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CHAPTER 2 – BOARDS AND PUBLIC FACILITIES

Article 1 – Library Board

SECTION 2-101: LIBRARY; OPERATION AND FUNDING

A. The City Council may levy a tax as allowed by state law upon the taxable value of all the taxable property in the City annually to be levied and collected in like manner as other taxes in the City for support of the library. The levy shall be subject to Neb. Rev. Stat. §§77-3442 and 77-3443. The amount collected from such levy shall be known as the library fund and shall also include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing property and real estate from any source for the purpose of endowing the public library. All money collected by the library shall be turned over at least monthly by the librarian to the city treasurer along with a report of the sources of the revenue.

B. All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of the public library shall be kept for the use of the library separate and apart from all other funds of the City, shall be drawn upon and paid out by the city 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 City may establish a public library sinking fund for major capital expenditures.
(Neb. Rev. Stat. §§51-201, 51-209)

SECTION 2-102: OPERATION OF BOARD

A. The Library Board shall be appointed or elected. At the first regular meeting of the City Council in January of each even-numbered year, the Council shall, by ordinance, adopt the manner in which the members of the Board are to be chosen. If the members are to be chosen by appointment, the nominated members must receive a majority vote of the City Council. If the members are to be elected, the usual election procedures of the City shall be followed. The board shall consist of five members, who shall serve four-year terms of office. No member of the City Council shall serve as a member of the Library Board while serving a term of office as a member of the City Council. The board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the council and conditioned upon the faithful performance of their duties.

B. The Library Board shall meet at such times as the City Council 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 city 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 any three board members.

(Neb. Rev. Stat. §§51-202, 51-204)

SECTION 2-103: POWERS AND DUTIES

A. The Library Board shall have the power to make and adopt such bylaws, rules, and regulations for its own guidance and for the government of the library and reading room as it may deem expedient, not inconsistent with Neb. Rev. Stat. §§51-201 through 51-219. The board may fix and impose by general rules any penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or regulation. All fees, penalties, and forfeitures may be collected in civil action in the event of failure, neglect, or refusal to pay the said assessments. The board shall have and exercise such powers as may be necessary to carry out the spirit and intent of Neb. Rev. Stat. §§51-201 through 51-219 in establishing and maintaining the library. All actions of the board shall be subject to the review and supervision of the City Council.

B. The Library Board shall have exclusive control of expenditures, all money collected or donated to the credit of the library fund, the renting and construction of any library building, and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose.

C. The Library Board may erect, lease, or occupy an appropriate building for the use of a library. The board shall have supervisory authority over all employees of the library including the librarian and assistants appointed by it. The board shall fix the compensation of such appointees and remove such appointees at the pleasure of the board. The City Council shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the Library Board.

D. The Board shall be responsible for making such reports and performing such additional duties as the City Council may designate from time to time.

(Neb. Rev. Stat. §§51-205, 51-207, 51-211)

SECTION 2-104: ANNUAL REPORT TO CITY COUNCIL

The Library Board shall, on or before the second Monday in February each year, make a report to the City Council 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 City Council may require. The report shall be verified by affidavit of the proper officers of the board. (Neb. Rev. Stat. §51-213)

SECTION 2-105: REAL ESTATE; SALE AND CONVEYANCE

A. The Library Board may, by resolution, direct the sale and conveyance of any real estate owned by the board or by the public 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.

B. Before any such sale is made, the Library Board shall advertise the sale once each week for three consecutive weeks in a legal newspaper published in or of general circulation in the City. The notice shall set out the time, place, terms, manner of sale, legal description of such real estate, and the right to reject any and all bids. If the bids have not been rejected, then the real estate shall be sold to the highest bidder for cash and the president of the Library Board, upon resolution of the board directing him or her so to do, shall convey the real estate to the purchaser of such real estate upon payment of said bid. If within 30 days after the third publication of the notice a remonstrance against the sale is signed by 30% of the registered voters of the City voting at the last regular city election and filed with the City Council, the property shall not then nor within one year thereafter be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the 30-day period but the filing shall be considered timely if filed or postmarked on or before the next business day.

(Neb. Rev. Stat. §51-216)

SECTION 2-106: 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. (Neb. Rev. Stat. §51-210)

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 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: LIBRARY; DONATIONS

Any person may donate money, lands, or other property for the benefit of the public library. The title to property so donated may be made to and shall vest in the Library

Board and its successors in office, and the board shall thereby become the owners thereof in trust to the uses of the public library. (Neb. Rev. Stat. §51-215)

SECTION 2-109: LIBRARY; COST OF USE; VIOLATION OF RULES

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

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

C. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. "Basic services" shall include, but are not 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 are not limited to the use of:
 - a. Photocopying equipment;
 - b. Telephones, facsimile equipment, and other telecommunications equipment;
 - c. Media equipment; and
 - d. Personal computers.

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

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; DAMAGED MATERIALS

Any person who damages 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 2-112: 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. §51-211)

SECTION 2-113: LIBRARY; BOOK REMOVAL; THEFT

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book from the library without the consent of the librarian or an authorized employee. A person is guilty of theft if he or she takes or exercises control over library books, magazines, tapes or other property of the St. Edward Library with intent to deprive the City, doing business as the St. Edward Public Library.

A. It shall be presumed that any person who checks out books, magazines, tapes or any other property from the library and does not return the property within the time limit allowed by the library as entered on the library card when the item is checked out, that the property is kept with the intent to deprive the City of St. Edward, doing business as the St. Edward Public Library, of its property, if such person has been mailed notice by certified mail that the time for returning the library books, magazines, tapes or other property of the City has expired and that he or she has failed within ten days after such notice to return such property. If the person returns the property within ten days of the certified letter, he or she shall be assessed a late fee in an amount set by the Library Board. Such fee shall be in addition to all other fines assessed by the library for overdue materials.

B. Failure of any such person to return the property to the library within ten days after such written notice shall be a presumption in favor of the City that such person intended to defraud the City, doing business as the St. Edward Public Library, of such property. Such notice shall be sent out by either the city attorney, his or her deputy, or any employee of the library. Said notice shall be sent by U.S. Mail, addressed to such person at his or her last known address as shown on the library's records.

C. Said notice shall be sent by certified mail, return receipt requested. Any person convicted of violating this section shall be fined not less than \$50.00 or more than \$250.00 for each book, magazine, tape or other property not returned within the time limits set out in this section and be further ordered to return the books, magazines, tapes, or other property to the library. In the event the books, magazines, tapes or other property are damaged or lost, said person shall be ordered to make restitution to the City through the St. Edward Public Library for the value of the books, magazines, tapes or other property of the library. The fact that restitution of the books, magazines, tapes or other property has been made to the city library and the costs of filing the court action with the Boone County Court have been paid shall be a mitigating factor in the imposition of a fine for any violation of this section. A separate fine of a minimum of \$25.00 up to \$100.00 shall be given by the court for each book, magazine, tape or other property.

SECTION 2-114: LIBRARY; INTERLIBRARY LOAN MATERIALS, THEFT

A person is guilty of theft if he or she takes or exercises control over books, magazines, tapes or other property obtained by the St. Edward Library through the Interlibrary Loan Program with intent to deprive the City, doing business as the St. Edward Public Library, through the Interlibrary Loan Program for library books, magazines, tapes or other property obtained from libraries located within or without the State of Nebraska.

A. It shall be presumed that any person who checks out books, magazines, tapes or any other property from the St. Edward Public Library through the Interlibrary Loan Program owned by libraries located within or without the State of Nebraska and does not return the property within the time limit allowed by the library on the library card when the item is checked out, that the property is kept with the intent to deprive the City, doing business as the St. Edward Public Library through the Interlibrary Loan Program, of their property, if such person has been mailed notice by certified mail that the time for returning the library books, magazines, tapes or other property of the City has expired and that he/she has failed within ten days after such notice to return such property. If the person returns the property within ten days of the certified letter, he or she shall be assessed a late fee in an amount set by the Library Board. In the event the person returns the property within the ten days of the certified letter directly to the library that loaned the books, magazines, tapes or other property to the St. Edward Public Library through the Interlibrary Loan Program, such person shall immediately thereafter file proof with the St. Edward Public Library that said person has returned the books, magazines, tapes or other property and to whom they have returned the property, the address and the date. Said fee shall be in addition to all other fines assessed by the St. Edward Public Library for overdue materials.

B. Failure of any such person to return the property to the St. Edward Public Library or to the library through which the St. Edward Library obtained the property within ten days after such written notice shall be a presumption in favor of the City that such person intended to defraud the City, doing business as the St. Edward Public Library, through the Interlibrary Loan Program, of such property. Such notice shall be sent out by either the city attorney, his or her deputy, or any employee of the library. Said notice shall be sent by U.S. Mail, addressed to such person at his or her last known address as shown on the library's records.

C. Said notice shall be sent by certified mail, return receipt requested. Any person convicted of violating this section shall be fined an amount as set by the Library Board for each book, magazine, tape or other of the St. Edward Public Library. The fact that restitution of the books, magazines, tapes or other property of the St. Edward Public Library through the Interlibrary Loan Program has been made to either the St. Edward Public Library or to the library from which it was obtained through the Interlibrary Loan Program and the costs of filing the court action with the Boone County Court have been paid shall be a mitigating factor in the imposition of a fine for any violation of this section. A separate fine of a minimum of \$25.00 up to \$100.00 shall be given by the court for each book, magazine, tape or other property.

SECTION 2-115: 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, such action to be instituted in the name of the Library Board. Money collected in such actions, other than any court costs and attorney's fees, shall be placed in the treasury of the City to the credit of the library fund. Attorney's fees collected pursuant to this section shall be placed in the treasury of the City and credited to the budget of the city attorney's office. (Neb. Rev. Stat. §51-214)

Article 2 – Board of Health

(Neb. Rev. Stat. §17-121)

SECTION 2-201: MEMBERS; TERMS

The City may create a Board of Health which shall consist of four members: the mayor; a city physician, who shall be the medical advisor to the board; the county sheriff, who shall be secretary and quarantine officer of the board; and the president of the City Council. The mayor shall act as chairman of the board. If such a board is created, the members of the board shall serve one-year terms of office, unless reappointed, and shall reorganize at the first meeting in January of each year. In lieu of creating a city Board of Health, the City may contract with the Boone County Board of Health to perform all city Board of Health duties.

SECTION 2-202: POWERS AND DUTIES

If a Board of Health is created, a majority of the board shall constitute a quorum and shall enact rules and regulations to safeguard the health of the people of the City and shall provide fines and punishments for the 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 and alleys, vacant grounds, 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 City relating to the matters of sanitation of the City. 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 city clerk and be part of the public records of the City. (Neb. Rev. Stat. §17-121)

SECTION 2-203: STATE RULES

The publication *Rules and Regulations Relating to Public Health*, Department of Health of the State of Nebraska, is hereby incorporated by reference when the same is applicable to the City, in its present form and as it may hereafter be amended. (Neb. Rev. Stat. §18-132)

Article 3 – Parks and Swimming Pool

SECTION 2-301: REGULATIONS

A. It shall be unlawful for any person to be in the city park after 11:00 p.m.

B. It shall be unlawful to drive motor vehicles or ride horses in the city park on any areas other than the street and parking lots.

C. It is hereby declared unlawful for any person to swim in the city swimming facilities whenever the facilities are not attended by a lifeguard and swimming personnel duly hired to maintain the swimming facilities.

D. It shall be unlawful for any person to deface or damage any swimming pool facilities or to pollute or cast into any swimming pool area any substance detrimental to the health and safety of swimmers.

E. It shall be unlawful for any person to discard rubbish, trash, garbage or substances of any kind in the parks and recreation areas maintained by the City, except in the receptacles provided therefor.

Article 4 – Tree Board

SECTION 2-401: CREATION AND ESTABLISHMENT

The City may create and establish a City Tree Board, which shall consist of five members who are citizens and residents of the City, appointed by the mayor with the approval of the City Council. In the event the City does not create a Tree Board, the following rules and regulations pertaining to trees shall be applicable.

SECTION 2-402: TERMS OF OFFICE; COMPENSATION

Should the City create a Tree Board, the terms of the five persons to be appointed by the mayor shall be three years with staggered terms so that two members' terms shall expire every two years. Terms shall commence July 1 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. Members of the Tree Board shall serve without compensation.

SECTION 2-403: 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 City Council and, upon their acceptance and approval, shall constitute the official comprehensive City Tree Plan for the City. The Tree Board, when requested by the Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

SECTION 2-404: MEETINGS

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 the members shall be a quorum for the transaction of business.

SECTION 2-405: REVIEW BY CITY COUNCIL

The City Council 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 council, which may hear the matter and make a final decision.

SECTION 2-406: INTERFERENCE WITH 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 engaged 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 2-407: TREES; DEFINITIONS

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

"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 City or to which the public has free access as a park.

SECTION 2-408: TREES; SPECIES TO BE PLANTED

The official street tree list for the City as adopted and periodically modified by the Tree Board shall be filed in the office of the city clerk. No species other than those included in said list may be planted as street trees without written permission of the Tree Board.

SECTION 2-409: TREES; SPACING

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

SECTION 2-410: TREES; DISTANCE FROM CURB AND SIDEWALK

The distance that trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in tree list. 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 2-411: TREES; DISTANCE FROM STREET CORNERS AND HYDRANTS

No street tree shall be planted closer than 35 feet from any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 10 feet from any fire hydrant.

SECTION 2-412: TREES; UTILITIES

No street trees other than those species listed as small trees 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 2-413: TREES; MAINTENANCE, REMOVAL; ADJACENT PROPERTY OWNERS; REMOVAL BY CITY

A. The City shall have the right to plant, 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 ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B. 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. In addition, 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.

C. The City Council or its designated representative may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public Improvements or is affected with any injurious fungus, insect, or other pest.

SECTION 2-414: TREES; TOPPING

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree, or other tree on public property. "Topping" 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 2-415: TREES; PRUNING; CLEARANCE

See Chapter 6 Public Ways and Property, Section 113 Obstructions, subsection (D).

SECTION 2-416: TREES; INJURY OR DAMAGE

It shall be unlawful for any person to purposely or carelessly and without lawful authority to cut down, carry away, injure, break down, or destroy any fruit, ornamental, shade, or other tree standing or growing on any land belonging to another person or on any public land in the corporate limits.

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 City Council to do so; and the written permit of the council 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)

SECTION 2-418: TREES; DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

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 City. For the purpose of carrying out the provisions of this section, the utility 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 City may have such work done and bill the property owner. If the owner fails to reimburse the City after being properly billed, the City 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 City 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 nonresident 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)

SECTION 2-419: 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 2-420: 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 City without first applying for and procuring a license. The license fee shall be in an amount as set by resolution of the City Council and paid annually in advance; provided, however, that no license shall be required of any public service company or city 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 property damage, indemnifying the City

or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

Article 5 – Planning Commission

(Neb. Rev. Stat. §§19-924 through 19-929)

SECTION 2-501: MEMBERS

A. The Planning Commission shall consist of five members who shall represent, insofar as is possible, the different professions or occupations in the City and shall be appointed by the mayor by and with the approval of a majority vote of the City Council. Two of the regular members may be residents of the area over which the City is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the City 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 City Council 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 500 residents.

B. All members of the commission shall serve as such without compensation. The term of each member shall be three years. All members shall hold office until their successors are appointed. All members may, after a public hearing before the City Council, be removed by the mayor by and with the consent of a majority of the council for inefficiency, neglect of duty or malfeasance in office or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor.

(Neb. Rev. Stat. §19-926) (Ord. Nos. 509, 6/5/06; 527, 2/6/12)

SECTION 2-502: ALTERNATE MEMBER

The mayor, with the approval of a majority vote of the City Council, may by ordinance provide for the appointment of one alternate member to the Planning Commission. The term of the alternate member shall be three years and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the mayor with the approval of a majority of the City Council. The alternate member may attend any meeting and may serve as a voting and participating member of the commission at any time when less than the full number of regular commission members is present and capable of voting.

(Neb. Rev. Stat. §19-926) (Ord, No. 509, 6/5/06)

SECTION 2-503: RESTRICTIONS ON OTHER MUNICIPAL OFFICE

A regular or alternate member of the Planning Commission may hold any other municipal office except (A) a member of the City Council, (B) a member of any community

redevelopment authority or limited community redevelopment authority created under Neb. Rev. Stat. §18-2102.01, or (C) a member of any citizen advisory review committee created under Neb. Rev. Stat. §18-2715. (Neb. Rev. Stat. §19-926)

SECTION 2-504: OFFICERS; MEETINGS

A. 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 City Council 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.

B. 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.
(Neb. Rev. Stat. §§19-926, 19-927)

SECTION 2-505: FUNDING; EXPENDITURES

The City Council 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 council; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts. (Neb. Rev. Stat. §19-927)

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 City, including any areas outside its boundaries which in the commission's judgment bear relation to the planning of such city 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 City Council 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 City Council 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 City Council has designated an agent by ordinance pursuant to Neb. Rev. Stat. §19-916.

B. The commission may, with the consent of the City Council, 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 City, (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 City Council 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 City Council 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 council 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 City Council regarding a conditional use or special exception shall be made to the District Court.
(Neb. Rev. Stat. §19-929)

Article 6 – Medical Clinic Board

SECTION 2-601: MEMBERS; TERM OF OFFICE

The Medical Clinic Board shall consist of five members who shall be residents of the City. The board members shall be appointed by the mayor with the approval of a majority of the City Council. Each appointment shall be for a term of five years.

SECTION 2-602: POWERS AND DUTIES

The board shall have charge of any medical clinic established by the City and shall have the power to accept gifts, purchase real estate, erect buildings, and maintain, manage and equip the clinic. The board shall establish rules for the management and operation of the clinic.

SECTION 2-603: MEDICAL CLINIC FUND

All funds for the clinic shall be paid into the Medical Clinic Fund. Said fund shall be audited by the board. Claims on the fund shall be drawn by the chairman of the board and shall be paid by the board treasurer out of such fund. The Medical Clinic Board shall make an annual report to the mayor and council of its operations and funds at the end of its fiscal year.

Article 7 – Community Development Agency

SECTION 2-701: OPERATION

A. There is hereby established pursuant to Neb. Rev. Stat. §18-2101.01 a Community Development Agency for the City of St. Edward. The mayor and City Council are hereby designated to be the Community Development Agency for the City.

B. The mayor shall be the chairperson of the Community Development Agency; the president of the City Council shall be the vice-chairperson; and the city clerk shall be the secretary.

C. The Community Development Agency shall have the power and authority to exercise those powers and authority granted to a community redevelopment authority under Neb. Rev. Stat. §§18-2101 to 18-2154.

Article 8 – Penal Provision

SECTION 2-801: VIOLATION; PENALTY

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