article 7 – Extraterritorial Jurisdiction

SECTION 1-701: DESCRIPTION

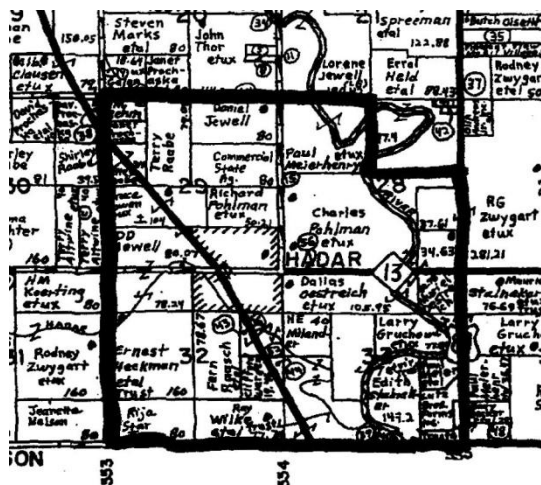
A. The Village has extended its jurisdiction beyond its corporate limits as provided by law to the area described as:

Commencing at the intersection of the east line of 553 Avenue and the north line of 846 Road in Pierce County, Nebraska; thence north along the east line of 553 Avenue to the intersection of the east line of 553 Avenue and the south line of 848 Road; thence east along the south boundary line of 848 Road to a point on said south boundary line directly north of the northwest corner of the Northeast Quarter of Section 28, Township 25 North, Range 1 West of the 6th P.M. Pierce County, Nebraska; thence south along the west line of the Northeast Quarter of said Section 28 to the southwest corner of the Northeast Quarter of said Section 28; thence East along the south boundary line of the Northeast Quarter of said Section 28, to the west boundary line of U.S. Highway 81; thence south along the west boundary line of U.S. Highway 81 and to the point intersecting the north boundary line of 846 Road; thence west along the north boundary line of 846 Road to the point of beginning.

B. Said description shall be identical to the description contained in the official map adopted by the Village and it shall in no event exceed one mile from the corporate limits.

SECTION 1-702: OFFICIAL MAP

The Village has adopted the official map of its designation of jurisdiction over territory outside of the corporate limits of the Village, which is on file in the office of the village clerk.



Article 8 – Penal Provision

SECTION 1-801: 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.