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CHAPTER 2 – BOARDS AND PUBLIC FACILITIES

Article 1 – Board of Health

SECTION 2-101: MEMBERS; TERMS

The Village Board shall appoint a Board of Health consisting of three members, including the chairman of the Village Board, who shall serve as chairman, and the village maintenance employee. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the medical advisor. In the event no physician resides within the village, the chairman shall appoint a citizen at large to serve instead. If the Village Board has appointed a police chief, he or she may be appointed to the Board of Health and serve as secretary and quarantine officer. If the village has a contract with the Seward County sheriff for law enforcement services, the chairman may appoint the county sheriff to serve as secretary and quarantine officer. The members of the board shall serve one-year terms of office, unless removed by the village chairman with the advice and consent of the trustees. (Neb. Rev. Stat. §17-208)

SECTION 2-102: DUTIES

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

SECTION 2-103: ENFORCEMENT OFFICIAL

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

SECTION 2-104: STATE RULES

The publication *Rules and Regulations Relating to Public Health*, Nebraska Department of Health, is hereby incorporated by reference when the same is applicable to

the village, in its present form and as it may hereafter be amended. One copy of the said publication shall be filed at the office of the village clerk and shall be available for public inspection during office hours. (Neb. Rev. Stat. §18-132)

SECTION 2-105: COUNTY HEALTH BOARD

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

Article 2 – Parks

SECTION 2-201: OPERATION AND FUNDING

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

B. The Village Board shall have the authority to adopt rules and regulations for the efficient management of the village parks and other recreational areas of the village.

Article 3 – Village Hall/Fire Hall

SECTION 2-301: USE AND REGULATION

A. The Village Board may rent or otherwise permit use of the village hall/fire hall for private or public purposes upon approval by the Village Board or its duly authorized agent upon such terms and conditions as may be agreeable between the board and such occupant.

B. Notwithstanding any other provision in this section, the village hall/fire hall shall be open for inspection by law enforcement and village officials at all times during such public or private use; fire and law enforcement officials or municipal officials shall have access to the building at all times notwithstanding that it is being used for a private purpose or a private party. It shall be unlawful for any occupant of the village hall/fire hall to refuse access to such building by any fire or law enforcement officer or municipal official. Any person violating this section shall be subject to a fine not exceeding the amount of \$100.00.

C. The Village Board may by resolution adopt additional rules and regulations regarding the use and occupancy of the village hall/fire hall for public and private uses, including but not limited to rental fees, insurance requirements, rules of conduct, and any other regulations it deems appropriate.

(Neb. Rev. Stat. §17-953)

Article 4 – Planning Commission

(Neb. Rev. Stat. §§19-924 through 19-929) (Ord. No. 1998-17, 10/6/98)

SECTION 2-401: MEMBERS

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

SECTION 2-402: ALTERNATE MEMBER

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

SECTION 2-403: TERMS; VACANCIES

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

SECTION 2-404: OFFICERS; MEETINGS

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

SECTION 2-405: FUNDING

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

SECTION 2-406: POWERS AND DUTIES; APPEAL

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

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

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

Article 5 – Board of Adjustment

SECTION 2-501: POWERS AND DUTIES

Notwithstanding the provisions of Neb. Rev. Stat. §§19-907 and 19-908, the Village Board shall constitute the Board of Adjustment and shall exercise only the powers granted to such boards by Neb. Rev. Stat. §19-910. As the Board of Adjustment, it shall adopt rules and procedures that are in harmony with Neb. Rev. Stat. §§19-907 to 19-910 and shall have the powers and duties therein provided for the Board of Adjustment and other parties shall have all rights and privileges therein provided for. The concurring vote of two-thirds of the members of the Board of Adjustment shall decide any question upon which it is required to pass as such board. (Neb. Rev. Stat. §19-911)

Article 6 – Penal Provision

SECTION 2-601: 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.