

The  
Municipal Code  
of  
McGrew, Nebraska

Adopted  
October 13, 2011

## **PREFACE**

This Municipal Code of McGrew, Nebraska, 2011, contains all the ordinances of the Municipality of a general nature.

A Table of Contents appears after this page, and a complete index to the subject matter included in the several chapters and sections herein will be found at the end of this volume. Convenient cross-references to the Statutes of Nebraska indicate the source of legislative power and supplement the text.

The text of the McGrew Municipal Code, 2011, is arranged in the same manner as the Revised Statutes of Nebraska. The number preceding the hyphen is the chapter number; immediately following the hyphen is the article number; and following that is the section number. Each section number is complete within itself indicating the number of the chapter, article, and section.

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**Ordinances of a General and Permanent Nature  
of the  
Village of McGrew, Nebraska**

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE  
VILLAGE OF MCGREW, NEBRASKA

Section 1. Codification. The general ordinances of the Municipality of McGrew, Nebraska, are hereby codified into ten chapters and the articles and sections thereunder, which are adopted and declared to be ordinances of this Municipality.

Section 2. Repeal of Prior Ordinances in Conflict. All ordinances and parts of ordinances of a general or permanent nature passed and approved prior to the passage and approval of this codification ordinance and in conflict with this ordinance or with any of the provisions of this ordinance, are hereby repealed; Provided, that in construing the provisions of this ordinance the following ordinances shall not be considered or held to be ordinances of a general or permanent nature, to-wit:

1. Ordinances vacating streets and alleys.
2. Ordinances authorizing or directing public improvements to be made.
3. Ordinances levying taxes or special assessments.
4. Ordinances granting any right, privilege, franchise, or license to persons, firms or corporations.
5. Ordinances providing for the issuance of bonds or other instruments or indebtedness.
6. Ordinances establishing grades.
7. Real Estate Transactions.
8. Any other ordinance, which by its nature, would be considered special.

Section 3. Exception. The repeal of ordinances as provided in the Ordinance shall not affect any rights acquired, fines, penalties, forfeitures, liabilities incurred thereunder, or actions involving any of the provisions of such ordinances and parts thereof. Such ordinances above repealed are hereby continued in force and effect after the passage, approval, and publication of this general codification ordinance for the publication of this general codification ordinance for the purpose of all rights, fines, penalties, forfeitures, liabilities, and actions therefore.

Section 4. Defining Chapters, Articles, and Sections. The chapters, articles, and sections as set forth herein shall be and hereby are declared to be the chapters, articles, and sections of this general codification ordinance.

All ordinances hereafter passed by the local Village Board of the Municipality shall be numbered consecutively, beginning with the number 128.

Section 5. Severability. If any section, subsection, paragraph, sentence, clause, phrase, term, or provision of this jurisdiction for any reason whatsoever, such decision shall not affect the remaining portions of this code, which will remain in full force and effect, and provision of this ordinance are hereby declared to be severable.

Section 6. Blanket Penalty. Any person, his agents, or servants who shall violate any of the provisions of this Municipal Code unless otherwise specifically provided herein, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding one hundred (\$100.00) dollars. Whoever aids, abets, procures, encourages, requests, advises, or incites another to commit any act which is an offense under this Code or under any other ordinance of the Municipality may be prosecuted and punished as though he were the principal offender.

Section 7. General Definitions:

1. Person. Whenever used in this code, the word person shall include natural persons, artificial persons, such as corporations, co-partnerships, associations, and all aggregate organizations of whatever character.

2. Gender and Number. All words used herein implying the masculine gender may apply to, and include the feminine or neuter gender and all words importing the plural may be applied to, and mean a single person, firm or thing. All words importing the singular number may be applied to and mean the plural number.

3. Code, Ordinance, and Chapter. Municipal Code shall mean the 2011 Village of McGrew Code as adopted pursuant to the authority of the Village Board of Trustees. Ordinance and Chapter are used synonymously unless from the context the contrary clearly appears.

4. Municipal and Municipality. The words Municipal and Municipality, whenever used in this code, mean the Village of McGrew, Nebraska, a Municipal Corporation.

5. Village Board. The words Village Board, whenever they appear in this Code, mean the Chairman and Board of Trustees of the Municipality.

**Chapter 1**  
**ADMINISTRATIVE**

Article 1. Elected Officials

Sec. 1-101 VILLAGE BOARD CHAIRMAN; SELECTION AND DUTIES.

The Village Board Chairman shall be selected at the first (1st) meeting in December of each year by the Village Board from its own membership. The Village Board Chairman shall preside at all meetings of the Village Board. In the absence of the Village Board Chairman, The Village Board shall elect one of its own body to occupy the place temporarily who shall hold the title of Chairman pro tempore of the Village Board. The Chairman and Chairman pro tempore shall have the same powers and privileges as other members of the Board. The Chairman shall cause the ordinances of the Board to be printed and published for the information of the inhabitants. The Village Chairman shall also perform all duties of his office in accordance with the laws of the State of Nebraska, and the ordinances of the Village. The qualifications for the Village Board Chairman shall be the same general qualifications that apply to the Village Board members. (Ref. §17-202 thru §17-210 R.R.S. Neb.)

Section 1-102 VILLAGE BOARD; ORGANIZATION

The Board of Trustees shall consist of five (5) members. Any person who is a citizen of the United States, a resident of the Municipality at the time of his election, and a registered voter may be eligible to be elected to the Board of Trustees. Every Trustee so elected and so qualified shall hold his office for the term of (4) years; Provided, a Trustee's term shall expire, and the office will become vacant upon a change of residence from the Municipality. The Board of Trustees shall, before entering upon the duties of their office, take an oath to support the Constitution of the United States, and the Constitution of the State of Nebraska, and faithfully and impartially discharge the duties of the office. The Board of Trustees shall qualify and meet on the first regular meeting in December, organize, and appoint the Municipal officers required by law. (Ref. §17-202 thru §17-204 R.R.S. Neb.)

Sec. 1-103 VILLAGE BOARD; POWERS AND DUTIES.



The Board of Trustees shall have the power to pass ordinances to prevent and and remove nuisances; to prevent, restrain, and suppress gambling, and disorderly houses; to license and regulate amusements; to establish police protection; to prevent the spread of contagious diseases; to regulate business; to erect, repair, construct, and regulate the public ways and property; to maintain good government, public welfare, and domestic tranquility; and to enforce all ordinances by inflicting penalties upon inhabitants, or other persons for violation thereof not exceeding one hundred (\$100.00) dollars for any one (1) offense. (Ref. §17-207 R.R.S. Neb.)

Sec. 1-104 ELECTED OFFICIALS; VACANCY.

Whenever a vacancy occurs in an elected office of the Municipality, notice of said vacancy shall be presented in writing to the Board of Trustees at a regular meeting and said notice shall appear as a part of the minutes of such meeting.

The Board of Trustees shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the Municipality or by posting in three (3) public places in the Municipality the office vacated and the length of the unexpired term. A newspaper in general circulation need not be printed in the Municipality, but may be one in general circulation as defined in Nebraska statute.

The Chairman of the Board of Trustees shall within two (2) weeks after the regular meeting at which such notice has been presented, or upon the death of the incumbent, call a special meeting of the Board at which time the Chairman shall submit the name of a qualified elector to fill the vacancy for the balance of the unexpired term.

No officer who is removed at a recall election or resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the Village Board during the remainder of his or her term of office.

Upon a majority vote of approval by the Board the vacancy shall be filled. If a majority vote is not reached, the nomination shall be rejected and the Chairman shall at the next regular meeting submit the name of another qualified elector. If the vote on the nominee fails to carry by majority vote, the Chairman shall continue at such meeting to submit the names of qualified electors and the Board shall continue to vote upon such nominations until the vacancy is filled.

The Chairman of the board shall cast his vote only in case of a tie vote of the Board of Trustees.

All Board members shall cast a ballot for or against each nominee.

The Chairman and Board may, in lieu of filling a vacancy in a Village office as provided above in this Section, call a special Municipal Election to fill such vacancy.

If there is a vacancy in the offices of a majority of the members of the Village Board, there shall be a special Municipal Election conducted by the Secretary of State to fill such vacancies. (Ref. §19-3003 R.R.S. Neb.)

## Article 2. Appointed Officials

### Sec. 1-201 APPOINTED OFFICIALS; GENERAL AUTHORITY.

The Village Board may appoint a Municipal Clerk, a Municipal Treasurer, a Municipal Utilities Superintendent, and a Municipal Marshal. It shall also appoint a Board of Health consisting of three (3) members; the Chairman of the Village Board shall be the Chairman of the Board of Health, the Marshall shall be the Secretary and Quarantine Officer of the Board of Health, and an additional member who shall be a physician, when a physician is residing permanently in the Municipality, and when there is no physician resident, then such other person as the Village Board may select. It shall also appoint such additional officials, and employees as they may determine the Municipality needs. All such appointees shall hold office for one (1) year, unless sooner removed by the Chairman of the Board by, and with, the advice and consent of the Village Board. (Ref. 17-208 R.R.S. Neb.)

### Sec. 1-202 APPOINTED OFFICIALS; MERGER OF OFFICES.

The Village Board of the Municipality may, in its discretion, by ordinance combine and merge any elective or appointive office or employment, except Village Trustee, with any other elective, or appointive offices so that one or more of such offices may be held by the officer or employee at the same time, except that Trustees may perform and upon Board approval, receive compensation for seasonal or emergency work so long as there is no conflict of interest for such compensation. The offices so merged and combined shall always be construed to be separate, and the effect of the combination or merger shall be limited to a consolidation of official duties only; and provided further, the salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined. For

purposes of this Section, volunteer firefighters and ambulance drivers shall not be considered officers. (Ref. 17-209.02 R.R.S. Neb.)

Sec. 1-203 APPOINTED OFFICIALS; CLERK-TREASURER POSITION CREATED.

The appointive offices of Municipal Clerk and Municipal Treasurer are hereby combined and merged, in accordance with the authority granted to the Village Board by Section 1-202.

The office so merged and combined shall always be construed to be separate, and the effect of the combination, or merger, shall be limited to a consolidation of official duties only.

The salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined.

Sec. 1-204 APPOINTED OFFICIALS; MUNICIPAL CLERK.

The Municipal Clerk shall attend the meetings of the Village Board and keep a correct journal of the proceeding of that body. The clerk shall keep a record of all outstanding bonds against the Municipality and when any bonds are sold, purchased, paid, or canceled, said record shall show the fact. He shall make, at the end of the fiscal year, a report of the business of the Municipality transacted through his office for the year. That record shall describe particularly the bonds issued, and sold during the year, and the terms of the sale with each, and every item, and expense thereof. The clerk shall file all official bonds after the same shall have been property executed, and approved. He shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Village Board.

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

The Municipal Clerk shall permit no records, public papers, or other documents of the Municipality kept, and preserved in the office to be taken therefrom, except by such officers of the Municipality as may be entitled to the use of the same, but only upon their leaving a receipt therefore.

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

The clerk shall keep, and preserve the proceedings of the Village Board in two (2) separate, and distinct record books. The Minute Records shall contain a record of all the miscellaneous, and informal doing of the Village Board. The Minute Records shall not include the passage, and approval of ordinances except such resolutions incorporating by reference the Ordinance Record into the Minute Records. The Ordinance Record shall contain the formal proceedings of the Village Board in the matter of passing, approving, publishing, posting and certifying of ordinances.

After the formalities for the legal enactment of an ordinance have been completed, the Municipal Clerk shall record, and spread at large in the Ordinance Record his ordinance minutes on printed forms. In all cases hereafter where single ordinances are introduced for the consideration of the Village Board, the Municipal Clerk shall cause to be introduced an appropriate resolution, incorporating by reference the Ordinance Record into the Minute Record.

The clerk shall keep an accurate, and complete account of the appropriation of the several funds, draw, sign, and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he shall then make a report of the amounts appropriated to the various funds, and the amount of the warrants drawn thereon. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records at all reasonable times.

The Municipal Clerk shall deliver all warrants, ordinances and resolutions to the Chairman for his signature. He shall also deliver to officers, employees, and committees all resolutions, and communications which are directed at said officers, employees, or committees. With the seal of the Municipality, the clerk shall duly attest the Chairman's signature to all ordinances, deeds, and papers required to be attested to when ordered to do so by the Village

Board. Within thirty (30) days after any meeting of the Village Board, the Municipal Clerk SHALL PREPARE, AND PUBLISH THE OFFICIAL PROCEEDINGS OF The Village Board IN A LEGAL Newspaper of general circulation in the Municipality, and which was duly designated as such by the Village Board. Said publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item.

Between July 15 and August 15 of each year, the names of all employees and their current annual, monthly, or hourly salaries shall be published and any changes in salaries or the hiring of new employees during the calendar quarter preceding the months of November, February, and May; provided, the charge for such publication shall not exceed the rates provided by the statutes of the State of Nebraska. Said publication shall be charged against the General Fund. The clerk shall then keep in a book with a proper index, copies of all notices required to be published, or posted by the Municipal Clerk by order of the Village Board, or under the ordinances of the Municipality. To each of the file copies of said notices shall be attached the printer's affidavit of publication, if the said notices are required to be published, or the Municipal Clerk's certificate under seal where the same are required to be posted only.

The Municipal Clerk shall receive all objections to creation of paving districts, and other street improvements. The clerk shall receive the claims of any person against the Municipality, and in the event that the said claim is disallowed in part, or in whole, the Municipal Clerk shall notify such claimant, his agent, or attorney by letter within five (5) days after such disallowance, and the Municipal Clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.

The Municipal Clerk may charge a reasonable fee for certified copies of any record in the office as set by resolution of the Village Board. The clerk shall destroy Municipal records under the direction of the State Records Board pursuant to Sections 84-1201 thru 84-1220; Provided, the Village Board shall not have the authority to destroy the Minutes of the Municipal Clerk, the permanent ordinances, and resolution books, or any other records classified as permanent by the State Records Board. (Ref. 17-605, 19-1104, 84-1201 thru 84-1220, 84-712.01 R.R.S. Neb.)

Sec. 1-205 APPOINTED OFFICIALS; MUNICIPAL TREASURER.

The Municipal Treasurer shall be the custodian of all moneys belonging to the Municipality. He shall keep all money belonging to the Municipality and keep such monies separate, and distinct from his own money.

He shall keep a separate account of each fund or appropriation, and the debits, and credits belonging thereto. He shall issue duplicate (2) receipts for all moneys received by him for the Municipality. He shall give to every person paying money into the Municipal Treasury, a receipt therefore, specifying the date of payment, and the account paid. One (1) of the receipts shall be filed with his monthly report, and the last copy of the said receipt shall be kept on file in his office.

The Treasurer's books, and accounts shall always be open for inspection by any citizen of the Municipality whenever any Municipal fiscal record, audit, warrant, voucher, invoice, purchase order, requisition, payroll check, receipt or other record of receipt, cash or expenditure involving public funds is involved. He shall cancel all bonds, coupons, warrants, and other evidences of debt against the Municipality, whenever paid by him, by writing, or stamping on the face thereof, "Paid by the Municipal Treasurer," with the date of payment written or stamped thereon.

He shall collect all special taxes, allocate special assessments to the several owners, and shall obtain from the County Treasurer a monthly report as to the collection of delinquent taxes. The Treasurer's daily cash book shall be footed and balanced daily and he shall adopt such bookkeeping methods as the Village Board shall prescribe. He shall invest and collect all money owned by, or owed to, the Municipality as directed by the Village Board. (Ref. 17-606 thru 17-609, 84-712 R.R.S. Neb.)

Sec. 1-206 APPOINTED OFFICIALS; TREASURER'S MONTHLY REPORT.

The Municipal Treasurer shall at the end of each, and every month, and such other times as the Village Board may deem necessary, render an account to the Village Board under oath showing the financial state of the Municipality at that date, the amount of money remaining in each fund and the amount paid therefrom, and the balance of money remaining in the Treasury. He shall accompany the said account with a statement of all receipts, and disbursements, together with all warrants redeemed, and paid by him.

He shall also produce depository evidence that all Municipal money is in a solvent, and going bank in the name of the Municipality. If the Municipal Treasurer shall neglect, or fail for the space of ten (10) days from the end of each and every month to render his accounts as aforesaid, the Village Board shall, by resolution, declare the office vacant, and appoint some person to fill the vacancy. The Municipal Treasurer shall be present at each regular meeting of the Village Board at which time he shall read, and file his monthly report. (Ref. 17-606 R.R.S. Neb.)

Sec. 1-207 APPOINTED OFFICIALS; TREASURER'S ANNUAL REPORT.

The Municipal Treasurer shall publish in a legal newspaper having general circulation within the Municipality, within sixty (60) days following the last day of September of each year, a report of the activities of his office which said report shall show in detail. Said report shall include all receipts, disbursements, warrants outstanding, and the debit, or credit balance of the Municipality. (Ref. 19-1101 R.R.S. Neb.)

Sec. 1-208 APPOINTED OFFICIALS; MUNICIPAL ATTORNEY.

The Municipal Attorney is the Municipality's legal advisor, and as such he shall commence, prosecute, and defend all suits on behalf of the Municipality. When requested by the Village Board, he shall attend meetings of the Village Board, and shall advise any Municipal Official in all matters of law in which the interests of the Municipality may be involved.

He shall draft such ordinances, bonds, contracts, and other writings as may be required in the administration of the affairs of the Municipality. He shall examine all bonds, contracts, and documents on which the Village Board will be required to act, and attach thereto a brief statement in writing to all such instruments, and documents as to whether or not the document is in legal and proper form.

He shall prepare complaints, attend, and prosecute violations of the Municipal ordinances when directed to do so by the Village Board. Without direction he shall appear and prosecute all cases for violation of the Municipal ordinances that have been appealed to and are pending in any higher court.

He shall also examine, when requested to do so by the Village Board, the ordinance records, and advise and assist the Municipal Clerk as much as may be necessary to the end that

each procedural step will be taken in the passage of each ordinance to insure that they will be valid, and subsisting local laws in so far as their passage and approval are concerned.

The Village Board shall have the right to compensate the Municipal Attorney for legal services on such terms as the Village Board and the Municipal Attorney may agree, and to employ any additional legal assistance as may be necessary out of the funds of the Municipality. (Ref. 17-610 R.R.S. Neb.)

Sec. 1-209 APPOINTED OFFICIALS; MUNICIPAL ENGINEER.

The Municipal Engineer shall make all surveys, estimates, and calculations necessary to be made for the establishment of any public utilities, and the costs of labor and materials therefore. He shall accurately make all plats, sections, and maps as may be necessary under the direction of the Village Board.

Upon request, he shall make estimates of the cost of labor and material which may be done or furnished by contract with the Municipality, and make all surveys, estimates, and calculations necessary to be made for the establishment of grades, building of culverts, sewers, electric light system, water works, power plant, public heating system, bridges, curbing, and gutters and the improvement of streets and erection and repair of buildings, and shall perform such other duties as the Village Board may require. (Ref.17-568.01, 17-919, 81-3445 R.R.S. Neb.)

Sec. 1-210 APPOINTED OFFICIALS; SPECIAL ENGINEER.

The Village Board may employ a Special Engineer to make or assist the Municipal Engineer in making any particular estimate, survey, or other work. The Special Engineer shall make a record of the minutes of his surveys and all other work done for the Municipality.

He shall, when directed by the Village Board, accurately make all plats, sections, profiles, and maps as may be necessary in the judgment of the Village Board. He shall, upon request of the Village Board, make estimates of the costs of labor and material which may be done or furnished by contract with the Municipality, and make all surveys, estimates, and calculations necessary for the establishment of grades, bridges, building of culverts, sewers, electric light system, water works, power plant, public heating system, curbing and gutters and the



improvement of streets and erection and repair of buildings, and shall perform such other duties as the Village Board may require.

All records of the Special Engineer shall be public records which shall belong to the Municipality, and shall be turned over to his successor. (Ref. 17-568, 17-919 R.R.S. Neb.)

Sec. 1-211 APPOINTED OFFICIALS; MUNICIPAL UTILITIES SUPERINTENDENT.

A Utilities Superintendent shall be appointed in the event that there is more than one Municipal utility, and the Village Board determines that it is in the best interest of the Municipality to appoint one official to have the immediate control over all the said Municipal utilities. The Utilities Superintendent may be removed at any time by the Village Board and any vacancy occurring in the said office by death, resignation or removal may be filled in the manner herein before provided for the appointment of all Municipal officials. (Ref. 17-541 R.R.S. Neb.)

Sec. 1-212 APPOINTED OFFICIALS; VILLAGE MARSHAL.

The Village Marshal shall be the chief law enforcement officer of the agency hired by the Village to enforce the Village ordinances. He shall act as Health Inspector except in the event the Village appoints another person. He shall file the necessary complaints in cases arising out of violations of Village ordinances, and shall make all necessary reports required by the Village ordinances, or the laws of the State of Nebraska.

Article 3. Bonds and Oath

Sec. 1-301 BONDS; FORM.

Official bonds of the Municipality shall be in form, joint and several, and shall be made payable to the Municipality in such penalty amount on any bond shall not fall below the legal minimum, when one has been set by the State of Nebraska, for each particular official.

All official bonds of the Municipal officials shall be executed by the principal named in such bonds and by at least two (2) sufficient sureties who shall be freeholders of the county, or by the official as principal and by a guaranty, surety, fidelity, or bonding company; Provided no Municipal official, while still in his official term of office, shall be accepted as surety on any other official's bond, contractor's bond, license bond, or appeal bond under any circumstances.

Only companies that are legally authorized to transact business in the State of Nebraska shall be eligible for suretyship on the bond of an official of the Municipality. All said bonds shall obligate the principal, and sureties for the faithful discharge of all duties required by law of such principal, and shall inure to the benefit of the Municipality and any persons who may be injured by a breach of the conditions of such bonds.

No bond shall be deemed to be given or complete until the approval of the Village Board, and all sureties are endorsed in writing on the said instrument by the Chairman and Municipal Clerk pursuant to the said approval of the Village Board. The premium on any official bond required to be given may be paid out of the General Fund, or other property Municipal fund, upon a resolution to that effect by the Village Board at the beginning of any Municipal year.

All official bonds, meeting the conditions herein, shall be filed with the Municipal Clerk for his official records, and it shall be the duty of the Municipal Clerk to furnish a certified copy of any bond so filed upon the payment of a fee which shall be set by resolution of the Village Board. In the event that the sureties on the official bond of any officer of the Municipality, in the opinion of the Village Board, become insufficient, the Village Board may, by resolution, fix a reasonable time within which the said officer may give a new bond or additional sureties as directed.

In the event that the officer should fail, refuse, or neglect to give a new bond, or additional sureties to the satisfaction, and approval of the Village Board then the office shall, by such failure, refusal, or neglect, become vacant, and it shall be the duty of the Village Board to appoint a competent, and qualified person to fill the said office. Any official who is reelected to office shall be required to file a new bond after each election. (Ref. 11-103 thru 11-119, 17-604 R.R.S. Neb.)

Sec. 1-302 OATH OF OFFICE; MUNICIPAL OFFICIALS.

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

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

(Ref. 11-101 R.R.S. Neb.)

Article 4. Corporate Seal

Sec. 1-401 SEAL; OFFICIAL CORPORATE.

The official Corporate Seal of the Municipality shall be kept in the office of the Municipal Clerk, and shall bear the following inscription, “Official Seal, Village of McGrew, Nebraska.” The Municipal Clerk shall affix an impression of the said official seal to all warrants, licenses, permits, ordinances, and all other official papers issued by order of the Village Board and countersigned by the Municipal Clerk. (Ref. 17-502 R.R.S. Neb.)

## Article 5. Meetings

### Sec. 1-501 MEETINGS; DEFINED.

Meetings, as used in this Article shall mean all regular, special, or called meetings, formal or informal, of a public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any action. (Ref. 84-1409 (2) R.R.S. Neb.)

### Sec. 1-502 MEETINGS; PUBLIC BODY DEFINED.

Public Body as used in this Article shall mean:

- A. The Village Board of the Municipality,
- B. All independent boards, commissions, bureaus, committees, councils, subunits, Certificate of Need appeal panels, or any other bodies, now or hereafter created by Constitution, statute, or otherwise pursuant to law, and
- C. Advisory committees of the bodies listed above.

This Article shall not apply to subcommittees of such bodies unless such subcommittees are holding hearings, making policy or taking formal action on behalf of their parent body. (Ref. 84-1409 (1) R.R.S.. Neb.)

### Sec. 1-503 MEETINGS; PUBLIC.

All public meetings as defined by law shall be held in a Municipal public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the Village Board usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specified place.

The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the Village Board and to the public by a method so designated by the Village Board or by the Chairman if the Village Board has not designated a method. Such notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice, or a statement that such an agenda kept continually current shall be readily available for public inspection at the office of the Municipal Clerk. Except for items of an emergency nature, the agenda shall not be enlarged later than

twenty-four (24) hours before the scheduled commencement of the meeting. The Village Board shall have the right to modify the agenda to include items of an emergency nature only at such public meetings.

The minutes of the Municipal Clerk shall include the record of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, and the names of each member of the Village Board present or absent at each convened meeting.

The minutes of the Village Board shall be a public record open to inspection by the public upon request at any reasonable time at the office of the Municipal Clerk. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the Village Board in open session. The record of the Municipal Clerk shall show how each member voted, or that the member was absent and did not vote. (Ref. 84-1408, 84-1409, 84-1411, 84-1413 R.R.S. Neb.)

Sec. 1-504 MEETINGS; CLOSED SESSIONS.

Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons as:

- A. Strategy sessions with respect to collective bargaining, real estate purchases, or litigation;
- B. Discussion regarding deployment of security personnel or devices;
- C. Investigative proceedings regarding allegations of criminal misconduct; or
- D. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting. Nothing in this Section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and time when the closed session commenced and concluded shall be recorded in the minutes. The public body holding such a closed session shall restrict its consideration to matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken.

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

Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting nor shall a public body designate itself a subcommittee of the whole body for the purpose of circumventing the provisions of this Article, nor shall any closed session, informal meeting, chance meeting, social gathering, or electronic communication be used for the purpose of circumventing the provisions of this Article.

The provisions of this Article shall not apply to chance meetings, or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened and there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction, or advisory power. (Ref. 84-1410 R.R.S. Neb.)

Sec. 1-505 MEETINGS; EMERGENCY MEETINGS.

When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of Section 1-508 of this Article shall be complied with in conducting emergency meetings. Complete minutes of such

emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day. (Ref. 84-1411 R.R.S. Neb.)

Sec. 1-506 MEETINGS; MINUTES.

Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

The minutes shall be public records and open to public inspection during normal business hours.

Minutes shall be written and available for inspection within ten (10) working days, or prior to the next convened meeting, whichever occurs earlier. (Ref. 84-1412, 84-1413 R.R.S. Neb.)

Sec. 1-507 MEETINGS; VOTES.

Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted, or if the member was absent or not voting. The requirements of a roll call or *viva voce* vote shall be satisfied by the Municipality utilizing an electronic voting device which allows the yeas and nays of each member of the Village Board to be readily seen by the public.

The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes. (Ref. 17-616, 84-1413 R.R.S. Neb.)

Sec. 1-508 MEETINGS; NOTICE TO NEWS MEDIA.

The Municipal Clerk, Secretary, or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting, and the subjects to be discussed at that meeting. Ref. 84-1411 R.R.S. Neb.)

Sec. 1-509 MEETINGS; PUBLIC PARTICIPATION.

Subject to the provisions of this Article, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body except for closed meetings called pursuant to Section 1-504 may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

It shall not be a violation of this Section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A public body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself or herself.

No public body shall for the purpose of circumventing the provisions of this Article hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this Section if it holds its meeting in its traditional meeting place which is located in this State.

No public body shall hold a meeting outside the State of Nebraska. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one (1) copy of all reproducible written material to be discussed at an open meeting. (Ref. 84-1412 R.R.S. Neb.)

Sec. 1-510 MEETINGS; ORDER OF BUSINESS.

All meeting of the Village Board shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Village Board, the Municipal Clerk, the Chairman, and such other Municipal officials that may be required shall take their regular stations in the meeting place, and the business of the Municipality shall be taken up for consideration, and disposition in the manner prescribed by the official agenda on file at the office of the Municipal Clerk.



Sec. 1-511 MEETINGS; PARLIAMENTARY PROCEDURE.

The Chairman shall preserve order during meeting of the Village Board and shall decide all questions of order, subject to an appeal to the Village Board. When any person is called to order, he shall be seated until the point is decided. When the Chairman is putting the question, no person shall leave the meeting room. Every person present, who desires to speak shall address himself to the presiding officer and while speaking shall confine himself to the question. When two (2), or more persons desiring to speak do so at once, the Chairman shall recognize the one who spoke first. All resolutions or motions shall be reduced to writing before being acted upon, if requested by the Municipal Clerk, or any member of the Village Board. Every member of the Village Board who is present when a question is voted upon shall cast his vote unless excused by a majority of the Village Board present. No motion shall be put or debated unless seconded. When seconded, it shall be so stated by the Chairman before being debatable. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Village Board making the motion, or resolution shall be entered also. After each vote, the "Yeas" and "Nays" shall be taken, and entered on the minutes, the name of the member of the Village Board. Before the vote is actually taken, any resolution, motion, or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the member of the Village Board seconding the said resolution, motion or ordinance. When, in the consideration of an ordinance, different times, or amounts are proposed, the question shall be put on the largest sum, or the longest time.

A question to reconsider shall be in order when made by a member voting with the majority, but such motion to reconsider must be made before the expiration of the third (3rd) regular meeting after the initial consideration of the question. When any question is under debate, no motion shall be made, entertained, or seconded except the previous question, a motion to table, and to adjourn. Each of the said motions shall be decided without debate.

Any of the rules of the Village Board for meeting may be suspended by a two-thirds (2/3) vote of the members present. In all cases in which provisions are not made by these rules, Robert's Rules of Order is the authority by which the Village Board shall decide all procedural disputes that may arise.

Sec. 1-512 MEETINGS; CHANGE IN OFFICE.

The Chairman and Board of Trustees shall meet at 7:00 P.M. on the first regular board meeting in December in each election year, and the outgoing officers and the outgoing members of the Board of Trustees shall present their reports, and upon the old Board having completed its business, the outgoing members of said Board shall surrender their offices to the incoming members, and the outgoing officers shall thereupon each surrender to his successor in office all property, records, papers, and moneys belonging to the same. (Ref. 17-204 R.R.S. Neb.)

Sec. 1-513 MEETINGS; REORGANIZATION AL MEETING.

The newly elected Board shall convene at the regular place of meeting at the first regular meeting in December in each election year immediately after the prior Board adjourns and proceed to organize themselves for the ensuing year. The Chairman pro tempore shall call the meeting to order. The Board shall then proceed to examine the credentials of its members and other elective officers of the Municipality to see that each has been duly and properly elected and to see that such oaths and bonds duly and properly elected and to see that such oaths and bonds have been given as are required. After ascertaining that all members and officers are duly qualified, the Board shall then elect one (1) of its own body who shall be styled as Chairman of the Board of Trustees.

The Chairman shall then nominate his candidates for appointive offices and said officers shall hold office until their successors are duly appointed and qualified. He shall then proceed with the regular order of business. It is hereby made the duty of each and every member of the Board or of its successors in office and of each officer hereafter elected to any office, to qualify prior to the first regular meeting in December following his election.

Immediately upon the assembly of the newly elected Board upon the first regular meeting in December following the election, each officer elected at the regular Municipal Election shall take possession of his office. Each appointive officer who is required to give bond shall qualify by filing the required bond, approved by the Board of Trustees, in the office of the Village Clerk within two (2) weeks from the date of his said appointment; Provided, on said bond shall be endorsed the same oath as required of a Village Trustee. Failure to qualify by elective or appointive officers within the time and manner, provided in this Section, shall and does in itself

create a vacancy in the office to which said person failing to qualify shall have been elected or appointed. (Ref. 17-204 R.R.S. Neb.)

Sec. 1-514 MEETINGS; REGULAR MEETING.

The meetings of the Village Board shall be held in the meeting place of the Municipality. Regular Meetings shall be held on the second (2nd) Thursday of each month at the hour of 7:00 o'clock P.M.

At all meetings of the Board of Trustees a majority of the Board shall constitute a quorum to do business. (Ref. 17-204, 17-205, 17-210 R.R.S. Neb.)

Sec. 1-515 MEETINGS; SPECIAL MEETINGS.

Special meetings may be called by the Chairman, or by three (3) members of the Board of Trustees, the object of which shall be submitted to the Board in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the Municipal Clerk. On filing the call for a special meeting, the Municipal Clerk shall notify the members of the Board of Trustees of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a member of the Board known to be out of the state, or physically unable to be present.

A majority of the members of the Board of Trustees shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members. Whether a quorum is present or not, all absent members shall be sent for and compelled to attend.

At the hour appointed for the meeting, the Municipal Clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Board shall be called to order by the Chairman, if present, or if absent, by the President of the Board. In the absence of both the Chairman and the President of the Board, the members of the Board of Trustees shall elect a President pro tempore. All ordinances passed at any special meeting shall comply with procedures set forth in Chapter 1, Article 6 herein. (Ref. 17-204, 17-205 R.R.S. Neb.)

Section 1-516: MEETING PROCEDURES - VILLAGE BOARD:

(1) CIRCULATION OF MATERIALS: Any written or printed material to be circulated at a board meeting must be submitted to the Village Clerk before 5:00 o'clock p.m. of the Friday preceding the meeting. This material will be delivered to the members of Board for their consideration.

(2) CHARGES, COMPLAINTS, OR CHALLENGES: At a public meeting of the Board, no person shall orally initiate charges or complaints against individual employees of the Village or members of the Village Board or challenge policies of the Village. All such charges, complaints or challenges must be presented to the Village Clerk in writing, signed by the complainant before 5:00 o'clock p.m. of the Friday preceding the meeting. Any such charges which have not previously been presented to the Village Clerk will be referred to the Village Clerk for investigation and report.

(3) QUESTIONS AND COMMENTS THE BOARD, VILLAGE CLERK AND VILLAGE ATTORNEY. Members of the Village Board, the Village Clerk and the Village attorney may question a speaker or make comments in response to the speaker's remarks. Board members, the Village Clerk and the Village attorney are not subject to questioning by speakers.

(4) CONDUCT AND REMARKS OUT OF ORDER: Undue interruption or other interference with the orderly conduct of business cannot be allowed. Defamatory or abusive remarks are always out of order. A speaker's privilege of addressing the Board may be terminated if the speaker persists in improper conduct or remarks.

(5) TO PLACE AN ITEM ON THE AGENDA: A person desiring to place an item on the agenda must do so by notifying the Village Clerk before 5:00 o'clock p.m. of the Friday preceding a regularly scheduled or specially called Board meeting. The request should include the name, address, and telephone number of the person making the request, the name of the organization or group represented, if any, a statement of action to be requested of the Board, and any pertinent background information leading to the request. Any Village Board Member, the Village Clerk, or the Village attorney may place an item on the agenda.

(6) TIME AND PLACE OF AGENDA: The Village Clerk, upon receipt of a request for an agenda item shall set a date for inclusion of the requested item on the agenda as soon as practical, bearing in mind such considerations as allowing time to gather pertinent information. Items on the agenda which have been requested by the public shall be limited to consideration

for a maximum of fifteen minutes for the presentation. If there is opposition, the opposition, if present, shall be allowed the same amount of time.

(7) TO SPEAK ABOUT AN ITEM ON THE AGENDA: State your name and address and the subject on the agenda about which you wish to speak.

(8) TO SPEAK ABOUT AN ITEM NOT ON THE AGENDA DURING THE TIME ALLOCATED FOR COMMENTS FROM THE PUBLIC: State your name, address, and present your statement. Requests by the public not on the agenda to speak to the board will be limited to five minutes.

(9) TIME LIMITS: Time limits may be changed by the vote of the majority of the Board Members for a specific topic or speaker.

(10) ITEMS TO BE DISCUSSED: Any item may be discussed at a board meeting, however, official action can be taken only on items which have been properly placed on the agenda.

## Article 6. Ordinances

### Sec. 1-601 ORDINANCES; GRANT OF POWER.

The Village Board shall have the responsibility of making all ordinances, by-laws, rules, regulations, and resolutions, not inconsistent with the laws of the State of Nebraska, as may be necessary and proper for maintaining the peace, good government, and welfare of the Municipality and its trade, commerce, and security. (Ref. 17-505 R.R.S. Neb.)

### Sec. 1-602 ORDINANCES; INTRODUCTION.

Ordinances shall be introduced by members of the Village Board in either of the following ways:

1. With the recognition of the Chairman, a Board member may, in the presence and hearing of a majority of the members elected to the Board of Trustees read aloud the substance of his proposed ordinance and file a copy of the same with the Municipal Clerk for future consideration;
2. Or with the recognition of the Chairman, a Board member may present his proposed ordinance to the Clerk who in the presence and hearing of a

majority of the members elected to the Board of Trustees, shall read aloud the substance of the same and shall file the same for future consideration.

Sec. 1-603 ORDINANCES; RESOLUTIONS AND MOTIONS.

Resolutions and motions shall be introduced in one of the methods prescribed for the introduction of ordinances. After their introduction, they shall be fully and distinctly read one (1) time in the presence and hearing of a majority of the members elected to the Board. The issue raised by said resolutions or motions shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the Board. A majority vote shall be required to pass any resolution or motion. The vote on any resolution or motion shall be by roll call vote.

Sec. 1-604 ORDINANCES; STYLE.

The style of all Municipal ordinances shall be:

“Be it ordained by the Chairman and Board of Trustees of the Village of McGrew, Nebraska:” (Ref. 17-613 R.R.S. Neb.)

Sec. 1-605 ORDINANCES; TITLE.

No ordinance shall contain a subject not clearly expressed in its title. (Ref. 17-614 R.R.S. Neb.)

Sec. 1-606 ORDINANCES; PASSAGE.

Ordinances, resolutions, or orders for the appropriation of money shall require for their passage, the concurrence of the majority of the members of the Village Board. Ordinances of a general or permanent nature shall be read by the title on three (3) different days. This requirement may be suspended by three-fourths (3/4) vote of the Board, in such case said ordinance may be read by title or number and then moved for final passage. Three-fourths (3/4) of the Board may require any ordinance to be read in full before final passage under either process. (Ref. 17-614 R.R.S. Neb.)

Sec. 1-607 ORDINANCES; PUBLICATION OR POSTING.

All ordinances of a general nature shall be published one (1) time within fifteen (15) days after they are passed in a newspaper in general circulation in the Municipality or if no paper is in general circulation in the Municipality, then by posting a written or printed copy thereof in each of three (3) public places in the Municipality or in book or pamphlet form. (Ref. 17-613 R.R.S. Neb.)

Sec. 1-608 ORDINANCES; CERTIFICATE OF PUBLICATION OR POSTING.

The passage, approval, and publication or posting of all ordinances shall be sufficiently proven by a certificate under the Seal of the Municipality from the Municipal Clerk showing that the said ordinance was passed and approved, and when, and in what paper the same was published, or when, and by whom, and where the same was posted. (Ref. 17-613 R.R.S.. Neb.)

Sec. 1-609 ORDINANCES; EMERGENCY ORDINANCES.

In the case of riot, infectious or contagious diseases, or other impending danger, failure of a public utility, or other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the Mayor, and the posting thereof in at least three (3) of the most public places in the Municipality. Such emergency notice shall recite the emergency and be passes by a three-fourths (3/4) vote of the Village Board, and entered upon the Municipal Clerk's minutes. (Ref. 17-613 R.R.S. Neb.)

Sec. 1-610 ORDINANCES; AMENDMENTS AND REVISIONS.

No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended, and the ordinance or section so amended shall be repealed. (Ref. 17-614 R.R.S. Neb.)

Sec. 1-611 ORDINANCES; MANNER OF NUMBERING.

All ordinances adopted by the Board of Trustees of the Village of McGrew shall be numbered numerically with consecutive numbers. All previous ordinances have been incorporated herein; however, the numbering of newly enacted ordinances hereafter shall remain

consecutive with the first ordinance enacted under this revised code of ordinances being ordinance number \_\_\_\_\_.

## Article 7. Elections

### Sec. 1-701 ELECTIONS; GENERALLY.

The Municipal Election shall be held in accordance with the provisions of Chapter Thirty-two (32) Revised Statutes of Nebraska. Said elections shall be held in conjunction with the State Primary Election. Prior to February 1 of the year in which the first (1st) such joint election takes place, the Village Board shall receive the consent in writing of the County Village Board shall receive the consent in writing of the County Board to so hold the election and such authorization shall be prescribed according to state law. The County Clerk shall have charge of the election and shall have the authority to deputize the Municipal Clerk for Municipal election purposes. Charges shall be paid to the County Clerk as set forth in Section 32-1201-32-1208 R.R.S. Neb.

Commencing with the Statewide Primary Election in 1976, and every two (2) years thereafter, those candidates for positions on the Board of Trustees whose terms will be expiring shall be elected at the Statewide Primary Election. (Ref. 17-202, 32-4, 146, 32-1201-32-1208 R.R.S. Neb.)

### Sec. 1-702 ELECTIONS, TIE VOTES.

In the case of a tie vote of any of the candidates in either the primary or general election, the County Clerk shall notify such candidates to appear at his office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail. (Ref. 32-1122 R.R.S. Neb.)

### Sec. 1-704 ELECTIONS; JOINT, GENERAL.

The general Municipal election shall be held in accordance with the provisions of Chapter Thirty-two (32), Revised Reissued Statutes of Nebraska. The Village Board has determined, by ordinance duly adopted, to hold the Municipal Election in conjunction with the



Statewide Primary Election, held on the first (1st) Tuesday after the second (2nd) Monday in May of each even numbered year.

Prior to February 1 of the year, in which the first such joint election takes place, the Village Board shall receive the consent in writing of the County Board to so hold the election and such authorization shall be prescribed according to State law. The County Clerk shall have charge of the election and shall have the authority to deputize the Municipal Clerk for Municipal election purposes. (Ref. 17-202, 32-532, R.R.S. Neb.)

Sec. 1-705 ELECTIONS; JOINT, GENERAL, NOTICE.

The County Clerk shall publish in a newspaper designated by the County Board the notice of the election no less than forty (40) days prior to the Primary or General Election. This notice will serve the notice requirement for all Municipal Elections which are held in conjunction with the County. (Ref. 32-404 R.R.S. Neb.)

Sec. 1-706 ELECTIONS; JOINT, SPECIAL.

In lieu of submitting a matter or issue at a separate special Municipal Election, the Municipality may submit such matter or issue at a statewide General or Primary Election or at a scheduled County Election or may request the County to conduct a special election. Such matter or issue must be certified by the Municipal Clerk to the County Clerk or Election Commissioner at least fifty (50) days prior to the election. The Municipal Clerk shall be responsible for the publication or posting of any required special notice of the submission of such matter other than that required to be given of the statewide or county election issues. (Ref. 32-952 -32-959 R.R.S. Neb.)

Sec. 1-707 ELECTIONS; FILING FEE.

Prior to the filing of any nomination papers, there shall be paid to the Municipal Treasurer a filing fee which shall amount to one (1%) per cent of the annual salary for the office for which the candidate will file; Provided, there shall be no filing fee for any candidate filing for an office in which a per diem is paid rather than a salary, or an office for which there is a salary of less than five hundred (\$500.00) dollars per year. No nominating papers shall be filed until the property Municipal Treasurer's receipt, showing the payment of the filing fee, shall be

presented to the election officer with whom the nomination papers are to be filed. (Ref. 32-608 R.R.S. Neb.)

Sec. 1-708 ELECTIONS; PETITION CANDIDATES.

Candidates for any Municipal office in the Municipality may be nominated by petition. Petitions shall contain signatures of registered voters totaling not less than ten (10%) per cent of the total votes received by the candidate receiving the highest number of votes in the Municipality or ward at the preceding general election in which officers were last elected to such office. They shall be accompanied by a treasurer's receipt for the filing fees for the office being sought. All petitions shall provide a space at least two and one half (2 1/2") inches long for written signatures, a space at least two (2") inches long for printed names, and sufficient space for any additional information which may be required. Lines on such petitions shall not be less than one-fourth (1/4") inch apart. Petitions may be designed in such a manner than lines for signatures and other information run the length of the page rather than the width. Petition signers and petition circulators shall conform to the requirements of Section 32-617 R.R.S. Neb. Petitions must be filed at least sixty (60) days prior to the state primary election. (Ref. 32-615, 32-617, 32-618, R.R.S. Neb.)

Sec. 1-709 ELECTIONS,. CAUCUS CANDIDATES.

The Village Board of the Municipality may, by ordinance call a caucus for the purpose of nominating candidates for offices to be filled in the Village election. Such caucus shall be held at least ten (10) days prior to the filing deadline for such election. Notice of such caucus must be published in one (1) newspaper of general circulation in the Municipality, at least once in each of two (2) consecutive weeks prior to said caucus. The Municipal Clerk shall notify the persona so nominated of his nomination and such notification shall take place not less than five (5) days after the said caucus. A candidate so nominated shall not have his name placed upon the ballot unless, not more than ten (10) days after the holding of such caucus, he shall have filed with the Municipal Clerk a written statement accepting the nomination of the caucus and shall have paid the filing fee, if any, for the office for which he was nominated. (Ref. 17-601 - 17-617 R.R.S. Neb.)

Sec. 1-710 ELECTIONS; OFFICIALS.

The County Clerk shall at least fifteen (15) days prior to the State Primary Elections, give notice of the appointment by each political party of three (3) judges and two (2) clerks of election in each election unit in the Municipality, to be known as the Receiving Board. Each of the appointees referred to shall be of good character, approved integrity, well informed, able to read, write and speak the English language, reside in the election precinct in which he is to serve, be entitled to vote in his election unit, and hold office for a term of two (2) years, or until judges and clerks of election are appointed for the next State Primary Election. (Ref. 32-221 - 32-228 R.R.S. Neb.)

Sec. 1-711 ELECTIONS; OFFICIALS OATH.

Previous to any votes being received, the judges and clerks of election shall severally take an oath or affirmation according to the form authorized by State law. If there is no judge present at the opening of the polls, it shall be lawful for the judges of election to administer the oath to each other and the clerks of election. The person administering such oath shall cause an entry to be made thereof and affixed to each poll book. (Ref. 11-101.01, 19-3015 R.R.S. Neb.)

Sec. 1-712 ELECTIONS; VOTER QUALIFICATIONS.

Electors shall mean every person of the constitutionally prescribed age or upwards, who shall have the right to vote for all officers to be elected to public office, and upon all questions and proposals, lawfully submitted to the voters at any and all elections authorized or provided for by the Constitution or the laws of the State of Nebraska, except school elections; Provided, no person shall be qualified to vote at any election unless such person shall be a resident of the State and shall have been properly registered with the election official of the county. (Ref. 17-602, 32-102 R.R.S. Neb.)

Sec. 1-713 ELECTIONS, BOARD OF TRUSTEES.

Board of Trustee members shall be elected from the Municipality at large unless the residents of the Municipality have voted to elect its Board members by wards. Board members shall serve for a term of four (4) years and shall be a resident and qualified elector. If the election of Board members takes place by wards, each nominee for Board member shall be a

resident and qualified elector of the ward for which he or she is a candidate, and only residents of that ward may sign the candidates' nomination petitions. (Ref. 17-202, 32-532 R.R.S. Neb.)

Sec. 1-714 ELECTIONS; BALLOTS.

The County Clerk shall provide printed ballots for every general Municipal election and the expense of printing and delivering the ballots and cards of instruction shall be a charge upon the Municipality. (Ref. 32-558, 32-805 R.R.S. Neb.)

Sec. 1-715 ELECTIONS; CERTIFICATE OF ELECTION.

After the canvass of the vote at the Municipal election, the Municipal Clerk shall prepare a certificate of election for each person whom the Canvassing Board has declared to have received the highest vote, and in the form as nearly as possible prescribed by State law, which shall be signed by the Chairman prescribed by State law, which shall be signed by the Chairman under the seal of the Municipality, and countersigned by the Municipal Clerk. The said certificate shall then be delivered to the persons so elected. (Ref. 32-1033, 32-1040 R.R.S. Neb.)

Sec. 1-716 ELECTIONS; INABILITY TO ASSUME OFFICE.

In any general election, where the person who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason is unable to assume the office for which he was a candidate, and the electorate had reasonable notice of such disability at the time of the election, the candidate in such election who received the next highest number of votes shall be declared elected, and shall be entitled to the certificate of election; Provided, that any candidate so declared elected received not less than thirty-five (35%) per cent of the total number of votes cast for such office in the election. If any of the qualifications of this Section are not met by the candidate to be declared elected, or reasonable notice of the winner's ineligibility is not available to the voters, a vacancy in such office shall be declared to exist at the time of commencement of the term and shall be filled as prescribed by law. (Ref. 32-626 R.R.S. Neb.)

Sec. 1-717 ELECTIONS; RECALL PROCEDURE.

Any or all of the elected officials of the Municipality may be removed from office by the registered voters of the Municipality. Petition papers, to do such, shall be procured from and

filed with the Municipal Clerk, who shall keep a sufficient number of such blank petition papers on file for distribution. An affidavit to procure such papers shall be made by one (1) or more registered voters and filed with the Municipal Clerk, stating the name and office of the officer or officers sought to be removed. The Clerk, upon issuing any petition paper, shall enter in a record, to be kept in his or her office, the name of the registered voter or voters to whom issued, the date of such issuance, and the number of papers issued and shall certify on the papers the name of the registered voter or voters to whom the papers were issued and the date they were issued.

Circulators of such petition shall comply with all requirements of the Statutes of Nebraska. Such petition demanding that recall be submitted to the registered voters shall be signed by registered voters equal in number to at least thirty-five (35%) per cent of the total votes cast at the last General Municipal Election, except for an office where more than one (1) candidate is chosen in which case the petition shall be signed by registered voters equal in number to at least thirty-five (35%) per cent of the number of votes cast for the person receiving the most votes for such office in the last General Election. If officers are elected by ward, only registered voters of that officer's ward may sign a recall petition or vote at the recall election.

All petitions shall be filed with the Clerk for signature verification as one instrument within thirty (30) days of issuance of the original petition papers. Within ten (10) days after the filing of the petition, the Clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters and shall attach to the petition a certificate showing whether any signatures need to be corrected in order to comply with the requirements of this Section and State Statutes. If the Clerk finds incorrect signatures, he or she shall promptly notify the person filing the petition that the petition may be cured at any time within ten (10) days after the giving of such notice by the filing of a supplementary petition, with the corrected signatures, on additional petition papers issued and filed as provided for the original petition.

No new signatures may be added after the initial filing of the petition and no signatures may be removed unless the Clerk receives an affidavit signed by the person requesting his or her signature be removed. There Clerk shall, within five (5) days after any correction, examine the corrected petition and attach a certificate as in the case of the original petition. If the certificate shows the corrected petition to be insufficient or if no correction was made, the Clerk shall file

the petition in his or her office without prejudice to the filing of a new petition for the same purpose.

If the petition or corrected petition is found to be sufficient, the Clerk shall attach to the petition a certificate showing the result of such examination and shall notify the officer whose removal is sought. If the officer does not resign within five (5) days after the notice, the Clerk shall submit, within ten (10) days after the five (5) day period has elapsed, the original petition and supplement, together with his or her certificates, to the Village Board. Upon receipt of such petition and certificate the Village Board shall order an election to be held not less than thirty (30) nor more than forty-five (45) days after the five (5) day period, except that if any other election is to be held in that district within ninety (90) days of the five (5) day period the Village Board may provide for the holding of the removal election on the same day.

No recall petition shall be filed against members of the Village Board within twelve (12) months after a recall election has failed to remove him or her from office or within six (6) months from the end of his or her term of office. (Ref. 32-1301 thru 32-1309 R.R.S. Neb.)

Sec. 1-718 ELECTIONS; CANDIDATE QUALIFICATIONS.

Any person seeking elected office in the Municipality shall be a registered voter prior to holding such office and in addition shall have reached the age of majority. (Ref. 32-602 R.R.S. Neb.)

Sec. 1-719 ELECTIONS; EXIT POLLS.

No person shall conduct any exit poll, public opinion poll, or any other interview with voters on election day seeking to determine voter preference within twenty (20') feet of the entrance of any polling place room or, if inside the polling place building, within one hundred (100') feet of any voting booth. (Ref. 32-1525 R.R.S. Neb.)

## Article 8. Fiscal Management

### Sec. 1-801 FISCAL MANAGEMENT; FISCAL YEAR.

The fiscal year of the Municipality for the purposes of taxation and appropriations, shall begin in the first (1st) day of August of each year. (Ref. 17-701 R.R.S. Neb.)

### Sec. 1-802 FISCAL MANAGEMENT; FILING BUDGET STATEMENT.

The Village Board shall, not later than the first (1st) day of August of each year on forms prescribed and furnished by the Nebraska State Auditor, prepare in writing and file with the Municipal Clerk a proposed budget statement containing the following:

1. For the immediate two (2) prior fiscal years, the budgeted revenue and expenditures from all sources, separately stated as to each such source, and for each fund the budgeted unencumbered cash balance of such fund at the beginning of each fiscal year;
2. For the current fiscal year, the budgeted revenue and expenditures, from all sources, separately stated as to each such source, and for each fund the budgeted unencumbered cash balance of such fund at the beginning of the year. Such statement shall contain the cash reserve for each such fund for each fiscal year. Such case reserve projections shall be based upon the actual experience of prior years. The case reserve shall not exceed fifty (50%) per cent of the total budget adopted for such fund, exclusive of capital outlay items; and
3. For the immediate ensuing fiscal year, the budget statement should include an estimate of the non-tax revenue from each source and which fund it is to be allocated to, the actual or estimated unencumbered cash balance for each fund which will be available at the beginning of the next fiscal year, amounts proposed to be expended during the year, and the amount of cash reserve which shall not exceed fifty (50%) per cent of the total budget adopted, exclusive of capital outlay items.

The estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the amount to be received from taxes, and such amount shall be shown on the proposed budget statement filed pursuant to this Section. The amount to be raised from taxation, as determined herein, plus the estimated revenue from sources other than taxation, and the encumbered balances shall equal

the estimated expenditures plus the required cash reserve for the ensuing year. (Ref. 23-923, 23-924 R.R.S. Neb.)

Sec. 1-803 FISCAL MANAGEMENT; BUDGET HEARING.

Subsequent to the filing of the proposed budget statement, the Village Board shall publish a proposed budget and conduct a public hearing on the proposed budget statement. Notice of the place and time of said hearing, as well as a copy of the proposed budget, shall be published at least five (5) days prior to the date set for the hearing in a newspaper of general circulation in the Municipality. After such hearing, the statement shall be adopted, or amended, and adopted as amended, and a written record shall be made of such hearing. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within twenty (20) days after its adoption. (Ref. 13-506 R.R.S. Neb.)

Sec. 1-804 FISCAL MANAGEMENT; BUDGET FILING.

The Village Board shall file with, and certify to the levying board on, or before August twenty-five (25th) and file with the Nebraska State Auditor a copy of the adopted budget statement, together with the amount of the tax to be levied and proof of publication. The Village Board shall not certify any tax that exceeds the maximum levy prescribed by State law; Provided, in certifying the amount to be so levied, allowance may be made for delinquent taxes not exceeding five (5%) per cent of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year. (Ref. 13-506 R.R.S. Neb.)

Sec. 1-805 FISCAL MANAGEMENT; BUDGET PROCEDURE.

The Manual of Instructions for City/Village: Budgets, prepared by the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska 69509 is incorporated by reference for the purpose of proper budget preparation.

Sec. 1-806 FISCAL MANAGEMENT; APPROPRIATIONS.

The Village Board shall, on or before August 15th, pass an ordinance to be termed the Annual Appropriation Bill, in which are appropriated such sums of money as may be deemed



necessary to defray all necessary expenses and liabilities of the Municipality, not exceeding in the aggregate the amount of tax authorized to be levied. The said ordinance shall specify the objects and purposes for which such appropriations are to be made, and the amount appropriated for each purpose. Any balance unexpended and unobligated at the end of the fiscal year shall, unless reappropriated, lapse into the general fund. (Ref. 18-2801 thru 18-2808 R.R.S. Neb.)

Sec. 1-807 FISCAL MANAGEMENT; ALL PURPOSE LEVY.

The Village Board has determined that the amount of money to be raised by taxation shall be certified to the County Clerk in the form of one all purpose levy instead of certifying a schedule of levies for specific purposes added together. Said all purpose levy shall not exceed an annual levy of one dollar and five cents (\$1.05) on each one hundred (\$100.00) dollars upon the actual valuation of all taxable property in the Municipality, except intangible property. (Ref. 19-1309 R.R.S. Neb.)

Sec. 1-808 FISCAL MANAGEMENT; EXTRAORDINARY LEVY.

Otherwise authorized extraordinary levies to service and pay bonded indebtedness of the Municipality and to pay judgments obtained against the Municipality may be made in addition to the all purpose levy. (Ref. 19-1309 R.R.S. Neb.)

Sec. 1-809 FISCAL MANAGEMENT; INADEQUATE VALUATION.

If the valuation of the Municipality has been reduced so that the maximum levy permitted by Section 1-807 is inadequate to produce the necessary revenue, said maximum levy may be exceeded upon presentation to the Village Board of petitions signed by a majority of the registered voters of the Municipality requesting such action and specifying the extent to, and the period of time, not to exceed five (5) years, in which such maximum may be exceeded. No signature may be withdrawn after the petitions have been filed with the Village Board. The Village Board shall cause such petitions, accompanied by the certificate of the County Clerk that he has examined the petitions and that they have been signed by a majority of the registered voters of the Municipality, to be filed with the County Board in which the Municipality is located. After such filing, the Village Board may exceed the maximum mill levy to the extent and for the period of time specified in the petitions. (Ref. 19-1309 R.R.S. Neb.)

Sec. 1-810 FISCAL MANAGEMENT; ALL PURPOSE LEVY, ALLOCATION.

The Village Board shall allocate the amount raised by the all purpose levy to the several departments of the Municipality in its annual budget and appropriation ordinance, or in other legal manner, as the Village Board shall deem best. (Ref. 19-1310 R.R.S. Neb.)

Sec. 1-811 FISCAL MANAGEMENT; ALL PURPOSE LEVY, ABANDONMENT.

The Municipality shall be bound by its election of the all purpose levy during the ensuing fiscal year, but may abandon such method in succeeding fiscal years. (Ref. 19-1311 R.R.S. Neb.)

Sec. 1-812 FISCAL MANAGEMENT; GENERAL PROPERTY TAX.

The Village Board shall cause to be certified to the County Clerk the amount of tax to be levied upon the assessed value of all the taxable property of the Municipality for the requirements of the adopted budget for the ensuing year, including all special assessments and taxes. The maximum amount of tax which may be certified and assessed shall not require a tax levy in excess of the legal maximum as prescribed by State law. (Ref. 17-702 R.R.S. Neb.)

Sec. 1-813 FISCAL MANAGEMENT; EXPENDITURES.

No Municipal official shall have the power to appropriate, issue, or draw any order or warrant on the Municipal Treasury for money, unless the same has been appropriated or ordered by ordinance. No expenditure for any improvement to be paid for out of the general fund of the Municipality shall exceed in any one (1) year the amount provided for that improvement in the adopted budget statement. (Ref. 17-708 R.R.S. Neb.)

Sec. 1-814 FISCAL MANAGEMENT; CONTRACT.

The Village Board shall before making any contract in excess of ten thousand dollars as estimated by the Municipal Engineer, for general improvements, such as water extensions, sewers, public heating system, bridges, or work on streets, or any other work or improvement where the cost of such improvement shall be assessed to the property, advertise for bids, unless such contract shall be entered into for the benefit of the Municipal Electric Utility. A Municipal

Electric Utility may enter into a contract for any such work or improvement or for the purchase of such equipment without advertising for bids if the purchase of such equipment has: (a) Price is ten thousand (\$10,000.00) dollars or less; (b) price is twenty thousand (\$20,000.00) dollars or less and the Municipal Electric Utility has gross annual revenues from retail sales in excess of one million (\$1,000,000.00) dollars; (c) price is thirty thousand (\$30,000.00) dollars or less and the Municipal Electric Utility has gross annual revenues from retail sales in excess of five million (\$5,000,000.00) dollars; or (d) price is forty thousand (\$40,000.00) dollars or less and the Municipal Electric Utility has gross annual revenues from retail sales in excess of ten million (\$10,000,000.00) dollars. In advertising for bids for any such work, or for the purchase of such equipment, the Village Board may cause the amount of such estimate to be published therewith.

Such advertisement shall be published once each week for three (3) consecutive weeks in a legal newspaper published in or of general circulation in the Municipality, or by posting a written or printed copy thereof in each of three (3) public places in the Municipality; Provided, that in case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to life, health, or property, or war, estimates of costs and advertising for bids may be waived in the emergency ordinance when adopted by a three-fourths (3/4) vote of the Village Board.

If, after advertising for bids as provided in this section, the Village Board received fewer than two (2) bids on a contract for services, material, or labor, or if the bids received by the Village Board contain a price which exceeds the estimated cost of the project, the Village Board shall have the authority to negotiate a contract for services, material, or labor in an attempt to complete the proposed project at a cost commensurate with the estimate given.

If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the Village Board, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the purchasing Municipality, the Village Board may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is approved by the manufacturer.

The Municipal bidding procedure shall be waived when materials or equipment are purchased at the same price and from the same seller as materials or equipment which have

formerly been obtained pursuant to the State bidding procedure. (Ref. 17-568.01, 17-613 R.R.S. Neb.)

## Article 9. Compensation

### Sec. 1-901 COMPENSATION; MUNICIPAL OFFICIALS.

The Compensation of any elective official of the Municipality shall not be increased or diminished during the term fro which he shall have been elected except when there has been a merger or offices; Provided, the compensation of the members of the Village Board, a board, or commission may be increased or diminished at the beginning of the full term f any member whether or not the terms of one or more members commence and end at different times. No elected official may be rehired at a greater salary if he resigns and desires to be rehired during the expired term of office. He may be rehired after the term of office during which he resigns at a greater salary. All salaries shall be set by ordinance of the Village Board and will be available for public inspection at the office of the Municipal Clerk. (Ref. 17-209.02, 17-612 R.R.S. Neb.)

### Sec. 1-902 COMPENSATION; CONFLICT OF INTEREST.

For purposes of this Section officer shall mean (a) any member of any Board or Commission of the Municipality, (b) any Appointed Official if such Municipal Official (1) serves on a Board or Commission which spends and administers its own funds and (ii) is dealing with a contract made by such Board or Commission, or (c) any elected Municipal Official. Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this Section, with respect to their duties as firefighters and ambulance drivers.

No officer of the Municipality shall be permitted to benefit from any contract to which the Municipality is a party. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict.

An action to have a contract declared void under this Section may be brought by the Municipality or by any resident thereof and must be brought within one (1) year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any

person for the reasonable value of all money, goods, material, labor, or services furnished under the contract, to the prohibition in this Section shall apply only when the officer of his or her parent, spouse, or child (a) has a business with which the individual is associated or business association which shall mean a business: (1) in which the individual is a partner, director, or officer of (2) in which the individual's immediate family is a stockholder of a closed corporation stock worth one thousand (\$1,000.00) dollars or more at fair market value or which represents more than five (5%) per cent equity interest, or is a stockholder of publicly traded stock worth ten thousand (\$10,000.00) dollars or more at fair market value or which represents more than ten (10%) per cent equity interest or (b) will receive a direct pecuniary fee or commission as a result of the contract; Provided however, if such officer (a) is an employee of the business involved in the contract and (b) has no ownership interest or will not receive a pecuniary fee such officer shall not be deemed to have an interest within the meaning of this Section.

The provisions of this Section shall not apply if the interested officer:

A. Makes a declaration on the record to the Governmental Body responsible for approving the contract regarding the nature and extent of his or her interest, prior to official consideration of the contract;

B. Does not vote on the matter of granting the contract, except that if the number of members of the Board declaring an interest in the contract would prevent the Board, with all members present, from securing a quorum on the issue, then all members may vote on the matter; and

C. Does not act for the Municipality as to inspection or performance under the contract in which he or she has an interest.

The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any Municipality by a financial institution shall not be considered a contract under the provisions of this Section. The ownership of less than five (5%) per cent of the outstanding shares of a corporation shall not constitute an interest within the meaning of this Section. Notwithstanding the provisions of subsection A thru C above, if an officer's parent, spouse or child is an employee of the Municipality, the officer may vote on all issues of the contract which are generally applicable to all employees or all employees within a classification and do not single out his or her parent, spouse, or child, such officer shall disclose the hiring pursuant to subsections 1 thru 5 below, except that if the parent, spouse, or child is already

employed in the position at the time of the officer takes office and such position does not change, no disclosure need be made. Notwithstanding any other provision of this Section, any contract entered into with an interested officer shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the Municipality.

The Municipal Clerk shall maintain, separately from other records, a ledger containing the information listed in subsections 1 thru 5 of this Section about every contract entered into by the Municipality in which an officer has an interest as specified above for which disclosure is made as provided in subsections A thru C above. Such information shall be kept in the ledger for five (5) years from the date of the officer's last day in office and shall include the:

1. Names of the contracting parties;
2. Nature of the interest of the officer in question;
3. Date that the contract was approved by the Municipality involved;
4. Amount of the contract; and
5. Basic terms of the contract.

The information supplied relative to the contract shall be provided to the Clerk not later than ten (10) days after the contract has been signed by both parties. The ledger kept by the Clerk shall be available for public inspection during the normal working hours of the office in which it is kept.

An open account established for the benefit of any Municipality or entity thereof, with a business in which an officer has an interest, shall be deemed a contract subject to the provisions of this Section. The statement required to be filed pursuant to this Section shall be filed within ten (10) days after such account is opened. Thereafter, the Clerk shall maintain a running account of all amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to the provisions of this Section.

Any officer who knowingly violates the provisions of Sections 49-14, 103.01 thru 49-14, 103.03, R.R.S. Neb., shall be guilty of a Class III misdemeanor. Any officer who negligently violates Section 49-14, 103.01 thru 49-14, 103.03 R.R.S. Neb. shall be guilty of a Class V misdemeanor.

The Municipality may enact ordinances exempting from the provisions of this Section, contract involving one hundred (\$100.00) dollars or less in which an officer of such Municipality may have an interest.

No officer, including volunteer firefighters and ambulance drivers, shall receive any pay or perquisites from the Municipality other than his or her salary. The Village Board shall not pay or appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service, or duty, which shall come within the proper scope of the duties of any officer of the Municipality. (Ref. 17-611, 18-305 thru 18-312, 49-14, 103.01 thru 49-14, 103.04, 70-624.04 R.R.S. Neb.)

**Chapter 2**  
**COMMISSIONS AND BOARDS**

Article 1. Standing Committees

Sec. 2-101 STANDING COMMITTEES; GENERAL PROVISIONS.

At the organizational meeting of the Village Board, the Village Chairman shall appoint members of such standing committees as the Village Board may by ordinance, or resolution, create. The membership of such standing committees may be changed at any time by the Village Chairman. The Village Chairman shall be a member *ex officio* of each standing committee. The members of the standing committees shall serve a term of office of one (1) year, unless reappointed.

Article 2. Commissions and Boards

Sec. 2-201 BOARD OF HEALTH

The Governing Body shall appoint the Board of Health which shall consist of three (3) members. The Board members shall include two (2) members of the Board of Trustees for the Village of McGrew, One of them shall serve as chairman and the other shall be the secretary and quarantine officer. The third member who shall be the chairman of the Planning Commission except in the circumstance when a physician resides permanently in the Village and is willing to serve on the Board of Health. In that circumstance, the position held by the member of the Planning Commission shall be substituted by the appointment of the physician. The members of the Board shall serve a one (1) year term of office, unless reappointed, and shall reorganize at the (1st) meeting in June of each year. 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 Municipal Clerk where they shall be available for public inspection at any reasonable time. The Board shall be funded by the governing body from time to time from the General Fund. A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the Governing Body may designate. Special meetings may be held upon the call of the chairman, or any two (2) members of the Board. It shall be the duty of the Board to enact rules



and regulations which shall have the full force and effect of the Law, to safeguard the health of the residents of the Municipality. 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 Municipality 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 Governing body may direct. All actions of the Board shall be subject to the review and supervision of the Governing Body. The Board shall be responsible for making such reports and performing such other duties as the Governing Body may designate. No member of the Board of Health shall hold more than one (1) Board of Health position. (Ref. §17-208 R.R.S. Neb. )

### Article 3. Penal Provision

#### Sec. 2-301 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 five hundred dollars (\$500.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

**Chapter 3**  
**POLICE REGULATIONS**

Article 1. General Offenses

Sec. 3-101 GENERAL OFFENSES; ADMISSION FEES, FRAUDULENTLY AVOIDING PAYMENT OF.

It shall be unlawful for any person fraudulently to enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the free admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement.

Sec. 3-102 GENERAL OFFENSES; ASSAULT.

A person commits the offense of assault if he intentionally or knowingly causes bodily injury to another person, or threatens another in a menacing manner.

Sec. 3-103 GENERAL OFFENSES; DISTURBING THE PEACE.

It shall be unlawful for any person to intentionally disturb the peace and quiet of any person, family or neighborhood.

Sec. 3-104 GENERAL OFFENSES; BARBED WIRE AND ELECTRIC FENCES.

It shall be unlawful for any person to erect or maintain any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire as a guard to any parking lot or parcel of land.

Sec. 3-105 GENERAL OFFENSES; INTOXICATING LIQUORS, SALE TO MINORS.

No person shall sell, give away, dispose of, exchange or deliver, or permit the sale, gift or procuring of any alcoholic liquors, to or for any minor, any person who is mentally incompetent or any person who is physically or mentally incapacitated by the consumption of such liquors.

Sec. 3-106 GENERAL OFFENSES; CIGARETTE OR TOBACCO, SALE TO MINORS.

It shall be unlawful for any person to sell, give or furnish, in any way, any tobacco in any form whatever, or any cigarettes or cigarette paper, to any minor under eighteen (18) years of age.

Sec. 3-107 GENERAL OFFENSES; CONCEALING KNOWLEDGE.

It shall be unlawful for any person to conceal knowledge of the commission of any offense or to conceal knowledge of any unlawful act as defined in this Code.

Sec. 3-108 GENERAL OFFENSES; DELINQUENCY, ENCOURAGING.

It shall be unlawful for any person, by any act or neglect, to encourage, aid or cause a child to come within the purview of the juvenile authorities; and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended.

Sec. 3-109 GENERAL OFFENSES; DISORDERLY CONDUCT.

It shall be unlawful for any person to engage in any illegal or improper diversion or to use insulting, indecent or immoral language, or to be guilty of any indecent, insulting or immoral conduct or behavior.

Sec. 3-110 GENERAL OFFENSES; LARCENY; OBTAINING GOODS BY FALSE PRETENSES.

It shall be unlawful for any person to steal any money, goods or chattels of any kind whatever; or to obtain any food, drink, goods, wears or merchandise under false pretenses.

Sec. 3-111 GENERAL OFFENSES; IMPERSONATING A PEACE OFFICER.

It shall be unlawful for any person to impersonate a peace officer. A person commits the offense of impersonating a peace officer if he falsely pretends to be a peace officer and performs any act in that pretended capacity.

Sec. 3-112 GENERAL OFFENSES; GAMBLING.

It shall be unlawful for any person to deal, play or conduct, either as owner, employee or lessee, whether or not for hire, any game played with dice or gambling device as defined in Section 28-1101 R.R.S. 1943 as amended, for money, checks, credit or other representation of value.

Sec. 3-113 GENERAL OFFENSES; GENERAL OFFENSE.

It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by State law, insofar as such laws are applicable to Municipal government.

Sec. 3-114 GENERAL OFFENSES; HYPNOTISTS PROHIBITED.

It shall be unlawful for any person to practice hypnotism or for any person to be a subject for such hypnotist provided that this shall not apply to hypnotism as used in the treatment of patients by an accredited Doctor of Medicine or Doctor of Dentistry nor shall it prohibit the teaching of hypnotism at any State accredited educational institution which maintains an academic standard of college level.

Sec. 3-115 GENERAL OFFENSES; PUBLIC INDECENCY.

It shall be unlawful for any person to perform or procure or assist any other person to perform in a public place and where the conduct may reasonably be expected to be viewed by members of the public, and act of sexual penetration; to appear in a state of nudity or in any indecent or lewd dress or condition in any public place or to make any indecent exposure of his or her person or private parts thereof or the private parts of another or to engage in lewd fondling or caressing of the body of another person of the same or opposite sex.

Sec. 3-116 GENERAL OFFENSES; DEPOSITING OF MATERIALS ON ROADS  
OR DITCHES.

It shall be unlawful for any person to deposit any wood, stone or other kind of material on any part of any lawful public land within the Village limits, inside of the ditches of such road or outside of the ditches, but so near thereto as to cause the banks thereof to break into the same or cause the accumulation of rubbish or any kind of obstruction upon the public thoroughfares of the Village. It shall be unlawful for any person to deposit, place or allow to remain in or upon any public thoroughfare any material or substance injurious to persons or property.

Sec. 3-117 GENERAL OFFENSES; JUNK, KEEPING OF RESTRICTED.

It shall be unlawful for any person to store or keep any old articles or materials which may be classified as junk adjacent to or in close proximity to any schoolhouse, church, public parks, public grounds, business buildings or residences without first providing proper ad tight buildings for the storage of the same.

Sec. 3-118 GENERAL OFFENSES; LOTTERY.

(A) It shall be unlawful for any person to engage in any lottery or scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining such property or portion of it, or for any share or interest in such property upon agreement, understanding or expectation that it is to be distributed or disposed of by lot or chance whether such scheme be called lottery, raffle or gift enterprise or by whatever name the same be known and no person shall contrive, prepare, set up or establish any such scheme or lottery.

(B) Traffic in Lottery Tickets: It shall be unlawful for any person to sell, give or in a manner whatsoever furnish or transfer to or for any other person, any ticket understood to be or to represent any ticket, chance, share or interest in any property or thing involved, in any enterprise mentioned in the preceding subsection or depending upon the event of any such scheme, lottery or enterprise.

Sec. 3-119 GENERAL OFFENSES; LOTTERY, ASSISTING IN.

It shall be unlawful for any person to aid or assist either by printing, writing, advertising, publishing or otherwise, in setting up, managing or drawing any lottery or scheme, or in selling

or disposing of any ticket, chance or share therein or for any person to let or permit to be used any of said purposes.

Sec. 3-120 GENERAL OFFENSES; LOUD SPEAKERS OR SOUND TRUCKS.

It shall be unlawful to play, operate or use any device known as a sound truck, loud speaker or sound amplifier, radio or phonograph, with loud speaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission for the Chief of Police to operate any such vehicle so equipped.

Sec. 3-121 GENERAL OFFENSES; NUISANCE.

It shall be unlawful for any person to maintain a nuisance within the Village limits. A person commits the offense of maintaining a nuisance if he erects, keeps up or continues and maintains any nuisance to the injury of any part of the citizens of this Village.

The erecting, continuing, using, or maintaining of any building, structure, or other place for the exercise of any trade, employment, manufacture, or other business which, by occasioning noxious exhalations, noisome or offensive smells, becomes injurious and dangerous to the health, comfort, or property of individuals or the public; the obstructing or impeding, without legal authority, of the passage of any navigable river, harbor, or collection of water; or the corrupting or rendering unwholesome or impure of any watercourse, stream, or water; or unlawfully diverting any such watercourse from its natural course or state to the injury or prejudice of others; and the obstructing or encumbering by fences, building, structures or otherwise of any of the public highways or streets or alleys of any city or village, shall be deemed nuisances.

Sec. 3-122 GENERAL OFFENSES; OBSCENE CONDUCT.

It shall be unlawful for any person to urinate or stool in any place open to the public view, or to be guilty of any lewd, lascivious or obscene conduct or to sign any lewd or obscene song, ballad or other words in any public place or any other place where other persons are present or indecently to exhibit any animal.

Sec. 3-123 GENERAL OFFENSES; OFFENSE, AID TO ANY OTHER.

It shall be unlawful for any person, in any way or manner, to aid, abet, counsel or encourage any other person in the commission of any of the acts mentioned herein or in any manner encourage the commission of such offense hereby defined.

Sec. 3-124 GENERAL OFFENSES; PETIT LARCENY.

It shall be unlawful for any person to commit petit larceny which is hereby defined as a larceny when the property taken is of a value not exceeding one hundred (\$100.00) dollars.

Sec. 3-125 GENERAL OFFENSES; POLICE OFFICERS, ASSISTANCE TO.

It shall be unlawful for any person to refuse to aide a police officer if, upon request by a person knowing him to be a police officer, he unreasonably refuses or fails to aid such police officer in:

- (A) Apprehending any person charged with or convicted of any offense against any of the laws of this Village or State; or
- (B) Securing such offender when apprehended; or
- (C) Conveying such offender to the jail of the county.

Sec. 3-126 GENERAL OFFENSES; PROPERTY, MALICIOUS INJURY TO.

It shall be unlawful for any person to damage property of another intentionally or recklessly or to intentionally or recklessly tamper with property of another so as to endanger person or property or intentionally or maliciously cause another to suffer pecuniary loss by deception or threat.

Sec. 3-127 GENERAL OFFENSES; RESISTING AN OFFICER.

It shall be unlawful for any person to intentionally prevent or attempt to prevent a peace officer acting under color of his official authority, from effecting an arrest of the actor or another. the actor who violates this Section if he uses or threatens to use physical force or violence against the police officer or another; or uses any other means which creates a substantial risk of causing physical injury to the peace officer or another; or employees means requiring substantial

force to overcome resistance to effecting the arrest. It is an affirmative defense to prosecution under this Section if the peace officer involved was out of uniform and did not identify himself as a peace officer by showing his credentials to the person whose arrest is attempted.

Sec. 3-128 GENERAL OFFENSES; RIDING BICYCLES ON SIDEWALKS.

It shall be unlawful for any person to ride a bicycle upon the sidewalks of the Village.

Sec. 3-129 GENERAL OFFENSE; SWINDLING.

It shall be unlawful for any person, who by color, or aid of any trick or sleight of hand performance, or by fraud or by fraudulent scheme, cards, dice or device, to win for himself or for another any money or property or a representative of either.

Sec. 3-130 GENERAL OFFENSES; TRESPASSING.

A person commits the offense of trespassing if knowing that he is not licensed or privileged to do so;

(A) He enters or secretly remains in any building or occupied structure, or any separately secured or occupied portion thereof;

(B) He enters or remains in any place as to which notice against trespass is given by actual communication to the actor; or posing in any manner prescribed by law where reasonably likely to come to the attention of intruders or fencing or other enclosures manifestly designed to exclude intruders.

Sec. 3-131 GENERAL OFFENSES; VEHICLE DRIVER'S LICENSES.

It shall be unlawful for any person to operate a motor vehicle within the Village unless he has in his possession a valid driver's license issued to him under the motor vehicle laws of the State.

Sec. 3-132 GENERAL OFFENSES; WATER FLOWING UPON STREETS.

It shall be unlawful for any person to allow any water to flow into or upon any public thoroughfare.



Sec. 3-133 GENERAL OFFENSES; DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this Article.

(A) "Person" shall mean any person, firm, partnership, association, corporation, company or organization of any kind.

(B) "Vehicle" shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides to transport persons or property or pull machinery and shall include, without limitation, automobile, truck trailer, motorcycle, tractor, buggy and wagon.

(C) "Street or highway" shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

(D) "Property" shall mean any real property with the Village which is not a street or highway.

Sec. 3-134 GENERAL OFFENSES; DECLARED NUISANCES.

Vehicles, or parts thereof, which are abandoned or appear to be abandoned, or vehicles, or parts thereof, which are left dismantled or in disrepair, which are inoperable, wrecked or junked, which are located in any part of the Village, either on private or public property, are hereby declared to be public nuisances in need of regulation for the public welfare.

Sec. 3-135 GENERAL OFFENSES; ABANDONMENT OF VEHICLES.

No person shall abandon any vehicle, or part thereof, within the Village and no person shall leave any vehicle, or part thereof, at any place within the Village for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.

Sec. 3-136 ABANDONED MOTOR VEHICLE; DEFINED.

A motor vehicle shall be deemed to be an abandoned vehicle if left unattended:

(1) With no number plates affixed thereto, for more than six hours on any public property;

(2) For more than twenty-four hours on any public property, except a portion thereof on which parking is legally permitted;

(3) For more than forty-eight hours, after the parking of such vehicle shall have become illegal, if left on a portion of a public property on which parking is legally permitted; or

(4) For more than seven days on private property if left initially without permission of the owner, or after permission of the owner shall be terminated.

For purposes of this section public property shall mean any public right-of-way, street, highway, alley, park or other state, county or municipally owned property; and private property shall mean any privately owned property which is not included within the definition of public property. (60-1901 thru 60-1911 R.R.S. Neb.)

Sec. 3-137 GENERAL OFFENSES; DISPOSAL OF ABANDONED VEHICLES.

The Village Marshal shall dispose of, and is herein authorized to dispose of, abandoned vehicles by following the provisions of §60-1901 through §60-1911 of the Revised Nebraska Statutes. Those statutes are incorporated in the Village Code by reference.

Sec. 3-138 GENERAL OFFENSES; LITTERING OF PUBLIC AND PRIVATE PROPERTY; PENALTY.

Any person who deposits, throws or leaves any litter on any public or private property, or in any waters commits the offense of littering unless:

(A) Such property is in an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or

(B) The litter is placed in a receptacle or container installed on such property for such purpose. The word litter as used in this Section means all rubbish, refuse, waste material, garbage, trash, debris or other foreign substances solid or liquid, of every form, size, kind and description. Whenever litter is thrown, deposited, dropped or dumped from any motor vehicle in violation of this Section, the operator of such motor vehicle is presumed to have caused or permitted such litter to have been so thrown, deposited, dropped or dumped therefrom. Litter is a Class IV misdemeanor as defined by state statute.

## Article 2. Animals

### Sec. 3-201 ANIMALS; ANIMALS RUNNING AT LARGE PROHIBITED.

It shall be unlawful for the owner or person entitled to the possession of an animal to allow such animal to run at large in the Village any time during the year; and it shall be unlawful for anyone to herd or drive any animal through the streets without having said animal under control by means of rope, strap or other device by which it may be led, unless such animal is being driven in harness or hauled.

### Sec. 3-202 ANIMALS; IMPOUNDING OF ANIMALS.

If any animal shall be found running at large contrary to the provisions of this Article, it is hereby made the duty of the Poundmaster to take up and confine the same in a secure place provided for that purpose and such animal taken up and confined shall not be released until the owner or person entitled to the possession thereof shall pay to the Humane Society, or any other contracted provider for the Village of McGrew, a fee for taking up such animal. Additional fees shall be charged by for Second Offense: Fifty Dollars (\$50.00); Third Offense and each additional offense; Two Hundred Fifty Dollars (\$250.00). The Poundmaster shall not be authorized to release any animal until the individual shall provide proof of the payment of the fees as set forth in this Article.

For purposes of this ordinance, the Village has the authority to contract with other political subdivisions that may have appropriate confinement facilities as necessary. This contract may include, but not be limited to the housing of such animals, the euthanization of such animals and the collection of fees related to these facilities and services.

### Sec. 3-203 ANIMALS; NOTICE AND SALE OF ANIMALS.

If the owner or person entitled to the possession of an animal does not pay the charges and take it away within five (5) days from the time it is taken into custody, the Poundmaster may sell such animal at public auction after having given at least five (5) days notice of the time and place of such sale by publishing or by posting said notice in five (5) public places in the Municipality as well as serving a copy of said notice upon the owner or possessor, if know of

said animal. Such animal may be redeemed at any time before the date of sale by payment to the officer in charge or his assistant of any fees, expenses and charges herein provided.

Sec. 3-204 ANIMALS; REVENUE FROM SALE.

In case any animal sold pursuant to the provisions of this Article be sold for more than is sufficient to pay the fees and charges aforesaid, such excess shall, by the officer or his assistant making the sale, be deposited with the Clerk, who shall pay such excess, upon an order of the Village Board, to the owner of such animal or to the person entitled to the possession of the same upon claim and proper proof within one (1) year from date of said sale.

Sec. 3-205 ANIMALS; FREEING IMPOUNDED ANIMALS PROHIBITED.

It shall be unlawful to break open or in any manner, directly or indirectly, aid or assist in breaking open any pen or enclosure with intent of releasing any animal confined thereof.

Sec. 3-206 ANIMALS; CRUELTY TO.

A person commits cruelty to animals if, except as otherwise authorized by law, he intentionally or recklessly:

- (A) Subjects any animal to cruel mistreatment; or
- (B) Abandons any animal; or
- (C) Kills or injures any animal belonging to another.

For purposes of this Section, animal shall mean a domesticated living creature and a wild living creature previously captured. Animal does not include any uncaptured wild creature or a wild creature whose capture was accomplished by conduct at issue under this Section; cruel mistreatment shall be every act or admission which causes or unreasonably permits the continuation of unnecessary or unjustifiable pain or suffering; cruel neglect shall mean failure to provide food, water, protection from the elements, opportunity to exercise, or other care normal, usual and proper for an animal's health and well being; abandonment shall mean leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care..

Sec. 3-207 ANIMALS; VIOLATIONS; NUISANCE.

It is hereby declared that a violation of this Article is hereby declared to be a nuisance.

Sec. 3-208 ANIMALS; EXOTIC.

It shall be unlawful for any resident of the Village to own, possess or harbor exotic animals. Violation of this ordinance shall include, in addition to any criminal penalty, the forfeiture of the exotic animal, which shall be disposed of in an appropriate and humane fashion by the municipality or its designee.

Exotic animals are those defined as animals identified as endangered species under the Endangered Species Act, adopted by the United States Federal Government, any animal which required for possession or ownership a license or special permit from the United States government, and any non-domesticated animal which is dangerous by its habit and nature to human life and property, and shall include but not be limited to: poisonous animals, alligators, bears, bison, bobcats, elephants, lions tigers, panthers, wolves, crocodiles, monkeys, constricting snakes, poisonous snakes, poisonous spiders, and piranhas.

Sec. 3-209 ANIMALS; MAXIMUM NUMBER

No household shall own or harbor more than three domestic animals. An adult domestic animal is defined as any domestic animal which is six (6) months of age or more.

It shall be unlawful for any resident

Article 3. Dogs

Sec. 3-301 DOGS; DEFINITIONS.

The term "owner" as used in this Article shall mean any person harboring or keeping a dog within the corporate limits of the Village. The term "dog" as used in this Article shall mean and include either male or female.

Sec. 3-302 DOGS; MAXIMUM NUMBER.

The maximum number of adult dogs which may be kept or harbored at any one household within the Village of McGrew is three (3). An adult dog is defined as a dog which is six (6) months or more of age.

Sec. 3-303 DOGS; DANGEROUS.

The following breeds of dogs are known specifically as dangerous animals and may not be kept, maintained, boarded, or owned within the Village of McGrew:

Doberman Pincer, Rottweiler, Presa Canario, Chow Chow,  
American Staffordshire Terrier, commonly known as the Pit Bull.

Included in this ordinance is any mixed-breed dog which has as its heritage any of the above listed breeds. Such animal is specifically determined to be dangerous animal and may not be kept, maintained, boarded, or owned within the Village of McGrew.

Sec. 3-304 DANGEROUS DOGS PROHIBITED; DESTRUCTION.

It shall be unlawful for the owner of any dog that the owner knows or reasonably should know to be dangerous to other persons or to property to permit the same to be at large in the Village of McGrew. Such dog is hereby declared to be a public nuisance and may be destroyed by the animal warden if such dog is found at large within the Village limits. The prudent use of firearms to accomplish the destruction shall not be considered a violation of the ordinances of the Village of McGrew.

Sec. 3-305 BARKING DOGS.

It shall be unlawful for any person within the corporate limits of the Village of McGrew to own a dog that barks continually or repeatedly during the hours of 10:00 p.m. to 6:00 a.m. to the disturbance of the peace of the neighborhood.

Sec. 3-306 DOGS; RABIES VACCINATION.

It shall be unlawful for any person to own or possess a dog which is six (6) months or more of age which has not been vaccinated for rabies.

Sec. 3-307 DOGS; RABIES.

The Poundmaster, shall have authority to order the owner of any dog showing symptoms of rabies or of any dog which has bitten any person so as to cause an abrasion of the skin, to subject such dog to the Village pound for quarantine for a period of not to exceed fifteen (15) days, and if such dog shall be determined free of rabies the same shall be returned to the owner upon payment of one-half (1/2) the regular fee for keeping dogs impounded. No other fee shall be charged. If such fee is not paid the dog shall be subject to disposal as provided hereinafter.

Provided, however, that in lieu of submitting such dog to the Village pound, the owner may, at his expense, submit such dog to a veterinarian for examination. Any dog afflicted with rabies shall be disposed of immediately, either by the owner or by the Poundmaster.

Sec. 3-308 DOGS; POUNDMASTER.

The Village Board may appoint a Poundmaster and give him the authority of a police officer under the supervision of the Village Marshall, to be responsible for the enforcement of all dog regulations as well as other stray animals. He shall operate the dog and stray pound and pound fees collected by him shall be turned over to the Treasurer. In the absence of such appointment, the Village Marshall shall serve as Poundmaster.

It shall be unlawful for any person to hinder or molest any person who may be engaged in the seizing or killing of any dog within the Village limits, when such person is authorized to do so under the provisions of this Article.

Sec. 3-309 DOGS; IMPOUNDING RELEASE.

It shall be the duty of the Village Marshall or other officer authorized by the Mayor and Council to cause to be captured and impounded in the Village pound or some other appropriate place all dogs found running at large within the Village. Upon the capture and impounding of any dog, it shall be the duty of the Village Marshall to notify the owner thereof, if such owner can be ascertained, which notice shall advise of the fact of the capture and the date of impounding and the amount of the costs of impounding which must be paid within five (5) days after the service of such notice. If such sums are not paid within the said five days, the dog impounded shall be disposed of as provided in this Article. In case the owner cannot be ascertained, a notice containing a description of the dog taken, the date of impounding and the amount of license tax and penalty due thereon shall be posted in the office of the Village Clerk,

which notice shall advise all whom it may concern that in case the charges due upon said animal are not paid within five (5) days from the date of posting of said notice, the dog will be disposed of as provided in this Article. In case payment is made of such impounding, the owner of the dog taken and impounded under this Article, shall be entitled to delivery of such dog. The owner of any dog so impounded shall also be required to pay the actual expenses incurred by the Village for maintaining the dog in the dog pound during the time the dog was impounded. This sum must be paid prior to the time the dog is released to its owner.

For purposes of this Article, disposal of a dog shall be accomplished in the following manner;

(A) Delivery of the dog to the person who shall pay the impounding expenses.

(B) Destroying the dog in a humane manner.

(C) Transportation of the dog to the Scottsbluff Humane Society so long as the Scottsbluff Humane Society agrees to accept impounded dogs.

If subsection (A) hereof is not exercised, it will be the election of the Village Marshall or his designated officer to transport the dog to the humane society or destroy the dog in a humane manner.

#### Sec. 3-310 DOGS; AT LARGE.

If the owner of any dog permits the same to run at large in the Village, the owner thereof shall be deemed guilty of a misdemeanor. The Village Marshall or other officer designated by the Village Board is hereby authorized to destroy any dogs which are running at large within the Village limits of McGrew, which are vicious or dangerous to any person in the Village or injures any person in the Village. The prudent uses of firearms by the Village Marshall or any other such officer for this purpose or for any purpose required in this Article shall not be deemed a violation of the provisions of this Code.

For purposes of this Article, "Dog running at large" shall be defined as a dog which has left the property of its owner without being restrained by a proper leash and in the custody of the owner or other responsible person.



Sec. 3-311 OWNER'S LIABILITY FOR DAMAGES.

The owner or owners of any dog shall be liable for any and all damages that may accrue to any person, not in the act of a crime, by reason of having been bitten by any such dog, and to any person, firm or corporation by such dog killing, wounding, or chasing any person or persons, or any domestic animals or livestock belonging to or cared for by any such person, firm or corporation. If the damage to the domestic animal or livestock occurs on the premises of the owner of the dog, the owner shall not be liable for the damages. Such damage may be recovered in any court having jurisdiction of the amount claimed. If two (2) or more dogs owned by different persons shall kill, wound, or chase any domestic animal or livestock, such persons shall be jointly and severally liable for all damage done by such dogs.

Article 4. Curfew

Sec. 3-401 CURFEW; PROHIBITED HOURS FOR MINORS ON STREETS.

It is hereby declared to be a misdemeanor for any boy or girl under sixteen (16) years of age to visit any public place or be on the streets, alleys or public grounds within the Village between the hours of 11:00 p.m. and 5:00 a.m. unless such minor or minors be accompanied by a parent or guardian, or have written permission from such parent or guardian so as to be abroad at such time; provided that any written permission shall be for the specific date and any blanket permission shall be considered as no permission.

Sec. 3-402 CURFEW; RESPONSIBILITY OF PARENTS AND GUARDIANS.

Any parent or parents, guardian or other person having the custody of any minor, as defined in Section 3-401 hereof, permitting, allowing or abetting said minor or minors to violate Section 3-401 hereof, shall be deemed guilty of contributing to the delinquency of said minor. The finding that said minor has violated the said Section shall be presumptive proof of the contributing to the delinquency of said minor or minors by said parent or guardian or other person having the control of said minors.

Sec. 3-403 CURFEW; PRESUMPTION OF PRESENCE ON STREETS.

The finding of any minor upon the streets, alleys or other public places within the Village in violation hereof shall be presumptive proof that the said minor is a juvenile delinquent and disorderly person, and said minor shall be, by the arresting officer, immediately turned over to the custody of the Juvenile Court of the County for proceedings against said minor.

**Chapter 4**  
**DEPARTMENTS**

Article 1. Sewer Department

Sec. 4-101 MUNICIPAL SEWER DEPARTMENT; OPERATION AND FUNDING.

The Municipality owns and operates the Municipal Sewer System through the Sewer Committee. The Village Board, for the purpose of defraying the cost of the operation, maintenance and replacement (OM&R) of the Municipal Sewer System may establish a user charge system based on actual use and revise the charges, if necessary, to accomplish the following:

1. Maintain the proportional distribution of operation, maintenance and replacement (OM&R) costs among users and user classes;
2. Generate adequate revenues to pay the costs of OM&R;
3. Apply excess revenues collected from a class of users to the costs of OM&R attributable to that class for the next year and adjust the rates accordingly.

The revenue from the said user charge system based on actual use shall be known as the Sewer Maintenance Fund and control of the Sewer Department and shall faithfully carry out the duties of the position. The Committee shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the Village Board. (Ref. 17-925.01 R.R.S. Neb.)

Sec. 4-102 MUNICIPAL SEWER DEPARTMENT; DEFINITIONS.

Unless the context specifically indicates otherwise, the meaning of the terms used in this Article shall be as follows:

(A) "Sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

(B) "Inspector" shall mean any person duly authorized by the Chairman and Board of Trustees to inspect and approve the installation of building sewers and their condition to the public sewer system.

(C) "Sewage" shall mean a combination of the water carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

(D) "Sewer" shall mean a pipe or conduit for carrying sewage.

(E) "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

(F) "Sanitary Sewer" shall mean a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

(G) "Building Drain" shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

(H) "Building Sewer" shall mean the extension from the building drain to the public sewer or other place of disposal.

(I) "Person" shall mean any individual, firm, company, association, society, corporation or group.

(J) "Shall" is mandatory; "May" is permissive.

Sec. 4-103 MUNICIPAL SEWER DEPARTMENT; USE OF PUBLIC SEWERS  
REQUIRED.

(A) It shall be unlawful for any person to place, deposit, or permit to be deposited in an unsanitary manner upon public or private property within the Village of McGrew, or in any area under the jurisdiction of said Village, any human, or animal excrement, garbage, or other objectionable waste which ordinarily would be regarded as sewage.

(B) It shall be unlawful to discharge to any natural outlet within said Village of McGrew or in any area under the jurisdiction of said Village, any sanitary sewage, industrial waste, or polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

(C) Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facilities intended or used for the disposal of sewage.

(D) The owner of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes situated with the village and abutting any street, alley or right-of-way in which there is now located or may in the future be located in a public sewer of the village, is hereby required at his own expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Article, within ninety (90) days after date of official notice to do so, provided that the said public sewer is within three hundred (300) feet of the property line.

(E) If any property owner fails or neglects to make connection with the public sewer as provided in paragraph (D), above, then the Village Board of the Village may send notice to the newspaper published or of general circulation in the Village, or make such connection. If such property owner fails or neglects to make connection with the public sewer within thirty (30) days after such notice has been given, then the Village Board of the Village may cause the same to be done, to assess the cost thereof against the property, and to collect the assessment in the manner provided for collection of other special taxes and assessments.

(F) The Municipality shall install and maintain the Sewer Main. The customer shall install and maintain at his expense that portion of the service from the point of connection on the Main to his premises. The customer shall be responsible to provide the connection to the mIn. That connection shall meet the specifications set by the municipality and consist of a "T", "Y", saddle, or other approved method of connection. The size and slope of the building sewers shall be subject to the approval of authorized personnel of the Municipality, but in no event shall the diameter be less than four (4) inches. Whenever possible the building sewer shall be brought to the building at an elevation below the basement floor.

Sec. 4-104 MUNICIPAL SEWER DEPARTMENT; PUBLIC SEWAGE DISPOSAL.

(A) Where a public sanitary sewer is not available under the provisions of Section 4-103(D) the building sewer shall be connected to a private sewage disposal system complying with all requirements of the State Board of Health.

(B) At such times as a public sewer becomes available to a property served by a sewage disposal system as provided in Section 4-103(D), a direct connection shall be made to the public sewer in compliance with this Article, and any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned.

(C) The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Village.

(D) No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the State Department of Health.

Sec. 4-105 MUNICIPAL SEWER DEPARTMENT; BUILDING SEWERS AND CONNECTIONS.

(A) No unauthorized person shall uncover, make any connections with or open into, use, alter, or disturb any public sewer or appurtenances without first obtaining a written permit from the Village Clerk. Before a permit may be issued for excavating for plumbing in any public street, way or alley, the person applying for such permit shall be a licensed plumber and shall have deposited with the Clerk a surety in the sum of ten thousand (\$10,000.00) dollars conditioned that he will perform faithfully all work with due care and skill, and in accordance with any ordinances of the Village of McGrew and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and arising out of unskillfulness or negligence on his part in connection with plumbing or excavating for plumbing as prescribed in this Article. Such bond shall remain in force and must be executed for a period of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration. A copy of such bond or evidence of such surety shall be provided to the Village and attached to the application for permit.

(B) All costs and expense incidental to the installation and connection of the building sewer for said owner shall indemnify said Village from any loss or damage that might directly or indirectly be occasioned by said installation.

(C) A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer. Other exceptions will be allowed only by special permission granted by the inspector.

(D) Old building sewer or portions thereof may be used in connection with new buildings only when they are found on examination and test by the said inspector to meet all requirements of this ordinance.

(E) The building sewer shall be constructed and installed in accordance with plans and specifications approved by the Village and all installations shall be subject to examination and test by the inspector of the Village.

(F) In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drains shall be listed by approved artificial means and discharged to the building sewer. No water operated sewage ejector shall be used.

(G) The connection of the building sewer into the public sewer shall be made at the location designated for that property, if such branch is available at a suitable location. Any connection not made at the designated branch in the main sewer, shall be made only as directed by the said inspector and shall be done only by use of an approved method of construction.

(H) The applicant for the building sewer shall notify the said inspector when the building sewer is ready for inspection and connection to the public sewer and provide a photograph of the connection to the inspector to be kept in the records of the Municipal Sewer Department. The connection shall be made under the supervision of the said inspector or his representative.

(I) All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in manner satisfactory to the said inspector.

(J) The Municipality shall in no event be held responsible for claim made against it by reason of the breaking of any mains or service pipes, or by reason of any other interruption of the service caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damage nor have any portion of a payment refunded for any interruption.

(K) The Municipality shall make all reasonable efforts to eliminate interruption of service, and when such interruption occurs will endeavor to reestablish service with the shortest possible delay. Whenever the service is interrupted for purpose of working on the collection system or the treatment equipment, all consumers affected by such interruption will be notified in advance whenever it is possible to do so.

(L) The premises receiving sanitary sewer service shall at all reasonable hours be subject to inspection by duly authorized personnel of the Municipality.

Sec. 4-106 MUNICIPAL SEWER DEPARTMENT; USE OF THE PUBLIC SEWERS.

(A) No person shall discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, subsurface drainage, or cooling water to any sanitary sewer.

(B) No person shall discharge or cause to be discharged to any public sewer, any harmful waters or wastes, whether liquid, solid or gas, capable of causing obstruction to the flow in sewers, damage or hazard to structures, equipment and personnel of the sewage works or other interference with the proper operation of the sewage works.

(C) Sewer service may be discontinued by the Municipality for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

1. Misrepresentation in the application as to the property or fixtures to be serviced by the sanitary sewer system.
2. Non-payment of bills.
3. Improper or imperfect service pipes and fixtures, or failure to keep same in suitable state of repair.

(D) The admission into the public sewers of any waters or wastes having harmful or objectionable characteristics shall be subject to the review and approval of the inspector, who may prescribe limits on the strength and character of these waters or wastes.

Sec. 4-107 MUNICIPAL SEWER DEPARTMENT; POWERS AND AUTHORITY OF INSPECTORS.

The inspector and other duly authorized employees of the Village Board of Trustees, bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this Article.



Sec. 4-108 MUNICIPAL SEWER DEPARTMENT; PENALTIES.

(A) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the municipal sewerage system. Any person violating this provision shall be subject to immediate arrest upon a charge of malicious destruction of property.

(B) Any person found to be violating any provisions of this Article, with the exception of Section 4-107 shall be served by the Village Clerk with written notice stating the nature of the violation and providing a reasonable time for the satisfactory correction thereof. The offender shall within the period of time stated in such notice permanently stop all violations.

(C) Any violation of the rules and regulations after written notice to cease and desist shall constitute a misdemeanor and the violator, upon conviction thereof, shall be fined in an amount not to exceed two hundred fifty (\$250.00) dollars and, in addition, shall become liable to the Village for any expense, loss, or damage occasioned to the Village by reason of such violation.

Sec. 4-109 MUNICIPAL SEWER DEPARTMENT; SEWER SERVICE CHARGE.

There shall be and there is hereby established a sewer service charge for the use of and for the service supplied by the village sanitary sewer system of the Village of McGrew, Nebraska, based upon a monthly rate of the residential sites, commercial sites and industrial sites. The rate shall be set by resolution of the Village Board and kept on file in the office of the Village Clerk. The Village Board shall have the authority to establish different classifications of users for the purpose of setting user fees.

Sec. 4-110 - MUNICIPAL SEWER DEPARTMENT; RATES AND CHARGES.

Bills for the rates and charges are herein established by the Village and shall be issued on the first day of each month. All bills shall be payable on the first day of the month and delinquent on the fifteenth day of the month following the period of service and shall be payable and shall be paid to the Superintendent of the Sewage Works. If any charge for the services of the system shall not be paid by the fifteenth day of the month in which it shall become due and payable, a charge of \$2.50 shall be added thereto and collected therewith. The Village may take any action authorized by law to effect collection of delinquent charges.

Sec. 4-111 MUNICIPAL SEWER DEPARTMENT; APPLICATION FOR SEWER SERVICE.

Application for sewer service shall be filed with the Village Clerk upon forms to be supplied by the Village. The application shall state the name of the applicant and the address of the premises to be served. All applications shall be accompanied by a fee of two hundred (\$200.00) dollars, payable to the Village Clerk.

Sec. 4-112 MUNICIPAL SEWER DEPARTMENT; LIABILITY FOR SEWER SERVICE.

The owner of the premises served and the occupant thereof and the user of the sanitary sewer service shall be jointly and severally liable for the sewer service provided for the premises. A deposit in the amount required in Section 4-202 of the Municipal Code shall be required from the owner or the tenant of the premises. The deposit shall be applied to any bill for sewer service delinquent more than thirty (30) days. Upon the disconnection of the sewer service, any balance of such deposit shall be returned to the applicant without interest.

Sec. 4-113 MUNICIPAL SEWER DEPARTMENT; DUTIES OF SUPERINTENDENT OF SEWAGE WORKS.

It is hereby made the duty of the Superintendent of Sewage Works to render bill for sewer service and all other charges in connection therewith and to collect all money due therefrom.

Sec. 4-114 MUNICIPAL SEWER DEPARTMENT; REVENUES.

All revenues and money derived from the operation of the sewer system shall be paid to and held by the Village Treasurer separate and apart from all other funds of the village and all of said sums and all other funds and money incident to the operation of said system, as may be delivered for the Village Treasurer, shall be deposited in a separate fund designated the Village of McGrew, Nebraska Sewer Fund. Accountant and said Village Treasurer shall administer said fund in every respect in a manner provided by the laws of Nebraska and all other laws pertaining thereto.

Sec. 4-115 MUNICIPAL SEWER DEPARTMENT; ACCOUNTS AND RECORDS; AUDIT.

The Village Treasurer shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the sewer system and at regular annual intervals the Village Board shall cause to be made an audit by an independent auditing concern of the books to show the receipts and disbursements of the sewer system.

Article 2. Utilities Generally

Sec. 4-201 UTILITIES GENERALLY; BILLING.

Utility bills shall be a joint bill for all utilities and shall be due and payable monthly at the office of the Village Clerk. It shall be the duty of the Village Clerk to compute or cause to be computed a joint utility bill by the end of each month according to the appropriate provisions of this Code. It shall be the duty of all utilities customers to cause to be mailed or to present themselves monthly at the office of the Village Clerk and pay their bill for all utility charges. Bills shall be deemed delinquent if not paid by the fifteenth (15th) day of each month. If a utilities consumer whose bill is unpaid is not the owner of the premises and the Village Clerk has notice of this, then notice shall be mailed to the owner of the premises, if the owner's address is known to the Village Clerk, whenever such bill remains unpaid for a period of sixty days after it has been rendered.

All fees for utility service prescribed by this section, if not paid when due, shall be subject to a service charge of the greater of the sum of \$2.50 or 10% of the delinquent amount and shall be a lien upon the premises for which the utility service is supplied and used and when such service charge is not paid, such charge shall be certified to the Village Treasurer and become a lien upon the real estate.

Sec. 4-202 UTILITIES GENERALLY; DEPOSIT.

Any customer desiring service shall be required to make a service deposit for all Municipal Utilities. The amount of said deposit shall be paid to the office of the Municipal

Clerk. The applicant shall be liable for the utility service provided to the premises. A deposit in the amount of One Hundred Dollars (\$100.00) per utility shall be required in order to initiate utility service. This deposit shall be applied to any bill for utility service delinquent for more than thirty (30) days. Upon discontinuation of the utility service, any balance of deposit shall be returned to the applicant, without interest, less any amount due and owing for utility service earlier provided. In the circumstances involving rental properties, the owner of such properties or manager may arrange for the deposit of funds of \$100.00 in order to ensure that no discontinuation of service should occur in the event the property should become vacant. Such deposit of \$100.00 shall be made in the same fashion, held without interest, and be available to be applied against outstanding bills upon a request of the owner or manager to discontinue service.

Sec. 4-203 UTILITIES GENERALLY; LIEN.

In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for utilities service furnished, such amount due, together with any rents and charges in arrears shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The Village Clerk shall notify in writing, all owners of premises or their agents whenever their tenants or lessees are sixty (60) days or more delinquent in the payment of the utilities rent. It shall be the duty of the Village Clerk to report to the Village Board a list of all unpaid accounts due for utilities service together with a description of the premises served. The report shall be examined, and if approved by the Village Board, shall be certified by the Municipal Clerk to the County Clerk to be collected as special tax in the manner provided by law. (Ref. 17-538, 17-925.01, 18-503 R.R.S. Neb.)

Sec. 4-204 UTILITIES GENERALLY; DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE.

No Municipal Utility shall discontinue service to any domestic subscriber for non-payment of any due account unless such utility shall first give written notice by mail to any subscriber whose service is proposed to be terminated at least seven days prior to termination, weekends and holidays excluded. As to any subscriber who has previously been identified as a welfare recipient to the utility by the Department of Social Services, such notice shall be by

certified mail and notice of such proposed termination shall be given to the Department of Social Services.

Prior to the discontinuance of service, any domestic subscriber, upon request, shall be provided a conference with the Board of Trustees. The Board of Trustees has established procedures to resolve utility bills when a conference is requested by a domestic subscriber. These procedures, three (3) copies of which are on file in the office of the Village Clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part hereof as though set out in full. A copy of such procedures shall be furnished upon the request of any domestic subscriber. The Board of Trustees shall notify the domestic subscriber of the time, place and date scheduled for such conference. (Ref. 70-1603, 70-1604 R.R.S. Neb.)

Sec. 4-205 UTILITIES GENERALLY; DIVERSION OF SERVICES; PENALTY.

The Municipality may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts (a) bypassing, (b) tampering, or (c) unauthorized metering when such act results in damages to a Municipal Utility. A Municipality may bring a civil action for damages pursuant to this Section against any person receiving the benefit of utility service through means of bypassing, tampering or unauthorized metering.

In any civil action brought pursuant to this Section, the Municipality shall be entitled, upon proof of willful or intentional bypassing, tampering, or unauthorized metering to recover as damages:

(A) The amount of actual damage or loss if the amount of the damage or loss is susceptible of reasonable calculation; or

(B) Liquidated damages of seven hundred fifty (\$750.00) dollars if the amount of actual damage or loss is not susceptible of reasonable calculation.

In addition to damage or loss under subdivision (A) or (B) of this Section the Municipality may recover all reasonable expenses and costs incurred on account of the bypassing, tampering, or unauthorized metering including, but not limited to, disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorney's fees in cases within the scope of Section 25-1801 R.R.S. Neb. 1943.

There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering or unauthorized metering is proven to exist caused or had knowledge of

such bypassing, tampering, or unauthorized metering if the tenant or occupant (a) had access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and (b) was responsible or partially responsible for payment, either directly or indirectly, to the utility or to any other person for utility services to the premises.

There shall be a rebuttable presumption that a customer at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the customer controlled access to the part of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering was proven to exist.

The remedies provided by this Section shall be deemed to be supplemental and additional to powers conferred by existing laws and the remedies provided in this Section are in addition to and not in limitation of any other civil or criminal statutory or common law remedies. (Ref. 86-331.01 thru 86-331.04 R.R.S. Neb.)

Sec. 4-206 DELINQUENT ACCOUNT, DEFINITION, FEES, AND COST ASSESSMENT, ACTION ALLOWED.

Delinquent utility accounts are defined as utility accounts payable to the Village of McGrew which have gone unpaid for sixty (60) days or more, or which have reached a balance of \$100.00 or more and remain unpaid after two (2) billing cycles of one month in length.

All utility accounts for utility services rendered by the Village of McGrew which have become delinquent as defined above, may at the discretion of the Village Board of Trustees, be pursued for collection purposes either by action taken by the Village Board of Trustees' direction or by a commercial collection agency. All legally assessable collection costs including court costs, attorneys fees, if any, collection agency costs together with the original account amount shall be assessed as a lien against the property as provided by state law and may be collected in any fashion allowable under state law. All such delinquent accounts shall be assessable against any tenant, owner, or both, of the property.

### Article 3. Fire Department

#### Sec. 4-301 MUNICIPAL FIRE DEPARTMENT; OPERATION AND FUNDING.

The Municipality operates the Municipal Fire Department through the Municipal Fire Chief and Firemen. The Village Board, for the purpose of defraying the cost of the management, maintenance, and improving the Fire Department may each year levy a tax not exceeding the maximum limits prescribed by State law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from the said tax shall be known as the Fire Department Fund. The Fund shall be at all times in the possession of the Municipal Treasurer. (Ref. 17-718, 17-953 R.R.S. Neb.)

#### Sec. 4-302 MUNICIPAL FIRE DEPARTMENT; FIRE CHIEF.

The Fire Chief shall manage the Fire Department and it shall be his duty to inform the Village Board when any of the fire engines, hose, ladders, or other apparatus needs repair. Upon the written consent and directive of the Village Board, the Fire Chief shall cause the repair, improvement, or maintenance of the said equipment and shall personally supervise and approve of the same. It shall be the duty of the Fire Chief to come before the Village Board at the regular meeting in January of each year to give an annual report to the Village Board of the general condition and the proposed additions or improvements recommended by him.

#### Sec. 4-302 (a) MUNICIPAL FIRE DEPARTMENT; FIRE CHIEF; SELECTION:

The Municipal Fire Chief shall be selected by an election of the members of the Fire Department Company with the advice and consent of the Village Board. The Fire Department Company shall conduct an election according to procedures which they shall be entitled to establish to select one (1) individual to serve as Chief for a term of one (1) year. That individual's name shall be transmitted to the Municipal Clerk for approval and confirmation of that individual as Fire Chief. That person shall serve a term of one (1) year and shall be selected at the first annual meeting of the Fire Board and shall continue to serve until a successor is selected. The person selected as Chief must be confirmed by a majority vote of the Village Trustees. The Fire Chief shall serve at the pleasure of the Village Board and shall be subject to

recall or discharge based upon a majority vote of the Board of Trustees. The Fire Chief shall be entitled to same benefits as all other members of the Municipal Fire Department as set forth elsewhere in this Article.

Sec. 4-303 MUNICIPAL FIRE DEPARTMENT; MEMBERSHIP.

The Fire Chief shall appoint no more than twenty-five (25) members for each Fire Department Company subject to the review and approval of the Village Board. All vacancies shall be filled in this manner. Said members shall be considered to be employees of the Municipality for the purpose of providing them with workmen's compensation and other benefits. Each member shall be entitled to a term life insurance policy in the amount of at least five thousand (\$5,000.00) dollars for death from any cause to age sixty-five (65) and such policy shall, at the option of the individual fireman, be convertible to a permanent form of life insurance at age sixty-five (65); Provided, that the firemen covered are actively and faithfully performing the duties of their position. The Fire Department shall consist of so many members as may be decided by the Village Board. They may hold meetings and engage in social activities with the approval of the Village Board. The secretary shall upon request keep a record of all meetings and shall make a report to the Village Board of all meetings and activities of the Fire Department. The Village Board may, for services rendered, compensate or reward any member or members of the Fire Department in an amount set by resolution. All members of the Fire Department shall be subject to such rules and regulations, and shall perform such duties, as may be prescribed or required of them by the Fire Chief or the Village Board. The members of the Fire Department shall, during the time of a fire or great public danger, have and exercise the powers and duties of policemen and shall have full power and authority to arrest all persons guilty of any violation of the Municipal Code, or the laws of the State of Nebraska.

Provided, however, Volunteer Firefighters and rescue squad members testifying as a witness in connection with his or her officially assigned duties in that capacity alone shall not be deemed employees of the State of Nebraska or of the Municipality. (Ref. 33-139.01, 35-101 thru 35-103, 35-108 R.R.S. Neb.)



Sec. 4-304 MUNICIPAL FIRE DEPARTMENT; RECORDS.

The Fire Chief shall keep or cause to be kept a record of all meetings of the Fire Department, the attendance record of all members, a record of all fires, and shall make a full report of such records to the Municipal Clerk during the last week in April each year. The record of any fire shall include the cause, origin, circumstances, property involved, and whether criminal conduct may have been involved. In the event of sizable property damage, he shall include the information of whether such losses were covered by insurance, and if so, in what amount. All records shall be available to the public at any reasonable time.

Sec. 4-305 MUNICIPAL FIRE DEPARTMENT; FIRES.

It shall be the duty of the Fire Department to use all proper means for the extinguishment of fires; to protect property within the Municipality; and to secure the observance of all ordinances, laws, and other rules and regulations with respect to fires and fire prevention.

Sec. 4-306 MUNICIPAL FIRE DEPARTMENT; DISTANT FIRES.

Upon the permission of the Village Chairman or Fire Chief, or pursuant to any agreement with a Rural Fire District for mutual aid and protection, such fire equipment of the Municipality as may be designated by the Village Board as rural equipment may be used beyond the corporate limits to extinguish a reported fire.

Sec. 4-307 MUNICIPAL FIRE DEPARTMENT; FIGHTING DISTANT FIRES.

The firefighters of the Municipality shall be considered as acting in the performance and within the scope of their duties in fighting fire or saving property or life outside the corporate limits of the Municipality when directed to do so by the Chairman or Chief of the Fire Department or some person authorized to act for such Chief and in so doing, may take such fire equipment of the Municipality as may be designated by the Village Board.

Sec. 4-308 MUNICIPAL FIRE DEPARTMENT; HOSE TESTED.

All fire hose shall be pressure tested at least two (2) times each year.

Sec. 4-309 MUNICIPAL FIRE DEPARTMENT; DRILLS.

The Municipal Fire Department shall hold departmental fire drills at least six (6) times per year at such times as the members of the Fire Department shall decide.

Sec. 4-310 MUNICIPAL FIRE DEPARTMENT; INSPECTIONS.

It shall be the duty of the Fire Chief, when directed to do so by the Village Board, to inspect or cause to be inspected by Fire Department officers, members, or some other official as often as may be necessary, all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any conditions liable to create a fire hazard. The inspection shall be of the storage, sale and use of flammable liquids, combustibles, and explosives; electric wiring and heating; and the means and adequacy of exits, in case of fire in schools, churches, hotels, halls, theaters, factories, hospitals, and all other buildings in which numbers of person congregate from time to time for any purpose whether publicly or privately owned; the design, construction, location, installations, and operation of equipment for storing, handling, and utilizing liquefied petroleum gases, specifying the odorization of said gases and the degree thereof, and chemicals, prozylin plastics, nitrocellulose films, or any other hazardous material that may now or hereafter exist. (Ref. 81-512 R.R.S. Neb.)

Sec. 4-311 MUNICIPAL FIRE DEPARTMENT; NOTICE OF VIOLATION.

Upon the finding that the Municipal Code has been violated, the Fire Chief shall notify, or cause to be notified, the owner, occupant, or manager of the premise where a violation has occurred. Notice may be made personally or by delivering a copy to the premise and affixing it to the door of the main entrance of the said premise. Whenever it may be necessary to serve such an order upon the owner, such order may be served personally, or by mailing a copy to the owner's last known post office address if the said owner is absent from the jurisdiction. Any such order shall be immediately complied with by the owner, occupant, or manager of the premise or building. The owner, occupant, or manager may, within five (5) days after such order by the Chief of the Fire Department or his agent, appeal the order of the the Village Board requesting a review and it shall be the duty of the Village Board to hear the same within not less than five (5) days nor more than ten (10) days from the time when the request was filed in

writing with the Municipal Clerk. The Village Board shall then affirm, modify, or rescind the said order as safety and justice may require and the decision shall then be final, subject only to any remedy which the aggrieved person may have at law or equity. The said order shall be modified or rescinded only where it is evident that reasonable safety exists and that conditions necessitate a variance due to the probable hardship in complying literally with the order of the Fire Chief. A copy of any decision so made shall be sent to both the Fire Chief and the owner, occupant, or manager making the appeal.

Sec. 4-312 MUNICIPAL FIRE DEPARTMENT; POWER OF ARREST.

The Municipal Fire Chief or the assistant Fire Chief shall have the power during the time of a fire and for a period of thirty-six (36) hours after its extinguishment, to arrest any suspected arsonist, or other person who conducts himself in a noisy or disorderly manner. The said officials shall be severally vested with the usual powers and authority of Municipal Policemen to command all persons to assist them in the performance of their duties.

Sec. 4-313 MUNICIPAL FIRE DEPARTMENT; FIRE INVESTIGATION.

It shall be the duty of the Fire Department to investigate or cause to be investigated, the cause, origin, and circumstances of every fire occurring in the Municipality in which property has been destroyed or damaged in excess of fifty (\$50.00) dollars. All fires of unknown origin shall be reported, and such officers shall especially make an investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall be begun within two (2) days of the occurrence of such fire and the State Fire Marshall shall have the right to supervise and direct that investigation whenever he deems it expedient or necessary. The officer making the investigation of fires occurring within the Municipality shall immediately notify the State Fire Marshal and shall, within one (1) week of the occurrence of the fire, furnish him with a written statement of all the facts relating to the cause and origin of the fire, and such further information as he may call for. (Ref. 81-506 R.R.S. Neb.)

## Article 4. Police Department

### Sec. 4-401 POLICE DEPARTMENT; DUTIES.

The Police Department for the Municipality shall consist of the County Sheriff and such other law enforcement agencies as the Village shall appoint. The Municipality is hereby authorized to contract with police departments of other municipalities to provide police protection and law enforcement for the Village. The law enforcement agency designated by the Village shall have control and management of all matters relating to the Police Department, its officers and members, and shall have the custody and control of all property and books, belonging to the Department. The Department shall execute and enforce all laws and orders of the Village Board. It shall be the duty of the Department to protect the rights of persons and property. The Department shall take notice of all nuisances, impediments, obstructions, and defects in the street, avenues, alleys, business places and residences of the Municipality. The Department shall execute, or cause to be executed, and issue process, and shall cause all persons arrested to be brought before the proper court for trial as speedily as possible. The Department shall be thoroughly conversant with the laws of the Municipality, and shall see that the same are strictly enforced and shall make sworn complaints against any person or persons for violation of the same.

## Article 5. Parks Department

### Sec. 4-501 MUNICIPAL PARKS; OPERATION AND FUNDING.

The Municipality owns and operates the Municipal Parks and other recreational areas through the Parks Committee. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal 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 Municipal Treasurer. The Committee shall have the authority to adopt rules and regulations for the efficient management of the Municipal Parks and other recreational areas of the Municipality. 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 the majority of the members of the Village Board prior to the contractual agreement. (Ref. 17-948 thru 17-952 R.R.S. Neb.)

Sec. 4-502 MUNICIPAL 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. It shall be unlawful for any person to injure, or destroy any sodded or planted area, or injury or destroy any building, structure, equipment, fence, bench, table, or any other property of the Municipal Parks and recreational areas. No person shall commit any waste on or litter the Municipal Parks or other public grounds.

Article 6. Penal Provision

Sec. 4-601 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 five hundred dollars (\$500.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

**Chapter 5**  
**HEALTH AND SANITATION**

Article 1. General Provisions

Sec. 5-101 HEALTH; REGULATION.

For the purpose of promoting the health and safety of the residents of the Municipality, the Board of Health shall, from time to time, adopt rules and regulations relative thereto, and shall make such inspections, prescribe such penalties, and make such reports as may be necessary toward that purpose. (Ref. 17-208 R.R.S. Neb.)

Sec. 5-102 HEALTH; ENFORCEMENT OFFICIAL.

The Village Marshal, as the Quarantine Officer, shall be the chief health officer of the Municipality. It shall be his duty to notify the Village Board and the Board of Health of health nuisances within the Municipality and its zoning jurisdiction. (Ref. 17-208 R.R.S. Neb.)

Sec. 5-103 HEALTH; 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 Municipality, in their present form and as they may hereafter be amended. One (1) copy of each of the said pamphlets is filed at the office of the Municipal Clerk and shall be available for public inspection at any reasonable time. (Ref. 18-132, 19-902 R.R.S. Neb.)

Sec. 5-104 HEALTH; 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 Municipality.

## Article 2. Garbage Disposal

### Sec. 5-201 GARBAGE, DEFINED.

Garbage shall mean and consist of food wastes from kitchens, shops, stores, including peelings, vegetable tops, waste from meats, fish and poultry, and such leftovers as are not usable or suitable for keeping, and spoiled fruits, vegetables and meats and other perishable wastes that attend to the preparation, use, cooking or the dealing in or storage of meats, fish, fowl, fruits or vegetables.

### Sec. 5-202 TRASH; RUBBISH, DEFINED.

Trash or rubbish as defined to mean all waste materials not included in the definition of garbage and shall include burnable and nonburnable materials.

### Sec. 5-203 BURNABLE TRASH OR RUBBISH; DEFINED.

Burnable trash or rubbish, for the purpose of this Article, shall be defined as all waste materials which may be quickly reduced in volume by burning, without creating undue smoke, smoldering or obnoxious odors and/or such materials of a size small enough to readily fit into the receptacle used for incineration which shall not contribute in any way to smoke, smoldering or obnoxious odors. Such materials shall include but not be limited to crumple paper, pasteboard, cardboard and composition cardboard cartons, small dry twigs and pieces of wood, bottles, cans and other containers.

### Sec. 5-204 NONBURNABLE TRASH OR RUBBISH; DEFINED.

Nonburnable trash or rubbish shall be defined as all waste materials which would create undue smoke, smoldering and/or obnoxious odors when burned in a receptacle used for incineration. Such materials shall include, but be not necessarily limited to, books, magazines, compactly folded papers, old shoes, boots, rugs, clothing materials, hair, litter picked up by vacuum cleaners and moist or wet leaves.

Sec. 5-205 YARD REFUSE; DEFINED.

Yard refuse for the purpose of this Article shall be defined as all nonburnable rubbish normally accumulated in the process of caring for yard or garden. It shall include but is not limited to leaves, grass and hedge clippings and/or trees, hedge and shrub trimmings not to exceed two and one half (2 1/2") inches in diameter; bricks, pieces of cement or quantities of any items over one hundred (100) lbs. in weight for any one (1) scheduled pick up or with dimensions exceeding four (4') feet in length or two (2') feet in girth.

Sec. 5-206 SPECIAL REFUSE; DEFINED.

Special refuse shall be defined as all manner of waste materials which, due to weight, bulk, quantity or composition of material renders it impractical or impossible to handle in the garbage pack or trucks. Special refuse shall include but not be limited to building materials waste such as lumber, plaster, concrete, stone, brick and tile; large metal objects such as car bodies or stoves, limbs, branches or tree trunks over two and one half (2 1/2") inches in diameter; sod, dirt and all other refuse when the quantity exceeds one hundred (100) lbs at any one pick up or where dimensions exceed four (4') feet in length or two (2') feet in girth regardless of weight.

Sec. 5-207 GARBAGE, CARE AND DISPOSAL.

Garbage shall be drained, wrapped and placed in containers as herein before specified. Garbage collection shall be made by a duly authorized designee of the Village and it shall be unlawful for any individual, firm, partnership or corporation to haul and/or collect and/or dispose of garbage in the Village of McGrew.

Sec. 5-208 GARBAGE; COLLECTION TIME; LOCATION OF CONTAINERS.

The collection of garbage and trash from the various premises within the Village shall be done at such times as may be designated by the Village Clerk. Collection service shall be rendered once weekly for residential units. Collection services for business or commercial establishments shall be rendered once weekly, or more frequently depending upon the volume of garbage and trash accumulating for collection.



Sec. 5-209 SPECIAL REFUSE; CARE AND DISPOSAL.

Special refuse must not be placed or piled in the streets or alleys of the Village but must be kept on the premises of the person responsible for the refuse until it can be properly hauled away. Such refuse must be kept piled as neatly as possible and under no circumstances will be allowed to blow or scatter to adjacent areas. The persons responsible for the accumulation of special refuse shall be responsible for its removal.

Special refuse must not be permitted to accumulate over long periods of time but must be regularly disposed of before it becomes a nuisance or a health hazard. In the event the special refuse is allowed to be a nuisance or health hazard, the Village shall notify the owner of such refuse by regular mail to remove it from the premises. Upon receipt of such notice, the owner shall be given seventy-two (72) hours to remove the refuse. If the refuse is not removed at the end of the period, the Village shall issue an order to remove the refuse and the owner shall be billed by the Village for the cost of such service. Special refuse as defined in this Article may be hauled and/or collected and/or disposed of by private persons or company. If this is done, it shall be carried in such a manner that there is no scattering or blowing of the refuse while it is being hauled to the place of disposal. If any collection fees set forth in this Chapter are uncollected after a period of sixty (60) days, the Village shall assess the property in an amount equal to the collection fees incurred by the Village of McGrew. The Village Clerk shall notify the County Treasurer of the assessment. Upon assessment to the property for this fee, the property shall be taxed in that amount and the amount shall be collected as any other tax.

Sec. 5-210 DEAD ANIMALS.

All dead animals shall be immediately removed by the owner of such animals, and, if the owner of such animals cannot be found within two (2) hours after discovering the same, then, and in that event, such animal shall be removed and buried by and at the expense of the Village. Dead animals shall not be buried within the corporate limits of the Village nor in or above the course of the ground water which is used for drinking purposes by the Village or its inhabitants.

Sec. 5-211 MANURE.

It shall be the duty of all property owners or tenants occupying premises upon which manure of any kind accumulates to provide receptacles with a tight fly proof cover therefore and

said receptacles shall be emptied promptly and completely when full and the contents thereof shall be disposed of in a manner satisfactory to the Board of Trustees.

Sec. 5-212 ALLEYS; USE OF.

Alleys are public thoroughfares and are to be kept clear of obstructions at all times. It shall be the duty of the property owner adjacent to the alley to keep the alley clear of weeds and to prevent obstruction of the alley by overhanging shrubs and trees.

Sec. 5-213 SANITATION SERVICE; FEES; COLLECTION OF FEES; DEPOSIT AND EXEMPTION.

The fees for sanitation service shall be set by resolution of the Village Board and kept on file in the office of the Village Clerk. The Village Board shall have the authority to establish different classifications of users for the purpose of setting fees for sanitation service.

Charges for regular sanitation service shall be billed by the Village on the first (1st) day of each month and shall be due and payable on or before the fifteenth (15th) day of the same month at the Village Business Office. New patrons shall be charged for the first (1st) month as follows: If service starts between the first (1st) and the tenth (10th) of the month--full fee. If service starts after the tenth (10th) and through the twentieth (20th), the bill shall be two-thirds (2/3) of the monthly rate. If service starts after the twentieth (20th) of the month, the bill shall be one-third (1/3) of the monthly rate. All fees for sanitation service prescribed by this Section, if not paid when due, shall be subject to a service charge of \$2.50 or 10% of the delinquent amount and shall be a lien upon the premises and the real estate for which the sanitation service is supplied and used and when such service charge is not paid, such charge shall be certified to the Village Treasurer. Such charge may be recovered by the County Clerk of Scotts Bluff County, Nebraska, to be collected and returned to the Village of McGrew in the manner as other Village taxes. All charges levied by this Article which are not paid when due shall be deemed to be delinquent.

No resident within the corporate limits of the Village shall be exempt from any of the provisions of this Article.

Sec. 5-214 APPEALS.

Any person, business or property owner aggrieved by any regulation of any fee charged by the Village Board shall have the right to appeal to the Village Board who shall have the authority to confirm, modify or revoke any regulation or fee.

Sec. 5-215 NUISANCES; GENERALLY DEFINED.

A nuisance consists in doing an unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

1. Injures or endangers the comfort, repose, health, or safety of others,
2. Offends decency,
3. Is offensive to the senses,
4. Unlawfully interferes with, obstructs, tends to obstruct or renders dangerous for passage any stream, public park, parkway, square, street, or highway in the Village,
5. In any way renders other persons insecure in life or the use of property, or
6. Essentially interferes with the comfortable enjoyment of the life and property, or tends to depreciate the value of the property of others. (Ref. 18-1720 R.R.S. Neb.)

Sec. 5-216 NUISANCES; SPECIFICALLY DEFINED.

The maintaining, using, placing, depositing, leaving, or permitting of any of the following specific acts, omissions, places, conditions, and things are hereby declared to be nuisances:

1. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish, or fowl.
2. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous.
3. Filthy, littered or trash-covered cellars, house-yard, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises.
4. Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the Village.

5. Liquid household waste, human excreta, garbage, butcher's trimmings, and offal, parts of fish or any waste vegetable or animal matter in any quantity; Provided nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the Village, nor the dumping of non-putrefying waste in a place and manner approved by the health officer.

6. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, brick-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.

7. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.

8. Any unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfurnished, which said buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof.

9. All places used or maintained as junk yards, or dumping grounds or for the wrecking and dissembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof.

10. Stagnant water permitted or maintained on any lot or piece of ground.

11. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when said places in which said animals are confined, or said

premises on which said vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom, to the annoyance of inhabitants of the Village, or are maintained and kept in such a manner as to be injurious to the public health.

12. All other things specifically designated as nuisances elsewhere in this Code. (Ref. 18-1720 R.R.S. Neb.)

Sec. 5-217 NUISANCES; ABATEMENT PROCEDURE.

It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate in the Village to keep such real estate free of public nuisances. Upon determination by the Board of Health that said owner, occupant, lessee, or mortgagee has failed to keep such real estate free of public nuisances, the Village Board shall thereupon cause notice to be served upon the owner, occupant, lessee, mortgagees or agent thereof, by publication and by certified mail. Such notice shall describe the condition as found by the Board of Health and state that said condition must be remedied at once. If the person receiving the notice has not complied therewith or taken an appeal from the determination of the Board of Health within five (5) days after receipt of certified mail or within five (5) days after date of publication, whichever is later, the Board of Health shall notify the Village Board of such non-compliance and the Village Board shall, upon receipt of such notice, cause a hearing date to be fixed and notice thereof to be served upon the owner, occupant, lessee, or mortgagee, or agent of the real estate. Such notice of hearing shall be by personal service or certified mail and require such party or parties to appear before the Village Board to show cause why such condition should not be found to be a public nuisance and remedied. A return of service shall be required by the Village Board. Such notice shall be given not less than five (5) days prior to the time of hearing, provided that whenever the owner, lessee, occupant, or mortgagee of such real estate is a non-resident or cannot be found in the State, then the Village Clerk shall publish, in a newspaper of general circulation in the Village, such notice of hearing for two (2) consecutive weeks, the last publication to be at least one (1) week prior to the date set for the hearing. Upon the date fixed for the hearing and pursuant to notice, the Village Board shall hear all objections made by interested parties and shall hear evidence submitted by the Board of Health. If after consideration of all of the evidence, the Village Board shall find that the said

condition is a public nuisance, it shall, by resolution, order and direct the owner, occupant, lessee, or mortgagee to remedy the said public nuisance at once; Provided, the party or parties may appeal such decision to the appropriate court for adjudication, during which proceedings the decision of the Village Board shall be stayed. Should the owner or occupant refuse or neglect to promptly comply with the order of the Village Board, the Village Board shall proceed to cause the abatement of the described public nuisance. Upon completion of the work by the Village, a statement of the cost of such work shall be transmitted to the Village Board, which is authorized to bill the property owner or occupant, or to levy the cost as a special assessment against the land. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments. (Ref. 18-1720 R.R.S. Neb.)

Sec. 5-218 NUISANCES; JURISDICTION.

The Village Board is directed to enforce this Village Code against all nuisances. The jurisdiction of the Chairman of the Board, Village Marshall, and court shall extend to, and the territorial application of this Chapter shall include, all territory adjacent to the limits of the Village within two (2) miles thereof and all territory within the corporate limits. (Ref. 18-1720 R.R.S. Neb.)

Sec. 5-219 NUISANCES; ADJOINING LAND OWNERS; INTERVENTION BEFORE TRIAL.

In cases of appeal from an action of the Village Board condemning real property as a nuisance or as dangerous under the police powers of the Municipality, the owners of the adjoining property may intervene in the action at any time before trial. (Ref. 19-710 R.R.S. Neb.)

Sec. 5-220 ABATEMENT OF NUISANCE.

Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

Whenever, in any action, it is established that a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as part of the judgment in the case. (Ref. 18-1720, 18-1722 R.R.S. Neb.)

### Article 3. Penal Provisions

#### Sec. 5-301 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 no more than five hundred dollars (\$500.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

**Chapter 6**  
**TRAFFIC REGULATIONS**

Sec. 6-101 DEFINITIONS.

The words and phrases used in this Chapter, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Chapter 39 and Chapter 60 of the Reissued Revised Statutes of Nebraska, 1943, as now existing or hereafter amended. If not defined in the designated statute, the word or phrase shall have its common meaning.

Sec. 6-201 TRUCK ROUTES.

The Village Board may, by resolution, designate certain streets in the Municipality that trucks shall travel upon, and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise, and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through, or about the Municipality. The Village Board shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes. (Ref. 60-681 R.R.S. Neb.)

Sec. 6-202 TURNING; "U" TURNS.

No vehicle shall be turned so as to proceed in the opposite direction, except at a street intersection. (Ref. 60-6,160, 60-680 R.R.S. Neb.)

Sec. 6-203 RIGHT OF WAY.

When two (2 ) vehicles approach, or enter an intersection at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the vehicle on the right when the paths of such vehicles intersect and there is danger of a collision, unless otherwise directed by a Municipal Policeman stationed at the intersection. The driver of a vehicle intending to turn to the left within an intersection, or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. The driver of a vehicle on any street shall yield the right-of-way to a pedestrian crossing such street within any clearly marked crosswalk,



or at any regular pedestrian crossing at the end of a block where the movement of traffic is being regulated by traffic officers or traffic direction devices. Every pedestrian crossing a street at any point other than pedestrian crossing, crosswalk, or intersection shall yield the right-of-way to vehicles upon the street. The driver of a vehicle entering a Municipal street from a private road, or drive shall yield the right-of-way to all vehicles approaching on such streets. The driver of a vehicle upon a street shall yield the right-of-way to authorized emergency vehicles when the latter are operated upon official business and the drivers thereof make proper use of visual or audible signals. (Ref. 60-6,146 thru 60-6,156 R.R.S. Neb.)

Sec. 6-204 SIGNS, SIGNALS.

The Village Board may, by resolution, provide for the placing of stop signs, or other signs, signals, standards, or mechanical devices in any street or alley under the Municipality's jurisdiction for the purpose of regulating, or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect, or refuse to comply with such regulation, or prohibition. (Ref. 60-6,119 thru 60-6,130, 60-680 R.R.S. Neb.)

Sec. 6-205 STOP SIGNS.

Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed heretofore, cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operator shall stop at a marked stop line, or, if there is no stop line, before entering the crosswalk, but if neither is indicated, then as near the right-of-way line or the intersecting roadway as possible. (Ref. 60-667, 60-6,119 thru 60-6,125 R.R.S. Neb.)

Sec. 6.206 STOP SIGNS; LOCATION

Stop signs shall be located at the locations designated for the purpose of controlling traffic at the intersections designated herein:

1. Intersection of 2nd Street and Main (County Road running East and West)

2. Intersection of 3rd Street and Main running East and West
3. Intersection of 4th Street and Main running East and West
4. Intersection of 5th Street and Main (County Road running East and West)
5. Intersection of 3rd Street and Pine Street running North and South

Sec. 6-207 LITTERING.

It shall be unlawful for any person to drop, or cause to be left, upon any municipal highway, street or alley, except at places designated by the Village Board, any rubbish, debris, or waste, and any person so doing shall be guilty of littering. (Ref. 39-311 R.R.S. Neb.)

Sec. 6-208 GLASS; POINTED OBJECTS.

No person shall throw, cast, lay or place upon any street any thorns, nails, tacks, glass, bottles, window glass, or other articles made of, or containing, glass, and in case of an accident causing the breaking of any glass upon any street, the owner or person in charge of such glass, or the person responsible for such breakage, shall at once remove, or cause the same to be removed, from the street. (Ref. 39-311 R.R.S. Neb.)

Sec. 6-209 SIGNS; DEFACING OR INTERFERING WITH.

It shall be unlawful for any person to willfully deface, injure, remove, obstruct or interfere with any official traffic sign or signal. (Ref. 60-6,129 thru 60-6,130 R.R.S. Neb.)

Sec. 6-210 SPEED LIMITS.

No person shall operate a motor vehicle on any street, alley, or other place at a rate of speed greater than twenty (20) miles per hour within the residential district, and twenty (20) miles per hour within the business district, unless a different rate of speed is specifically permitted by ordinance. In no instance shall a person drive a vehicle on a highway at a speed greater than is reasonable and prudent under the conditions. Where a different maximum speed is set by ordinance, appropriate signs shall be posted. (Ref. 60-6,185, 60-6,190 R.R.S. Neb.)

### Article 3. Parking

#### Sec. 6-301 PARKING; DESIGNATION.

The Village Board may, by resolution, designate any street, or portion thereof, where vehicles shall be parked parallel with and adjacent to the curb or at an angle so as to have the right front wheel at the curb. (Ref. 60-6,167, 60-680 R.R.S. Neb.)

#### Sec. 6-302 PARKING; GENERALLY.

No person shall park any vehicle, or approach the curb with a vehicle, except when headed in the direction of the traffic. Vehicles, when parked, shall stand parallel with and adjacent to the curb or edge of the roadway, in such manner as to have both right wheels within twelve (12") inches of the curb or edge of the roadway, and so as to leave at least four (4') feet between the vehicle so parked and any other parked vehicles, except where the Village Board designates that vehicles shall be parked at an angle so as to have the front right wheel at the curb or edge of the roadway. Where stalls are designated, either on the curb or pavement, vehicles shall be parked within such stalls. (Ref. 60-6,165 thru 60-6,169, 60-680 R.R.S. Neb.)

#### Sec. 6-303 MOTOR VEHICLE PARKING; NO PARKING ZONES.

No person shall allow a motor vehicle to be parked, stand, or otherwise remain in an area identified as a no parking zone by sign or by red painted curbing as established by motor vehicle code. Such no parking zones may be established by resolution or ordinance adopted by the Village Board of Trustees.

Any vehicle found in such designated no parking area may be subject to towing or removal from that area. The owner or other person lawfully entitled to the possession of any vehicle towed or removed from a designated no parking zone shall be charged with the reasonable cost of towing such vehicle and for storage fees, if applicable. Any such towing or storage fees shall be alien upon the vehicle prior to all other claim. Any person towing or storing the vehicle shall be entitled to retain possession of such vehicle until such charges are paid. The lien provided for in this Section shall not apply to the contents of the vehicle.

#### Article 4. Penal Provision

Sec. 6-401 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 five hundred dollars (\$500.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

**Chapter 7**  
**FIRE REGULATIONS**

Sec. 7-101 FIRES; PRESERVATION OF PROPERTY.

The Fire Chief, or any officer in charge of the Fire Department, shall have the authority and power to cause the removal of property whenever it shall become necessary for the preservation of more valuable property, the protection of human life, or to prevent the spreading of fire to adjoining property. The Fire Chief may direct the Municipal Firefighters to remove any building, structure, or fence for the purpose of checking the progress of any fire. The Fire Chief shall have the authority to blow up, or cause to have blown up with explosives, any building, or structure during the progress of a fire for the purpose of checking the progress of the same.

Sec. 7-102 FIRES; DISORDERLY SPECTATOR.

It shall be unlawful for any person during the time of a fire and for a period of thirty-six (36) hours after its extinguishment to hinder, resist or refuse to obey the Municipal Fire Chief, or to act in a noisy or disorderly manner. The Fire Chief and Assistant Fire Chief shall have the power and authority during such time to arrest or command any such person to assist them in the performance of their official duties. (Ref. 28-908 R.R.S. Neb.)

Sec. 7-103 FIRES; EQUIPMENT.

It shall be unlawful for any person except the Fire Chief and the members of the Municipal Fire Department to molest, destroy, handle or in any other way to interfere with the use and storage of any of the fire trucks and other apparatus belonging to the Municipality. (Ref. 28-519 R.R.S. Neb.)

Sec. 7-104 FIRES; INTERFERENCE.

It shall be unlawful for any person or persons to hinder or obstruct the Municipal Fire Chief or the members of the Fire Department in the performance of their duty. (Ref. 28-908 R.R.S. Neb.)

Sec. 7-105 FIRES; OBSTRUCTION.

It shall be unlawful for any person or persons to hinder or obstruct the use of a fire hydrant, or have or place any material within fifteen (15') feet of the said hydrant. Any vehicle or material found as an obstruction may be immediately removed by the Fire Chief or any member of the Fire Department, at the risk, cost, and expense of the owner or claimant. (Ref. 60-6,165 R.R.S. Neb.)

Sec. 7-106 FIRES; ASSISTANCE.

It shall be unlawful for any person to refuse, after the command of the Fire Chief or Assistant Fire Chief, to aid in extinguishing a fire or to assist in the removal and protection of property. (Ref. 28-908 R.R.S. Neb.)

Sec. 7-107 FIRES; DRIVING OVER HOSE.

It shall be unlawful for any person, without the consent of the Fire Chief or Assistant Fire Chief, to drive any vehicle over unprotected hose of the Fire Department. (Ref. 60-6,184 R.R.S. Neb.)

Sec. 7-108 FIRES; TRAFFIC.

Every vehicle already stationary when the fire alarm shall have been sounded must remain so for a period of five (5) minutes after the sounding of the fire alarm. No vehicle, except by the specific direction of the Fire Chief or Assistant Fire Chief, shall follow, approach or park closer than five hundred (500') feet of any fire vehicle, or of any fire hydrant to which a hose is connected. Nothing herein shall be construed to apply to vehicles carrying doctors, members of the Fire Department, or emergency vehicles. (Ref. 60-6,183 R.R.S. Neb.)

Sec. 7-109 FIRES; FALSE ALARM.

It shall be unlawful for any person to intentionally and without good and reasonable cause raise any false alarm of fire. (Ref. 28-907, 35-520 R.R.S. Neb.)

Sec. 7-110 FIRES; PEDESTRIANS.

It shall be unlawful for any pedestrian to enter or remain in any street after a fire alarm shall have sounded until the fire trucks shall have completely passed. (Ref. 28-908 R.R.S. Neb.)

Article 2. Fire Prevention

Sec. 7-201 FIRE PREVENTION; LIFE SAFETY CODE.

Incorporated by reference into this Code are the standards recommended by the National Fire Protection Association, known as the Life Safety Code, Current Edition, and all subsequent amendments. This Code shall have the same force and effect as if set out verbatim herein. One (1) copy of the Life Safety Code is on file with the Municipal Clerk and shall be available for public inspection at any reasonable time. (Ref. 18-132, 19-902, 19-922, 81-502 R.R.S. Neb.)

Sec. 7-202 FIRE PREVENTION; FIRE PREVENTION CODE.

The rules and regulations promulgated by the office of the State Fire Marshal of the State of Nebraska relating to fire prevention are incorporated by reference into this Code and made a part of this Article as though spread at large herein together with all subsequent amendments thereto. One (1) copy of the Fire Prevention Code shall be on file with the Municipal Clerk and shall be available for public inspection at any reasonable time. (Ref. 18-132, 19-902, 19-922, 81-502 R.R.S. Neb.)

Sec. 7-203 FIRE PREVENTION; FIRE CODE ENFORCEMENT.

It shall be the duty of all Municipal officials to enforce the incorporated fire code provisions and all infractions shall be immediately brought to the attention of the Fire Chief.

Sec. 7-204 FIRE PREVENTION; OPEN BURNING BAN, WAIVER.

There shall be a statewide open burning ban on all bonfires, outdoor rubbish fires, and fires for the purpose of clearing land. The Fire Chief of the Municipal Fire Department or his or her designee may waive an open burning ban issued under this Section for an area under his or her jurisdiction by issuing an open burning permit to a person requesting permission to conduct

open burning. Said permit issued by the Fire Chief shall be in writing, signed by the Fire Chief, and on a form provided by the State Fire Marshal.

The Municipal Fire Chief or his or her designee may waive the open burning ban in his or her district when conditions are acceptable to the Chief. Anyone burning in such district when the open burning ban has been waived must notify the Fire Department of his or her intention to burn. (Ref. 81-520.01 R.R.S. Neb.)

### Article 3. Penal Provision

#### Sec. 7-301 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 five hundred dollars (\$500.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.



**Chapter 8**  
**PUBLIC WAYS AND PROPERTY**

Article 1. Municipal Property

Sec. 8-101 DEFINITIONS.

The following definitions shall be applied throughout this Chapter. When no definition is specified, the normal dictionary usage of the word shall apply.

SIDEWALK SPACE. The term "sidewalk space," as used herein, shall mean that portion of a street between curb lines and adjacent property lines.

Sec. 8-102 MUNICIPAL PROPERTY; MAINTENANCE AND CONTROL.

The Village Board shall have the care, supervision, and control of all public highways, bridges, streets, alleys, public squares, and commons within the Municipality, and shall cause the same to be kept open and in repair, and free from nuisances. (Ref. 17-567 R.R.S. Neb.)

Sec. 8-103 MUNICIPAL PROPERTY; TREES.

No person, or persons, shall plant, or allow to grow, any tree within the sidewalk space without first making a written, or verbal application to, and receiving a written permit from the Village Board. Any tree planted within the sidewalk space after the adoption date of this Section shall be deemed to be unlawfully planted and growing and shall, at the discretion of the Village Board, be deemed to be a nuisance. When any such tree is declared to be a nuisance, the Village Board shall order, with proper notice, the tree removed at the expense of the owner of the property adjacent to the sidewalk space upon which the tree has been unlawfully planted. If the property owner fails or neglects to remove or cause to be removed the said tree, the Village Board shall order the same removed and assess the expense of such removal against the property adjacent to the sidewalk space wherein the tree is planted and growing. In the event the property owner is a non-resident of the county in which the property lies, the Municipality shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of

the non-resident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. No fee shall be charged for said permit, and nothing in this Section shall be construed to apply to any existing trees now growing within the sidewalk space. (Ref. 17-557.01, 18-1720 R.R.S. Neb.)

Sec. 8-104 MUNICIPAL PROPERTY; OBSTRUCTIONS.

Trees and shrubs, growing upon or near the lot line or upon public ground and interfering with the use or construction of any public improvements shall be deemed to obstruction under this Article. Said roots may be removed by the Municipality at the expense of the owner of the property upon which the tree is located should the owner fail, or neglect, after notice, to do so. It shall be unlawful for any person, persons, firm or corporation to obstruct, or encumber, by fences, gates, buildings, structures, or otherwise, any of the streets, alleys, or sidewalks. The public ways and property shall be considered to be obstructed when the owner or occupant of the adjacent property shall permit or suffer to remain on any premise owned or controlled by him any hedge, shrubbery, bush, or similar growth within two (2') feet adjacent to the lot line whether there is a sidewalk abutting or adjoining such premise or not. It shall be the duty of owners and occupants to at all times keep trimmed and pruned all such similar growth.

Whenever any such growth is allowed to grow within two (2') feet of the lot line contrary to the provisions of this Article, the Village Board may pass a resolution ordering the owner or occupant to remove such obstructions within three (3) days after having been served with a copy of said resolution by the Municipality stating that the Municipality will do so and will charge the costs thereof to the owner or occupant as a special assessment for improvements as herein provided, or shall collect the same by civil suit brought in the name of the Municipality against the said owner or occupant. It shall be the duty of an owner or occupant engaged in construction of any building or improvement upon or near the public ways and property to have all excavations or exposures of any kind protected and guarded by suitable guards or barricades by day and by warning lights at night. In the event of failure, neglect or refusal to comply with the provisions of this Article, it shall be the duty of the Municipality to stop all work upon said buildings and improvements until suitable guards are erected and kept in the manner aforesaid. Trees and shrubs growing upon the lot line partially on public ground and partially upon the abutting property, or wholly upon the abutting property, but so close to the lot line as to interfere

with the making of any public improvement or so that the roots thereof interfere with any utility wires or pipe shall be deemed an obstruction and such trees, shrubs, and roots may be removed by the Municipality pursuant to the procedure prescribed above. In the event the property owner is a non-resident of the county in which the property lies, the Municipality shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested to the last known address of the non-resident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. (Ref. 17-557.01 R.R.S. Neb.)

Sec. 8-105 MUNICIPAL PROPERTY; PERMITTED OBSTRUCTIONS.

Persons engaged in the erection, construction, reconstruction, wrecking or repairing of any building, or the construction, or repair of a sidewalk along any street, may occupy the public street space with such building material and equipment as long as is necessary if such persons shall make application to and receive a permit in writing from the Municipality to do so; Provided, no permit for the occupancy of the sidewalk space, and more than one-third (1/3) of the roadway of the public space adjacent to the real estate on which said building is to be constructed; erected, reconstructed, wrecked, or repaired shall be granted; and provided further, a suitable passageway for pedestrians shall be maintained within the public space included in the permit which shall be protected and lighted in the manner required by the official issuing the permit.

Sec. 8-106 MUNICIPAL PROPERTY; SALE AND CONVEYANCE.

Except as provided in this Section, the power of the Municipality to convey any real and personal property owned by it, including land used for park purposes and public squares, except real property used in the operation of public utilities, shall be exercised by resolution, directing the sale at public auction or by sealed bid of such real and personal property and the manner and terms thereof, except that such real and personal property shall not be sold at public auction or by sealed bid when:

(a) Such property is being sold in compliance with the requirements of federal or state grants or programs;

(b) Such property is being conveyed to another public agency, or;

(c) Such property consists of streets and alleys.

The Village Board of the Municipality may establish a minimum price for such real and personal property at which bidding shall begin or shall serve as a minimum for a sealed bid.

After the passage of the resolution directing the sale, notice of all proposed sales of real and personal property described above and the terms thereof shall be published once each week for three (3) consecutive weeks in a legal newspaper published in or of general circulation in the Municipality; Provided, if a remonstrance against such sale, signed by legal electors thereof equal in number the thirty (30%) per cent of the electors of the Municipality voting at the last regular Municipal election held therein, be filed with the Village Board of such Municipality within thirty (30) days after the third (3rd) publication of the notice, such property shall not then, nor within one (1) year thereafter, be sold; and Provided further, that real estate now owned or hereafter owned by the Municipality may be conveyed without consideration to the State of Nebraska or to the Nebraska Armory Board for state armory sites or, if acquired for state armory sites, such property shall be conveyed strictly in accordance with the conditions of Sections 18-1001 to 18-1006 R.R.S. Neb.

Following (a) passage of the resolution directing a sale, (b) publishing of the notice of the proposed sale, and (c) passing of the thirty-day right of remonstrance period, the property shall then be sold. Such sale shall be confirmed by passage of an ordinance stating the name of the purchaser and terms of the sale. The Municipal Clerk shall upon passage of such ordinance certify the name of the purchaser to the Register of Deeds of the county in which the property is located.

This section shall not apply to the sale of personal property if the authorizing resolution direct the sale of an item or items or personal property the total fair market value of which is less than one thousand (\$1,000.00) dollars. Following the passage of the resolution directing the sale of such property, notice of such sale shall be posted in a prominent place with the Municipality for a period of not less than seven (7) days prior to the sale of such property. Such notice shall give a general description of the property offered for sale and state the terms and conditions of sale. Confirmation of the sale by passage of an ordinance may be required. (Ref. 17-503 R.R.S. Neb.)

branches or limbs thereof trimmed to the height of at least eight (8') feet above the surface of said street or walk. Whenever the limbs or branches of any tree or trees extend over streets or sidewalks contrary to the provisions herein so as to interfere with the lighting of the street from street lights, or with the convenience of the public using said street or sidewalk, the Village Board at any regular or special meeting may pass a resolution ordering the owner or occupant to cut or remove said obstructions within five (5) days after having received a copy thereof from the Municipality stating that the Municipality will remove said branches and charge the costs thereof to the owner or occupant as a special assessment for improvements as herein provided, if said resolution is not complied with. In the event the property owner is a non-resident of the county in which the property lies, the Municipality shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the non-resident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. (Ref. 17-557.01 R.R.S. Neb.)

Sec. 8-109 MUNICIPAL PROPERTY; ACQUISITION OF PROPERTY; CONSTRUCTION, ELECTIONS WHEN REQUIRED.

The Municipality is authorized and empowered to (1) purchase, (2) accept by gift or devise, (3) purchase real estate upon which to erect, and (4) erect a building or buildings for an auditorium, fire station, Municipal building, or community house for housing Municipal enterprises and social and recreation purposes, and other public buildings, and maintain, manage, and operate the same for the benefit of the inhabitants of the Municipality.

Except as provided below, before any such purchase can be made or building erected, the question shall be submitted to the electors of such City or Village at a General Municipal Election or at an election duly called for that purpose, or as set forth in Section 17-954 R.R.S. Neb., and be adopted by a majority of the electors voting on such questions.

If the funds to be used to finance the purchase or construction of a building under this Section are available other than through a bond issue, notice of the proposed purchase or construction shall be published in a newspaper of general circulation in the Municipality and no election shall be required to approve such purchase or construction, signed by electors of the Municipality equal in number to fifteen (15%) per cent of the electors of the Municipality voting

at the last regular Municipal Election held therein, is filed with the Village Board within thirty (30) days of the publication of such notice. If a remonstrance with the necessary number of qualified signatures is timely filed, the question shall be submitted to the voters of the Municipality at a General Municipal Election or a Special Election duly called for that purpose. If such purchase or construction is not approved, the property involved shall not then, nor within one (1) year thereafter, be purchased or constructed. (Ref. 17-953 R.R.S. Neb.)

## Article 2, Sidewalks

### Sec. 8-201 SIDEWALKS, KEPT CLEAN.

It shall be unlawful for the occupant of any lot or lots or the owner of any vacant lot or lots within the corporate limits to allow snow, sleet, mud, ice, or other substance to accumulate on the sidewalks or to permit any snow, sleet, ice, mud, or other substance to remain upon said sidewalk. (Ref. 17-557 R.R.S. Neb.)

### Sec. 8-202 SIDEWALKS, BENEATH.

No person shall be allowed to keep or use the space beneath the sidewalk lying between lot line and curb line unless a permit therefore shall have been obtained from the Village Board. Before any permit shall be granted, the applicant for said permit shall submit plans and specifications of any present or proposed construction to the Municipal Engineer. Should such plans or specifications be disapproved by him, no permit shall be granted therefore. All permits hereafter granted shall continue only upon the condition that the party receiving the same shall build, maintain, and keep in repair a sidewalk over such space used or constructed to be used and pay all damages that may be sustained by any person by reason of such use or by reason of said sidewalk being defective or in a dangerous condition. As a condition precedent to the issuance or continuance of any permit for the use of any space underneath the Municipal sidewalks as herein contemplated, the Village Board may require applicant to furnish a bond to the Municipality as obligee for the benefit of any person or persons who may suffer any damage or damages by reason of such use. The bond shall be in such sum as the Village Board, in its discretion, may designate.

Sec. 8-203 SIDEWALKS; MAINTENANCE.

Every owner of any lot, lots or piece of land within the corporate limits shall at all times keep and maintain the sidewalk along and continuous to said lot, lots or pieces of land, as the case may be, in good and proper repair, and in a condition reasonably safe for travel for all travelers thereon. In the event that the owner or owners of any lot, lots, or land, abutting on any street, avenue, or part thereof shall fail to construct or repair any sidewalk in front of his, her, or their lot, lots, or lands, within the time and in the manner as directed and required herein after having received due notice to do so, they shall be liable for all damages or injury occasioned by reason of the defective or dangerous condition of any sidewalk, and the Village Board shall have power to cause any such sidewalks to be constructed or repaired and assess the costs thereof against such property. In the event the property owner is a non-resident of the county in which the property lies, the Municipality shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested to the last known address of the non-resident of the non-resident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published. (Ref. 17-557.01 R.R.S. Neb.)

Sec. 8-204 SIDEWALKS, REPAIR.

The Municipality may require sidewalks of the Municipality to be repaired. Notice to the owners of property upon which such sidewalks in disrepair are located shall require within forty-eight (48) hours from issuance of notice said owners to make arrangements to have the sidewalk repaired. Said repairs shall be completed within twenty-one (21) days after issuance of said notice. No special assessment shall be levied against the property unless said owner shall neglect or refuse to repair within the time prescribed and in the event that such owner fails to repair, the Municipality shall cause the repairs to be made and assess the property owner the expense of such repairs. In the event the property owner is a non-resident of the county in which the property lies, the Municipality shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested to the last known address of the non-resident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.

Sec. 8-205 SIDEWALKS; CONSTRUCTION BY OWNER.

Any person desiring to construct, or cause to be constructed, any sidewalk shall do so only as herein provided. It shall be unlawful for any person to construct any sidewalk without first having obtained a permit.

Said owner shall make application in writing for a permit and file such application in the office of the Municipal Clerk. The permit shall give a description of the lot, or piece of land along which the sidewalk is to be constructed. The Municipality shall issue the desired permit unless good cause shall appear why said permit should be denied. Provided, if it is desired to construct the sidewalk at any other than the regularly prescribed location, grade, or elevation, the Municipality shall submit the application to the Village Board who shall determine whether the permit should be granted or denied. It shall be unlawful for any person to construct, or cause to be constructed said sidewalk at any other location, grade, or elevation than so designated by the Municipality. All sidewalks shall be built and constructed on the established grade, or elevation, and if there is no established grade, than on the grade or elevation indicated by the Municipality.

Article 3. Streets

Sec. 8-301 STREETS; NAMES AND NUMBERS.

The Village Board may at any time, by resolution, rename any street or provide a name for any new street. Buildings used for residence or business purposes and located along such streets shall retain such numbers as the Village Board may require. It shall be the duty of the Municipal official in charge of streets, upon the erection of any new building or buildings, to assign the proper numbers to said building or buildings and give notice to the owner or owners and occupant or occupants of the same.

Sec. 8-302 STREETS; WIDENING OR OPENING.

The Village Board shall have the power to open or widen any street, alley or lane within the limits of the Municipality; to create, open, and improve any new street, alley, or lane; Provided, all damages sustained shall be ascertained in such manner as shall be provided by ordinance. (Ref. 17-558, 17-559, 76-704 thru 76-726 R.R.S. Neb.)



Sec. 8-303 STREETS; IMPROVEMENT OR STREETS ON CORPORATE LIMITS.

The Chairman and Board of Trustees shall have the power to improve any street or part thereof which divides the Municipal corporate area and the area adjoining the Municipality. When creating an improvement district including land adjacent to the Municipality, the Board of Trustees shall have power to assess, to the extent of special benefits, the costs of such improvements upon the properties found especially benefited thereby. (Ref. 17-509 R.R.S. Neb.)

Sec. 8-304 STREETS; DRIVEWAY APPROACHES.

The Village Board may require the owner of property served by a driveway approach constructed or maintained upon the street right-of-way to repair or replace any such driveway approach which is cracked, broken, or otherwise deteriorated to the extent that it is causing or is likely to cause damage to or interfere with any street structure including pavement or sidewalks.

The Municipal Clerk shall give the property owner notice by registered letter or certified mail, directed to the last-known address of such owner or the agent of such owner, directing the repair or replacement of such driveway approach. If within thirty (30) days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Village Board may cause such work to be done and assess the cost upon the property served by such approach. (Ref. 18-1748 R.R.S. Neb.)

Article 4. Curb and Gutter

Sec. 8-401 CURB AND GUTTER; CUTTING CURB.

It shall be unlawful for any person to cut into any paving, curb, or sidewalk for the purpose whatsoever without first having obtained a written permit from the Village Board therefore. Before any person shall obtain a permit, he shall inform the Municipal Clerk of the place where such cutting is to be done, and it shall be the chief street official's duty to inspect the place of entry into the paving, sidewalk, or curb, before the same is cut. When cutting into any paving, it shall be the duty of the party to cut the paving under such rules and regulation as may be prescribed by the Village Board or the Municipal Engineer. When the applicant is ready to close the opening made, he shall inform the chief street official, who shall supervise and inspect the materials used and the work done in closing the opening. It shall be discretionary with the

Village Board to order the chief street official, under the supervision and inspection of the Municipal Engineer or the committee of the Village Board on the streets and alleys, to do the work of cutting and closing the paving and charge the costs thereof to the party who obtained such permit. The Village Board may consent to the work of cutting and closing the paving to be done by the party holding such permit. Before any permit is issued by the Village Board for all paving, curb, or sidewalk to be cut. Such sum shall be set on a per square foot cost of construction basis. The deposit shall be retained by the Municipality for the purpose of replacing the paving, curb, or sidewalk, in the event the work is done by the Municipality. In the event the Municipality elects to require the applicant to replace the paving, curb, or sidewalk, the deposit shall be retained by the Municipality until the work is completed to the satisfaction of the chief street official or of the committee of the Village Board on streets and alleys. In addition to making the deposit above set forth, the applicant shall, before any permit is issued, execute a bond to the Municipality with a good and sufficient surety or sureties to be approved by the Village Board in a sum set by resolution of the Village Board. (Ref. 17-567 R.R.S. Neb.)

#### Article 5. Penal Provision

##### Sec. 8-501 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 five hundred dollars (\$500.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

#### Article 6. Trees and Maintenance

##### Sec. 8-601 DEFINITIONS

Street Trees: All trees and shrubs situated within the right of way of any public street or alley of the Village. A tree shall be deemed to be so situated if the trunk or any part thereof, is situated within the right of way. A shrub shall be deemed to be so situated if any stem thereof, at the level of emergence from the ground is situated within the right of way. Trees and shrubs

which in the normal course of growth will become so situated shall be deemed to be so situated at the time of planting.

Tree Topping: Cutting back 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 disfiguring the tree.

Sec. 8-602 It shall be unlawful for any person for hire to plant, prune, treat or remove any street tree within the Village unless the person holds a Tree Maintenance License issued by the Village Clerk. No license shall be required of and utility company doing this work in the course of its business, except that a license shall be required of a person that contracts to such work for a utility. All applications for a Tree Maintenance License shall be made at the Office of the Village Clerk on forms approved for that purpose. In order to be issued a license an applicant must:

- (a) Pay an annual licensing fee of \$10.00.
- (b) Provide a certificate of insurance evidencing liability insurance covering acts performed in connection with such activities in the minimum amounts of \$500,000.00 for bodily injury and \$300,000.00 for property damage.
- (c) Attend a tree care and preservation class as required by the Village.
- (d) All Licenses shall expire one year from the date of issuance.
- (e) Every person who is a holder of a license for the immediately preceding year may renew the license for an additional year upon:
  - (1) Filing an application for renewal with the Village Clerk on forms provided for that purpose, and;
  - (2) Providing evidence of continuing insurance coverage as required in section (b) above, and;
  - (3) Payment of a new \$10.00 licensing fee, and;
  - (4) Attending a tree care and preservation course, as required by the Village, unless waived by the Village Board.

Sec. 8-603 It shall be unlawful for any person to willfully, maliciously, or wantonly cut down, destroy or injure, by topping, girdling, tapping or otherwise, any street tree within in the Village except in compliance with requirements in the chapter, provided, trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where pruning

practices are impractical may be exempted from this prohibitions or by and order entered by the Village Board of Trustees pursuant to a written application.

Sec. 8-604 All stumps of street trees shall be removed to a depth of at least seven (7) inches below the surface of the ground, and the hole filled with top soil so that the top of the stump shall not project above the surface of the ground.

**Chapter 9**  
**BUILDING REGULATIONS**

Article 1. Building Inspector

Sec. 9-101 BUILDING INSPECTOR; POWER AND AUTHORITY.

The Building Inspector shall be the Municipal official who shall have the duty of enforcing all building and housing regulations as herein prescribed. He shall inspect all buildings repaired, altered, built, or moved in the Municipality as often as necessary to insure compliance with all Municipal ordinances. He shall, at the direction of the Village Board, issue permission to continue any construction, alteration, or relocation when the Village Board is satisfied that no provision will be violated.

Sec. 9-102 BUILDING INSPECTOR; RIGHT OF ENTRY.

It shall be unlawful for any person to refuse to allow the Building Inspector entry into any building or structure where the work of construction, alteration, repair, or relocation is taking place for the purpose of making official inspections at any reasonable hour.

Article 2. Building Moving

Sec. 9-201 BUILDING MOVING; REGULATIONS.

It shall be unlawful for any person, firm or corporation to move any building or structure within the Municipality without a written permit to do so. Application may be made to the Municipal Clerk, and shall include the present and future location of the building to be moved, the proposed route, the equipment to be used, and such other information as the Governing Body may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the provisions regulating the moving of buildings have been complied with on the part of the owner of the real estate upon which the said building is presently located. The Municipal Clerk shall refer the said application to the Municipal Police for approval of the proposed route over which the said building is to be moved. Upon approval of the Governing Body, the Municipal Clerk shall then issue the said permit; the Municipal Clerk

shall then issue the said permit; Provided, that a good and sufficient corporate surety bond, check, or cash in an amount set by motion of the Governing Body and conditioned upon moving said building without doing damage to any private or Municipal property is filed with the Municipal Clerk prior to the granting of any permit. In the event it will be necessary for any licensed building mover to interfere with the telephone or telegraph poles and wires, or a gas line, the company or companies owning, using, or operating the said poles, wires or line shall upon proper notice of at least twenty-four (24) hours, be present and assist by disconnecting the said poles, wires or line relative to the building moving operation. All expense of the said disconnection, removal, or related work shall be paid in advance by the licensee unless such disconnection or work is furnished on different terms as provided in the said company's franchise. Whenever the moving of any building necessitates interference with a water main, sewer main, pipes, or wire belonging to the Municipality, notice in writing of the time and route of the said building moving operation shall be given to the various Municipal officials in charge of the Municipal utility departments who shall proceed on behalf of the Municipality and at the expense of the mover to make such disconnections and do such work as is necessary (Ref. 39-6,177 to 39-6,180, 39-6,184, 77-1725 R.R.S. Neb.)

Sec. 9-202 BUILDING MOVING; DEPOSIT.

At such time as the building moving has been completed, the Municipal Police shall inspect the premises and report to the Municipal Clerk as to the extent of damages, if any, resulting from the said relocation and whether any Municipal laws have been violated during the said operation. Upon a satisfactory report from the Municipal Police, the Municipal Clerk shall return the corporation surety bond, cash, or check deposited by the applicant. In the event the basement, foundation, or portion thereof is not properly filled, covered, or in a clean and sanitary condition, the Village Board may apply the money deposited for the purpose of defraying the expense of correcting the said conditions. If the expense of correcting the hazardous condition is greater than the amount of the deposit set by resolution of the Village Board, as required herein, the Village Board may recover such excess expense by civil suit or otherwise as prescribed by law.

### Article 3. Unsafe Buildings

#### Sec. 9-301 UNSAFE BUILDINGS; DEFINITION.

The term "unsafe building" as used in this Article is hereby defined to mean and include any building, shed, fence, or other man-made structure (a) which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures; (b) which because of faulty construction, age, lack of proper repair, or any other cause is especially liable to fire and constitutes or creates a fire hazard; (c) which by reason of faulty construction or any other cause is liable to cause injury or damage by the collapse or fall of all or any part of such structure. Any such unsafe building in the Municipality is hereby declared to be a nuisance.

#### Sec. 9-302 UNSAFE BUILDINGS; PROHIBITION.

It shall be unlawful to maintain or permit the existence of any unsafe building in the Municipality and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in an unsafe condition or to occupy such building or permit it to be occupied while it is in an unsafe condition.

#### Sec. 9-303 UNSAFE BUILDINGS; DETERMINATION AND NOTICE.

Whenever the building inspector, the fire official, the health official, or the Village Board shall be of the opinion that any building or structure in the Municipality is an unsafe building, he shall file a written statement to this effect with the Municipal Clerk. The Clerk shall thereupon cause the property to be posted accordingly, and shall file a copy of such determination in the office of the County Register of Deeds, and shall serve written notice upon the owner thereof, and upon the occupant thereof, if any, by certified mail or by personal service. Such notice shall state that the building has been declared to be in an unsafe condition; and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied within sixty (60) days from the date of receipt. Such notice may be in the following terms:

“To. \_\_\_\_\_ (owner-occupant of premises) of the premise known and described as \_\_\_\_\_.

“You are hereby notified that \_\_\_\_\_ (describe building) on the premises above mentioned has been determined to be an unsafe building and a nuisance after inspection by \_\_\_\_\_. The causes for this decision are \_\_\_\_\_ (here insert the facts as to the dangerous condition).

“You must remedy this condition or demolish the building within sixty (60) days from the date of receipt of this notice or the Municipality will proceed to do so. Appeal of this determination may be made to the Village Board, acting as the Board of Appeals, by filing with the Municipal Clerk within ten (10) days from the date of receipt of this notice a request for a hearing.”

If the person receiving the notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that a dangerous building exists within ten (10) days from the time when this notice is served upon such person by personal service or certified mail, the Building Inspector may, upon orders of the Village Board, proceed to remedy the condition or demolish the unsafe building.

Sec. 9-304 UNSAFE BUILDINGS; HEARING AND APPEAL.

Upon receiving the notice to repair or demolish the building, the owner of the building, within the time stipulated, may in writing to the Municipal Clerk request a hearing before the Village Board, sitting as the Board of Appeals, to present reasons why the building should not be repaired or demolished. The Village Board shall grant such hearing within ten (10) days from the date of receiving the request. A written notice of the Village Board's decision following the hearing shall be sent to the property owner by certified mail. If the Village Board rejects the appeal, the owner shall have five (5) days from the sending of the decision to begin repair or demolition. If after the five (5) day period the owner has not begun work, the Village Board shall proceed to cause such work to be done; provided, the property owner may appeal such decision to the appropriate court for adjudication during which proceedings the decision of the Village Board shall be stayed. Where the Municipality has not adopted a building code, the statutes of Nebraska relating to bonded indebtedness and collection of delinquent taxes shall apply.



Sec. 9-305 UNSAFE BUILDINGS; EMERGENCY.

Where any unsafe building or structure poses an immediate danger to the health, safety, or general welfare of any person or persons, and the owner fails to remedy the situation in a reasonable time after notice by the Building Inspector to do so, the Municipality may summarily repair or demolish and remove such building or structure.

Sec. 9-306 UNSAFE BUILDINGS; SPECIAL ASSESSMENTS.

In case the owner of any building or structure shall fail, neglect, or refuse to comply with notice by or on behalf of the Municipality to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, the Municipality may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Village Board, which is authorized to levy the cost and a special assessment against the land. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments. (Ref. 18-1720, 18-1722, 18-1722.01, 77-1725.01 R.R.S. Neb.)

Article 4. Subdivision and Zoning Regulations

Sec. 9-401 SUBDIVISION AND ZONING REGULATIONS.

The subdivision and zoning regulation for the Village are contained in Ordinance No. 44 and amendments thereto, which are specifically incorporated in this codification by reference. Copies of those regulations are available from the Village Clerk who shall continually maintain accurate copies of the regulations along with the official zoning map.

Article 5. Adopted Codes

Sec. 9-501 BUILDING CODES; ADOPTED BY REFERENCE.

To provide certain minimum standards, provisions, and requirements for safe and stable design, methods of construction, and uses of materials in buildings hereafter erected, constructed, enlarged, altered, repaired, relocated, and converted, the following building codes are hereby adopted by the Village of McGrew: (1) the B.O.C.A. Basic/National Building Code as amended;

(2) One and Two Family Dwelling Code as amended; (3) B.O.C.A. Basic/National Plumbing Code as amended; (4) B.O.C.A. Basic/National Mechanic Code as amended; and (5) National Electrical Code as amended. These codes are printed in book and pamphlet form and are hereby incorporated by reference in addition to all amendments that may be made from time to time as though printed in full herein insofar as said code does not conflict with the Statutes of the State of Nebraska. One (1) copy of each of the Building Codes shall be maintained on file at the office of the Village Clerk and are available for public inspection at any reasonable time. The provisions of these Building Codes shall control throughout its zoning jurisdiction. (Ref. 17-1001, 18-132, 19-902, 19-922 R.R.S. Neb.)

#### Article 6. Penal Provisions

##### Sec. 9-601 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 five hundred dollars (\$500.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

##### Sec. 9-602 ABATEMENT OF NUISANCE.

Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. (Ref. 18-1720, 18-1722 R.R.S. Neb.)

**Chapter 10**  
**BUSINESS REGULATIONS**

Article 1. Alcoholic Beverages

Sec. 10-101 ALCOHOLIC BEVERAGES; DEFINITIONS.

All words and phrases herein used are to have the definitions applied thereto, as defined in the Liquor Control Act of the State of Nebraska. (Ref. 53-103 R.R.S. Neb.)

Sec. 10-102 ALCOHOLIC BEVERAGES; LICENSE REQUIRED.

It shall be unlawful for any person to manufacture for sale, sell, keep for sale, or to barter any alcoholic liquors within the Municipality unless said person shall have in full force and effect a license as provided by the Nebraska Liquor Control Act. (Ref. 53-101 thru 531,121 R.R.S. Neb.)

Sec. 10-103 ALCOHOLIC BEVERAGES; MUNICIPAL POWERS AND DUTIES.

The Village Board is authorized to regulate by ordinance not inconsistent with the provisions of the Nebraska Liquor Control Act, the business of all retail and bottle club licensees carried on within the corporate limits. The Village Board shall further have the power and duties in respect to licensed retailers of alcoholic beverages to cancel or revoke for cause retail or bottle club licenses to sell or dispense alcoholic liquors issued to persons for premises within its jurisdiction, subject to the right of appeal to the Commission; to enter or to authorize any law enforcement officer to enter at any time upon any premise licensed by the State of Nebraska to determine whether any of the provisions of the Municipal laws, or the laws of the State of Nebraska, are being violated; to receive signed complaints from any citizens within its jurisdiction that any of the Municipal laws, or laws of the State of Nebraska, are being violated, and to act upon such complaints in the manner herein provided; to cancel or revoke on its own motion any license if it determines that the licensee has violated any of the provisions of the Nebraska Liquor Control Act or any valid and subsisting ordinance or regulation duly enacted relating to alcoholic liquors; and to collect for the benefit of the State of Nebraska and the

Municipality all license fees and occupation taxes as prescribed by law. (Ref. 53-134 R.R.S. Neb.)

Sec. 10-104 ALCOHOLIC BEVERAGES; MINORS AND INCOMPETENTS.

It shall be unlawful for any person or person to sell, give away, dispose of, exchange, permit the sale of or make a gift of, any alcoholic liquors, or to procure any such alcoholic liquors to or for any minor, or to any person who is mentally incompetent. (Ref. 53-180 R.R.S. Neb.)

Sec. 10-105 ALCOHOLIC BEVERAGES; ORIGINAL PACKAGE.

It shall be unlawful for any person or persons who own, manage, or lease any premise in which the sale of alcoholic beverage is licensed, to have in their possession for sale at retail any alcoholic liquors contained in bottles, casks, or other containers except in the original package. (Ref. 53-184 R.R.S. Neb.)

Sec. 10-106 ALCOHOLIC BEVERAGES; HOURS OF SALE.

It shall be unlawful for any licensed person or persons or their agents to sell any alcoholic beverages within the Municipality except during the hours provided herein.

HOURS OF SALE

Alcoholic Liquors (except beer and wine)

Secular Days

Off Sale.....6:00 A.M. to 1:00 A.M.

On Sale.....6:00 A.M. to 1:00 A.M.

Sundays

Off Sale.....Prohibited

On Sale.....6:00 A.M. to 1:00 A.M.

Beer and Wine

Secular Days

Off Sale.....6:00 A.M. to 1:00 A.M.

On Sale.....6:00 A.M. to 1:00 A.M.

Sundays

Off Sale.....12:00 Noon to 1:00 A.M.

On Sale.....6:00 A.M. to 1:00 A.M.

Provided, that such limitations shall not apply after twelve (12:00) o'clock noon on Sunday to a licensee which is a nonprofit corporation holding a license pursuant to Section 53-124 (5)(c),(h) Reissue Revised Statutes of Nebraska 1943.

No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than fifteen (15) minutes after the time fixed herein for stopping the sale of alcoholic beverages on the said premises. For the purposes of this Section, "on sale" shall be defined as alcoholic beverages sold by the drink for consumption on the premises of the licensed establishment; "off sale" shall be defined as alcoholic beverages sold at retail in the original container for consumption off the premises of the licensed establishment.

Nothing in this Section shall be construed to prohibit licensed premises from being open for other business on days and hours during which the sale or dispensing of alcoholic beverages is prohibited by this Section. (Ref. 53-179 R.R.S. Neb.)

Sec. 10-107 ALCOHOLIC BEVERAGES; HIRING MINORS.

It shall be unlawful for any person to hire a minor regardless of sex under the age of nineteen (19) years to serve or dispense alcoholic liquors, including beer, to said licensee's customers. (Ref. 53-168.06 R.R.S. Neb.)

Sec. 10-108 ALCOHOLIC BEVERAGES; CONSUMPTION IN PUBLIC PLACES.

It shall be unlawful for any person to consume alcoholic beverages within the corporate limits upon the public ways and property, including inside vehicles while upon the public ways and property. It shall further be unlawful for any person to consume alcoholic beverages within any other public business that is not a licensed liquor establishment. (Ref. 53-186, 53-186.01 R.R.S. Neb.)

Article 2. Franchises

Sec. 10-201 FRANCHISE; NATURAL GAS.

The Village Board has granted to the K-N Energy, Inc. the authority to construct, maintain, and operate a gas transmission, and distribution system within the Municipality.

Actual details of the agreement, and the present gas rates, charges, and fees are available at the Municipal Clerk's office. (Ref. 17-528.02 R.R.S. Neb.)

Sec. 10-202 FRANCHISE; TELEPHONE.

The Village Board has granted to Sprint the authority to maintain, and operate a telephone system within the Municipality. Actual details of the agreement, and the present telephone rates, charges, and fees are available at the Municipal Clerk's office. (Ref. 17-525 R.R.S. Neb.)

Sec. 10-203 FRANCHISE; ELECTRICITY.

The Village Board has granted to the Nebraska Public Power District the authority to maintain and operate the light and power system in the Municipality, and fixing the charges for such services. Actual details of the agreement and the present electrical rates, charges, and fees are available at the Municipal Clerk's office. (Ref. 17-528.03 R.R.S. Neb.)

Article 3. Occupation Taxes

Sec. 10-301 OCCUPATION TAX; AMOUNTS.

For the purpose of raising revenue an occupation tax is hereby levied on the following businesses:

Retailers of alcoholic liquors:

On and off sales .....	\$ 250.00
On sale .....	\$ 150.00

(Ref. 17-505 R.R.S. Neb.)

Sec. 10-302 OCCUPATION TAX; COLLECTION DATE.

All occupation taxes shall be due and payable on the first (1st) day of May of each year, except in the event that the said tax is levied daily, and upon the payment thereof by any person or persons to the Municipal Clerk, the said Clerk shall give a receipt, properly dated, and specifying the person paying the said tax, and the amount paid; Provided, occupation taxes collected from Class C liquor licensees shall be due and payable on the first (1st) day of

November. The revenue collected shall then be immediately deposited into the General Fund by the Municipal Treasurer. The Municipal Treasurer shall keep an accurate account of all revenue turned over to him. All forms and receipts herein mentioned, shall be issued in duplicate. One (1) copy shall then be kept by each party in the transaction. (Ref. 17-525 R.R.S. Neb.)

Sec. 10-303 OCCUPATION TAX; CERTIFICATES.

The receipt issued after the payment of any occupation tax shall be the Occupation Tax Certificate. The said certificate shall specify the amount of the tax and the name of the person, and business that paid the said tax. The Occupation Tax Certificate shall then be displayed in a prominent place, or carried in such a way as to be easily accessible, while business is being conducted. (Ref. 17-525 R.R.S. Neb.)

Sec. 10-304 OCCUPATION TAX; FAILURE TO PAY.

If any person, company, or corporation fails, or neglects to pay the occupation taxes as provided herein on the day it becomes due and payable, the Municipality shall then proceed by civil suit to collect the amount due. All delinquent taxes shall bear interest at the rate of one (1%) per cent per month until paid. (Ref. 17-525 R.R.S. Neb.)

Article 4. Penal Provision

Sec. 10-401 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 five hundred dollars (\$500.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.