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CHAPTER 2 – COMMISSIONS AND BOARDS

Article 1 – Board of Health

SECTION 2-101: MEMBERS; TERMS

The City Council shall appoint a Board of Health consisting of four members including the mayor, who shall serve as chairman; a city-contracted law enforcement officer, who shall serve as secretary and quarantine officer; a physician, who shall serve as the medical advisor; and the president of the City Council. The members of the Board shall serve, without compensation, one-year terms of office, unless reappointed, and shall reorganize at the first meeting in June of each year. No member of the Board of Health shall hold more than one Board of Health position. The Board of Health shall be funded by the City Council from time to time out of the General Fund. (Neb. Rev. Stat. §17-121)

SECTION 2-102: OFFICERS; MEETINGS

It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file the same with the city clerk, where they shall be available for public inspection at any reasonable time. A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the City Council may designate. Special meetings may be held upon the call of the chairman or any two members of the Board. (Neb. Rev. Stat. §17-121)

SECTION 2-103: DUTIES

It shall be the duty of the Board to enact rules and regulations which shall have the full force and effect of law to safeguard the health of the residents of the City. Included in the duties of the Board shall be to enforce the said rules and regulations and to 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 and ordinances of the City relating to matters of sanitation which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the City Council may direct. All members of the Board shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate. (Neb. Rev. Stat. §17-121)

SECTION 2-104: REGULATIONS

For the purpose of promoting the health and safety of the residents of the City, the Board of Health shall, from time to time, adopt such rules and regulations relative thereto and shall make such inspections, prescribe such penalties, and make such reports as may be necessary toward that purpose. (Neb. Rev. Stat. §17-121)

SECTION 2-105: ENFORCEMENT OFFICIAL

A city-contracted law enforcement officer, as the quarantine officer, shall be the chief health officer of the City. It shall be his/her duty to notify the City Council and the Board of Health of health nuisances within the City and its zoning jurisdiction. (Neb. Rev. Stat. §17-121)

SECTION 2-106: ENFORCEMENT AGREEMENT

In order to facilitate the enforcement of its health ordinances, the City may enter into such agreements and contracts with the Lincoln-Lancaster County Department of Health as the City Council shall deem necessary. A minimum of one copy of such agreements and contracts shall be kept on file at the city clerk's office and shall be available for public inspection during reasonable business hours.

SECTION 2-107: STATE RULES

The *Rules and Regulations Relating to Public Health*, Department of Health of the State of Nebraska, are hereby incorporated by reference when the same are applicable to the City, in their present form and as they may hereafter be amended. One copy of the said pamphlet is filed at the office of the city clerk and shall be available for public inspection during office hours. (Neb. Rev. Stat. §18-132, 19-902)

SECTION 2-108: 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 City.

SECTION 2-109: DEFINITIONS

"Garbage" as used herein shall be defined to mean kitchen refuse, decayed waste, dead animals, or anything that may decompose and become offensive to the public health.

"Rubbish" or "trash" as used herein shall be defined as discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags, or any other litter or debris that is not an immediate hazard to the health of the residents of the City.

"Waste" as herein defined shall mean cinders, ashes, plaster, brick, stone, sawdust, or sand.

SECTION 2-110: GARBAGE, TRASH, AND WASTE

It shall be unlawful for any person to keep in, on, or about any dwelling, building, or premises, or any other place in the City, decayed vegetable or animal substances, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the City unless the same is kept in receptacles not exceeding a 30-gallon capacity and as nearly air-tight as may be practical. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, waste, or rubbish of any kind. No person may permit garbage, rubbish, waste, or refuse to collect and all persons shall remove the same from their property within 24 hours after being notified to do so by a local law enforcement officer, who shall represent the Board of Health. Any person having garbage, rubbish, waste, or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover, or a durable plastic container that is securely tied at its opening. All persons shall have the contents of their garbage cans removed at least once a week. (Neb. Rev. Stat. §19-2106)

SECTION 2-111: GARBAGE COLLECTION RECEPTACLES; PROHIBITED PLACEMENT; EXCEPTION

It shall be unlawful for any person to keep, maintain or store receptacles used for the collection and containment of decayed vegetables or animal substances, garbage or refuse matter of any kind on public right-of-way and in the front yards of any property located in a zoned residential district at any time other than during the 18-hour period of time immediately preceding the time period specifically designated for garbage collection by the holder of a valid garbage removal service permit.

SECTION 2-112: DEAD ANIMALS

Any dead animal shall be immediately removed and buried by its owner, and if the owner cannot be found within two hours after discovery of the same, then such animal shall be removed by and at the expense of the City. Dead animals shall not be buried within the corporate limits of the City, nor within one mile thereof, nor in or above the course of ground water that is used for drinking purposes by the City or its inhabitants. Such animals may, however, be buried in the city dumping ground. (Neb. Rev. Stat. §17-114, 17-123)

Article 2 – Tree Board

SECTION 2-201: MEMBERS; TERMS; MEETINGS; DUTIES

A. There is hereby created and established a City Tree Board. In lieu of appointing a Tree Board, the City Council may act as such board. In the event the mayor determines that a Tree Board is necessary or desirable, he/she may appoint a Board consisting of five members who shall be citizens and residents. The terms of the five persons to be appointed by the mayor shall be three years, except that the term of two of the members appointed to the first Board shall be for only one year and the term of two members of the first Board shall be for two years. In the event that a vacancy shall oc-

cur during the term of any member, his/her successor shall be appointed for the unexpired position of the term. No member of the City Council shall serve as a member of the Tree Board. Members of the Board shall serve without compensation.

B. The Tree Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business.

C. It shall be the responsibility of the 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 its acceptance and approval shall constitute the official comprehensive city tree plan for the City of Hickman. The 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. The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the Council, which may hear the matter and make final decision.

(Am. by Ord. No. 94-3, 4/14/94)

SECTION 2-202: INTERFERENCE WITH CITY 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 and about 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 2-203: PURPOSE AND INTENT OF ARTICLE

It is the purpose of this article to promote and protect the public health, safety and general welfare along public property ways and parks by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the City.

SECTION 2-204: TREES; DEFINITIONS

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

“Park trees” are defined as trees, shrubs, bushes and all other woody vegetation in public parks.

“Small trees” are defined as trees which by their nature normally attain heights no greater than 25 feet at maturity.

“Medium trees” are defined as trees which by their nature normally attain heights of from 25 to 45 feet at maturity.

“Large trees” are defined as trees which by their nature attain heights greater than 45 feet at maturity.

“Public community forest” is defined as all street and park trees and other trees owned by the City as a total resource.

“Private community forest” is defined as all trees within municipal boundaries but not owned by the City.

“Community forest manager” is defined as the official (public employee) representative of the Tree Board responsible for administration of the community forestry program.

SECTION 2-205: TREES; STREET SPECIES TO BE PLANTED

The City shall maintain an extensive list of recommended trees for planting in public areas. The purpose of this listing will be to maintain diversity in the total tree population. This list shall be available to residents of the City upon request to aid in the selection of trees for private and public properties. The list of recommended trees shall be updated periodically to reflect new developments or species that will affect the population of the community forest.

SECTION 2-206: TREES; SPACING

The spacing of street trees will be in accordance with the tree species size classes listed herein, 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 approved by the Tree Board.

SECTION 2-207: TREES; DISTANCE FROM CURB AND SIDEWALK

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

SECTION 2-208: TREES; DISTANCE FROM STREET INTERSECTIONS, DRIVEWAYS AND ALLEYS

No street tree shall be planted within 35 feet of any street intersection, measured from the point of nearest intersecting curbs or curb lines or within 15 feet of any driveway or alley.

SECTION 2-209: TREES; UTILITIES

No street trees other than those species listed as small trees herein may be planted under or within ten lateral feet of any overhead utilities wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility, unless otherwise authorized by a street tree plan and approved by the community forestry manager. No street tree shall be planted closer than ten feet to any fireplug.

SECTION 2-210: TREES; REMOVAL

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 insure that the Tree Board 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.

B. No person or property owner shall remove any street tree or park tree for any reason without written authorization from the community forest manager.

SECTION 2-211: TREES; TREE 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 three 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 City Tree Board.

SECTION 2-212: TREES; OBSTRUCTIONS; PRUNING, REMOVAL

A. All trees and shrubs within the City, both public and private, shall be pruned or removed where such trees or shrubs (1) obstruct the light from any street lamp, (2) obstruct the visibility of any traffic control device or sign, (3) obstruct the passage of pedestrians on sidewalks, (4) obstruct the view of any street or alley intersection, or (5) interfere with the use or construction of any public improvements. The minimum clearance of any overhanging portion thereof shall be 12 feet over all streets and eight feet over sidewalks.

B. All shrubs and hedges defined as street trees in this article shall be kept trimmed by the abutting property owner at least two feet back from all curbs, sidewalks, driveways or alleys; and the same shall at all times be kept trimmed to a height not greater than 30 inches above the top of the curb unless the Tree Board, for other than corner lots, determines that a greater height would not constitute a hazard to pedestrian or vehicular traffic.

C. The Tree Board shall have the power and authority to prune or remove, or order to be pruned or removed, any such trees or shrubs on private property. The Tree Board shall notify in writing the owners of such trees or shrubs. Pruning or removal shall be done by said owners at their own expense within 60 days after the date of notification. In the event of failure of owners to comply with said notice, the City shall have the authority to prune or remove said trees or shrubs and assess the cost of said pruning or removal on the owner's property tax notice.

SECTION 2-213: DEAD OR DISEASED TREES; PRUNING, REMOVAL

All trees of any species that are in a diseased, dying, or dead condition or that may serve as a breeding place for disease-carrying insects are hereby declared to be a public nuisance and shall be removed from the private property on which they are located upon notice by the public works director. 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 ten days to remove the said tree or trees. If the owner fails, neg-

lects, or refuses to remove the trees, the Tree Board may enter upon the property and proceed to direct the removal of the trees and the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the City after being properly billed, the costs shall be assessed against the property and certified by the city clerk to the county treasurer to be collected in the manner prescribed by law. Failure to remove the said trees shall be deemed to be a misdemeanor. (Neb. Rev. Stat. §17-563.01, 18-1720, 28-1321) (Am. by Ord. No. 2007-17, 9/25/07)

SECTION 2-214: 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 2-215: TREES; WORK ORDERED OR DONE BY THE CITY

Written permission shall not be required for any tree, shrub or hedge planting, pruning, spraying or removing ordered or done by the City; however, all such work shall be done in conformance with the requirements of Sections 2-204 through 2-214 of this article.

SECTION 2-216: TREES; ABUSE OR MUTILATION

Unless specifically authorized by the Tree Board, no person shall intentionally damage, cut, carve, transplant or remove any street tree or park tree; attach any rope, wire, nails, advertising posters or other contrivance to such trees; allow any gaseous, liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of such trees. The preceding restrictions do not apply to proper planting, staking and guying practices.

SECTION 2-217: TREES; PROTECTION OF TREES

A. All street trees or park trees near any excavation or construction of any building, structure or street work, shall be guarded with a substantial fence, frame or box not less than four feet high and eight feet square and all construction materials, soil or other debris shall be kept outside the barrier.

B. No person shall excavate any ditches, tunnels, trenches or lay any drive within ten feet of any street or park tree without first obtaining written permission from the Tree Board.

C. No person shall deposit, place, store or maintain upon any public property of the City, any stone, brick, sand, soil, concrete or other material which may impede the free passage of water, air and fertilizer to the roots of any street tree or park tree, except by written permission of the Tree Board.

SECTION 2-218: TREES; ARBORISTS; LICENSE AND BOND

Persons, firms, or utilities engaged in the business or occupation of pruning, treating or removing any street tree, park tree or other privately owned tree must be recognized by the Nebraska Arborists Association as a certified arborist or tree technician. Tree technicians must carry evidence of liability insurance and workmen's compensation. No certification shall be required by any public employees doing such work in the pursuit of

their public service endeavors.

Article 3 – Park & Recreation Advisory Board

SECTION 2-301: PARKS; OPERATION AND FUNDING

The City owns and operates the city parks and other recreational areas through the Park and Recreation Advisory Board. The City Council, for the purpose of defraying the cost of the care, management, and maintenance of the city park 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 city treasurer. The Board shall have the authority to adopt rules and regulations for the efficient management of the city parks and other recreational areas of the City. The committee shall not enter into a contract of any nature which involves an expenditure of funds, except for ordinary operating expenses, unless the contract has been approved by resolution of a majority of the City Council prior to the contractual agreement. (Neb. Rev. Stat. §17-948 through 17-952)

SECTION 2-302: BOARD; MEMBERS; TERMS; MEETINGS; DUTIES

A. There is hereby created a Park and Recreation Advisory Board for the City. In lieu of appointing a Park and Recreation Advisory Board, the City Council may act as such board. The Board shall consist of not more than ten members, who shall be appointed by the mayor with the approval of a majority of the City Council. Up to two of the members may reside outside of the city limits, and all other members are to be residents of the City. (Am. by Ord. No. 2009-28, 12/8/09)

B. The Park and Recreation Advisory Board shall act in an advisory capacity to the City Council and shall prepare a long-range program for the development of the city park and the promotion of recreational activities. Its recommendations shall be submitted to the City Council for final approval. The Board shall have no power to expend funds of the City or to incur any indebtedness which is binding upon the City.

C. Immediately upon the appointment of the members of the Park and Recreation Advisory Board as herein provided, the Board shall organize and select one of its members as chairman. The Board has power to appoint committees and subcommittees to assist in the planning and carrying out of the park and recreational program in an efficient manner and to adopt all necessary rules and regulations for the performance of its duties, including those necessary for its organization and operation. All rules and regulations adopted by the Board shall be subject to review and approval of the City Council. The rules and regulations adopted by the Board shall be on file with the city clerk and available for public inspection during office hours.

D. The Board shall be responsible for making such reports and performing such additional duties as the City Council may from time to time designate.
(Ord. No. 90-11, 6/14/90)

SECTION 2-303: DEFINITIONS

For the purposes of this article, the following definitions are applicable:

"Director" means and includes a department or division head as designated by the mayor.

"Motor vehicle" means and includes any vehicle propelled by power other than muscular power.

"Park" means and includes any park, playground, swimming pool, recreation center, or any other park or recreational use of facility within or without the limits of the City which is under the city ownership or control.

"Roadway" means and includes every way open to the use of the public for vehicular travel, including any street or highway of the City in or through any park as herein defined, and including any park drive, parkway and park boulevard open to the public for vehicular travel.

SECTION 2-304: PARKS; OPENING AND CLOSING HOURS; NOTICE; PENALTY

A. It is hereby provided that except in emergencies the public parks will be open each and every day from the hours of 7:00 A.M. to 11:00 P.M. January thru December, except

1. The closing hour shall be extended to one hour after the finish of an organized sporting or social event which has been approved by the City Council or City Administration.
2. The City Administration or City Council reserves the right to temporarily close any and all parks if deemed necessary.

B. Notice of hours will be posted in a conspicuous place to give reasonable notice to all persons entering the park. Anyone in the park after closing hours shall be guilty of misdemeanor trespassing.

(Neb. Rev. Stat. §28-521) (Ord. No. 91-3, 7/11/91; 02-12, 9/24/02; 2010-06, 3/23/10)

SECTION 2-305: PARKS; INJURY TO PROPERTY

It shall be unlawful for any person to maliciously or willfully cut down, injure or destroy any tree, plant or shrub in the city parks and recreational areas. It shall be unlawful for any person to injure or destroy any sodded or planted area or injure or destroy any building, structure, equipment, fence, bench, table or any other property of the city parks and recreational areas. No person shall commit any waste on or litter the city parks or other public grounds. (Neb. Rev. Stat. §17-948 through 17-952)

SECTION 2-306: PARKS; VEHICLES

Except for personnel assigned to work in a park, it shall be unlawful for any person to operate any motor vehicle in or through any park except on a roadway.

SECTION 2-307: PARKS; SNOWMOBILES; VIOLATION; PENALTY

A. The City Council may authorize the operation of snowmobiles within any park and adopt rules and regulations governing: (1) the area or areas of permissible opera-

tion; (2) the times of operation; (3) the number of snowmobiles in the park; (4) the number of persons on the snowmobile; and may adopt such other rules and regulations as deemed necessary for the protection of persons and property.

B. Said rules and regulations shall be filed with the office of the city clerk and when so filed shall be in full force and effect; provided, when snowmobile operation is permitted in a park, it shall be sufficient that notice be posted at the entrance to such park or at designated areas within the park indicating the permissible area of operation.

C. Any person operating a snowmobile within a park shall (1) indemnify, save and keep the City harmless from any and all damages, liability, losses or judgments that may be claimed against it as a result of said use, and (2) thereby assume all responsibility and liability for any damages resulting from such operation.

D. Any person who operates a snowmobile in an area not designated for such operation or who violates any rule or regulations adopted pursuant to this article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not to exceed \$500.00 recoverable with costs. Each day that a violation of this chapter continues shall constitute a separate and distinct offense and shall be punishable as such.

SECTION 2-308: PARKS; ANIMALS

It shall be unlawful for any person to drive or ride any horse or any other animal in or through any park except upon roadways or at special events authorized by the City Council.

SECTION 2-309: PARKS; ADVERTISING

It shall be unlawful for any person to place or erect any structure, sign, bulletin board, post, pole, or advertising device of any kind whatever in any park, or to attach any notice, bill, poster, sign, wire, rope, or cord to any tree, shrub, fence, railing, post or structure within any park, except as authorized by the City Council in accordance with rules and regulations they have promulgated.

SECTION 2-310: PARKS; COMMERCIAL ACTIVITY

It shall be unlawful for any person to have any commercial activity within any park or on any roadway, except as authorized by action of the City Council.

SECTION 2-311: PERMIT FOR EXCLUSIVE USE OF PARK PROPERTY; BOND, INSURANCE

A. *Granting of Exclusive Use.* Notwithstanding other provisions of this chapter, the City Council may grant the exclusive use of any park or portion or facility thereof for a limited period of time not to exceed seven days for a noncommercial purpose and charge therefor, provided that uniform granting of such use will not impair the City's ability to provide adequate park facilities for the use of the public during such period of time.

B. *Application.* Before the City Council may issue any permit hereunder, the person or organization seeking such permit shall file an application setting forth the following:

1. The name, address and telephone number of the person filing the application.
2. The name, address and telephone number of the headquarters of the organization, if an organization is involved, and of the persons who manage such organization who will oversee the use requested.
3. The exact use for which the permit is requested.
4. The park or portion or facility thereof requested for such use.
5. The exact dates and if applicable the hours, for which the use is requested.
6. The number of persons expected.
7. If applicable, the number and types of vehicles expected, including the number and types of any camping vehicles and the estimated time of arrival of all vehicles.
8. If required by the City Council, an agreement to save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of such use.

C. *Surety Bond, Liability Insurance.* If the City Council determines that the use requested is different from the regular and normal use of such park property and that to grant the use requested would effect a greater hazard to persons or property than regular and normal use, it shall require as a condition of granting such use the providing of the surety bond and liability insurance specified herein. In making this determination, the Council shall consider (1) the nature of the proposed use, (2) the nature of the subject park property and the reasonable adaptability of the same to such use, (3) the number of persons expected to use such park property under such permit, (4) the past experience the City and other governmental subdivisions have had with this type of use in parks, (5) the effect such use would be likely to have on the neighborhood adjacent to such park property, and (6) the nature of the organization or group which would be using such park property under such permit. The Council shall not discriminate against any person because of race, color, religion, sex, or national origin in making such determination. In no case shall the Council permit, or continue to permit, a use of park property under the provisions of this section if it reasonably appears that such use would effect, or is effecting to a substantial extent, either at the location of the subject park property or in the neighborhood adjacent to such property, an interference with the safe and orderly movement of vehicular or pedestrian traffic, an interference with fire or police protection, physical damage to persons or property, a disturbance of the peace, or a health hazard.

D. *Surety Bond; Conditions.* The surety bond which shall be furnished the City if required hereunder shall be in the sum of \$500.00 conditioned upon the following: (1) that the person or organization to whom such a permit is issued, his/her/its heirs, successors, and assigns shall save and keep the City free and harmless from any and all loss or damage to City property; (2) full and complete protection of the City against any and all litigation growing out of granting of such use or anything done under such permit; (3) returning of the park property to the same condition and degree of cleanliness that it was in prior to the commencement of the use by said person or organization and

for the removal of any item of property left or placed in or on the subject park property by such person or by such organization or any member thereof; (4) faithful performance and observance of all the terms and conditions of such permit; (5) where the City requires compensation by the person or by the organization or its members as a condition of such use of park property, for the prompt and full payment of the City of such compensation. Said bond shall not be liable for personal injury, nor shall it be liable for property damage resulting to persons or organizations other than the City. Said bond shall be executed by a bonding company or surety company authorized to do business in the State and shall be approved as to form by the city attorney before the commencement of such use.

E. *Liability Insurance; Terms.* The liability insurance which shall be furnished the City, if required hereunder, shall provide coverage for the operations under such permit of the person or organization, including members, to whom the permit is issued. Such insurance coverage shall be in the minimum amounts of \$100,000.00 for the injury or death of any one person in any one accident or occurrence, \$300,000.00 for the injury or death of any number of persons in any one accident or occurrence, and \$50,000.00 for property damage in any one accident or occurrence; and both the person or organization and the City shall be insureds thereunder. Separate policies or certificates of insurance showing the person or organization to be covered under one policy and the City to be covered under another policy may be filed in lieu of a single policy or certificate at the option of the person or organization. All such policies and certificates of insurance shall be issued by companies authorized to do business in the State and shall be approved as to form by the city attorney before the commencement of such use.

F. *Grievance; Appeal.* Any person or organization aggrieved by any determination of the City Council made under any provision of this section may appeal such determination to the Council by setting forth the details of such grievance in a letter to the Council with a copy to the city clerk. Not less than five days after the filing of such letter, such person or organization shall personally appear before the City Council to show why he/she/it is aggrieved and why and how such determination should be modified or reversed by the City Council. The Council shall then make a final determination of the matter in controversy at or before its next regular meeting and shall sustain, modify, or reverse the determination made by the mayor.

Article 4 – Planning Commission

SECTION 2-401: MEMBERS; TERMS

The City Council shall appoint the Planning Commission, which shall consist of nine members representing, insofar as is possible, the different professions or occupations in the City and who shall be residents of the City. However, two of such members may be residents of the area over which the City is authorized to exercise extraterritorial zoning and subdivision regulations. No member of the City Council, or other city official, except where otherwise specifically provided, shall serve as a member of the Planning Commission while serving any other term of office. The members of the Commission shall serve three-year terms of office unless reappointed. All regular members shall hold office until their successors are appointed. After a public hearing before the City Council, any member may be removed by the mayor 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 portion of the term by the mayor. The members of the Commission 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. The Planning Commission shall be funded by the City Council from time to time out of the General Fund. (Neb. Rev. Stat. §19-901, 19-925, 1-926)

SECTION 2-402: ALTERNATE MEMBER

The mayor, with the approval of a majority vote of the members of the Council, shall appoint one alternate member to the Planning Commission. The alternate member shall serve without compensation and shall hold no other municipal office. The term of the alternate member shall be three years, and he/she shall hold office until his/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 vote of the 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)

SECTION 2-403: OFFICERS; MEETINGS

At the time of the Commission's first meeting in June of each year, the members shall organize by selecting from their membership a chairman and secretary. No member of the Commission shall serve in the capacity of both chairman and secretary. The terms of the chairperson and secretary shall be one year and they shall be eligible for re-election. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file the same with the city clerk, where they shall be available for public inspection during office hours. A majority of the members shall constitute a quorum for the purpose of doing business. Special meetings may be held upon the call of the chairman or any three members of the Commission. (Neb. Rev. Stat. §19-927)

SECTION 2-404: DUTIES

It shall be the duty of the Commission to 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 the City. The Commission shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate. All actions by the Commission shall be subject to the review and supervision of the City Council. (Neb. Rev. Stat. §19-929)

Article 5 – Board of Adjustment

SECTION 2-501: MEMBERS; TERMS; MEETINGS; DUTIES

A. The City Council shall appoint the Board of Adjustment, which shall consist of five regular members plus one additional member designated as an alternate, who shall attend and serve only when one of the regular members is unable to attend for any reason. Each member of the Board shall serve a term of three years, unless reappointed,

and shall be removable only for good and sufficient cause by the City Council upon written charges and after a public hearing. The members of 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 City Council and conditioned upon the faithful performance of their duties. One member of the Board of Adjustment shall be at the same time a member of the Planning Commission at all times. Upon the loss of membership on the Planning Commission, the said member shall also lose his/her membership on the Board of Adjustment. The Board shall be funded from time to time out of the General Fund by the City Council.

B. The Board shall organize at its first meeting in June of each year and elect from its membership a chairman and secretary. It shall be the duty of the secretary to keep complete and accurate minutes of all Board meetings and to file the same at the office of the city clerk for examination at any reasonable time by the public. Meetings of the Board shall be held at such times as the City Council may designate, or at such other times as the chairman may determine in his/her discretion. Special meetings may be also held upon the call of any three members of the Board. A majority of the board shall constitute a quorum for the purpose of doing business.

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

(Neb. Rev. Stat. §19-907 through 19-910, 84-155)

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.