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CHAPTER 2 – COMMISSIONS AND BOARDS

Article 1 – Library Board

SECTION 2-101: LIBRARY; OPERATION AND FUNDING

The city owns and manages the city library through the Library Board. The City Council, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the library, 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 city that is subject to taxation. The revenue from the said tax shall be known as the library fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the library. The library fund shall at all times be in the custody of the city treasurer. (Neb. Rev. Stat. §51-201, 51-202, 51-211)

SECTION 2-102: MEMBERS; TERMS

The Library Board shall have control and management of the library. The board shall consist of five members who are residents in the city. The City Council shall, by ordinance, adopt the manner in which the members of the Board are to be chosen. If the members are to be chosen by appointment, the nominated members must receive a majority vote of the City Council. If the members are to be elected, the usual election procedures of the city shall be followed. Each director shall serve for a term of four years as. In case of vacancy for any reason, the City Council shall fill such vacancy for the unexpired term. No council member shall be a member of the Library Board. No director shall receive any pay or compensation for any services rendered as a member of the board. (Neb. Rev. Stat. §51-202)

SECTION 2-103: OFFICERS; MEETINGS

The Library Board shall meet at such times as the City Council may designate. At the time of the first meeting in July of each year, the members shall organize by selecting from their number a president, secretary, and such other officers as may be necessary. No member of the Library Board shall serve in the capacity of both chairman and secretary. It shall be the duty of the secretary to prepare an agenda for all regular and special meetings, to keep the full and correct minutes and records of all meetings and to file the same with the city clerk, where they shall be available for public inspection during office hours within ten working days or before the next board meeting, whichever is earlier. A majority of the board members shall constitute a quorum for the transaction of business. Special meetings may be held upon the call of the chairman or any three board members. (Neb. Rev. Stat. §51-204)

SECTION 2-104: POWERS AND DUTIES

The Library Board shall have the authority to appoint a librarian and all other library em-

ployees. It shall be the duty of the board to have general charge of the library and to establish appropriate rules and regulations for the management, operation, and use of the same. The board shall have supervisory authority over all employees of the library, including the librarian. All actions of the board shall be subject to the review and supervision of the City Council. The Library Board shall be responsible for making such reports and performing such additional duties as the council may designate from time to time. (Neb. Rev. Stat. §51-205, 51-211)

SECTION 2-105: ANNUAL REPORT TO CITY COUNCIL

The Library Board shall make a report to the City Council in February each year. The report may show the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Library Board may deem of general interest or as the City Council may require. The report shall be verified by affidavit of the proper officers of the Library Board. This statement is in state law. (Neb. Rev. Stat. §51-213) (Ord. No. 704, 7/14/05)

SECTION 2-106: LIBRARY; RULES AND REGULATIONS

The Library Board shall establish rules and regulations for the governing of the library and for the preservation and efficient management thereof. By general rules it shall fix and impose penalties and forfeitures for injury to the library grounds, rooms, books, or other property or for failure to return a book. All fees, penalties and forfeitures may be collected in civil action in the event of failure, neglect or refusal to pay the said assessments. (Neb. Rev. Stat. §51-205, 51-211)

SECTION 2-107: LIBRARY; COST OF USE; VIOLATION OF RULES

Use of the public library shall be free for the inhabitants of the city. The City Council may exclude from the use of the library and reading rooms any person who shall willfully violate or refuse to comply with the rules and regulations established for the government thereof. (Neb. Rev. Stat. §51-201, 51-212)

SECTION 2-108: LIBRARY; BOOK LABELING

It shall be the duty of the librarian to label or cause to be labeled with a printed or stamped label proof of municipal ownership on each book. (Neb. Rev. Stat. §51-211)

SECTION 2-109: LIBRARY; BOOKS ISSUED

The librarian shall keep or cause to be kept a register of all books issued and returned at the time of issuance and return. None of the books shall be loaned out for more than 14 days without being renewed. No book may be renewed more than two consecutive times without the special permission of the librarian or an authorized employee of the library. (Neb. Rev. Stat. §51-211)

SECTION 2-110: LIBRARY; BOOK REMOVAL

It shall be unlawful for any person not authorized by the regulations made by the Library

Board to take a book from the library without the consent of the librarian or an authorized employee of the library. Any person removing a book from the library without properly checking it out shall be deemed guilty of an offense. (Neb. Rev. Stat. §51-211)

SECTION 2-111: LIBRARY; LOST AND DAMAGED MATERIALS

Any person who injures or fails to return any item checked out from the library shall forfeit and pay not less than the value of the item in addition to any replacement costs and penalty which the Library Board may assess. (Neb. Rev. Stat. §51-211)

SECTION 2-112: LIBRARY; SALE, EXCHANGE OR DISPOSAL OF BOOKS

The Library Board may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books in the library. Records shall be kept of any such books so disposed of. (Neb. Rev. Stat. §51-211)

SECTION 2-113: LIBRARY; MONEY COLLECTED

Any money collected by the library shall be turned over monthly by the librarian to the city treasurer along with a report of the sources of the revenue. (Neb. Rev. Stat. §51-209)

Article 2 – Board of Health

(Neb. Rev. Stat. §17-121) (Am. by Ord. No. 591, 7/10/97)

SECTION 2-201: MEMBERS; TERMS

The City Council shall appoint a Board of Health consisting of four members: the mayor, who shall serve as chairman, the president of the City Council, and two other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the board's medical advisor. If the mayor has appointed a chief of police, he or she shall serve on the board as secretary and quarantine officer. The members of the board shall serve, without compensation, one-year terms of office, unless reappointed.

SECTION 2-202: MEETINGS; OFFICERS

The board shall meet at such times as the council may designate and shall reorganize at the first meeting in December of each year. A majority of the board shall constitute a quorum for the purpose of doing business. The secretary shall keep full and correct minutes and records of all meetings and file the same with the city clerk, where they shall be available for public inspection during office hours. Special meetings may be held upon the call of the chairman or any two members of the board.

SECTION 2-203: DUTIES

It shall be the duty of the Board of Health to enact rules and regulations, which shall have the full force and effect of law to safeguard the health of the people of the city. 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 state laws and city ordinances relating to nuisances and

matters of sanitation which affect the health and safety of the people. The board shall regularly inspect such premises and businesses as the City Council may direct. The board shall be responsible for making such reports, prescribing such penalties, and performing such other duties as the council may designate from time to time. All actions of the Board of Health shall be subject to the review and supervision of the City Council.

SECTION 2-204: ENFORCEMENT OFFICIAL

The police chief, if appointed as the quarantine officer, shall be the chief health officer of the city. It shall then be his duty to notify the City Council and the Board of Health of health nuisances within the city and its zoning jurisdiction.

SECTION 2-205: STATE RULES

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

SECTION 2-206: COUNTY HEALTH BOARD

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

Article 3 – Board of Park Commissioners

SECTION 2-301: OPERATION AND FUNDING

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

B. The board shall have the authority to adopt rules and regulations for the efficient management of the city parks and other recreational areas of the city. The board shall not enter into a contract of any nature which involves an expenditure of funds unless the contract has been approved by resolution of the majority of the members of the City Council prior to contractual agreement.

(Neb. Rev. Stat. §17-948, 17-949, 17-951)

SECTION 2-302: MEMBERS

The City Council may appoint the Park Board, which shall consist of five members who shall be residents of the city. Each member shall serve a two-year term of office and may be reappointed. The board members shall serve without compensation.

SECTION 2-303: OFFICERS; MEETINGS

The Park Board shall meet at such times as the City Council may designate. At the time of its first meeting after January 1 of each year, the commissioners shall organize by selecting from their membership a chairman and secretary. No member of the Park Board shall serve in the capacity of both chairman and secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file the same with the city clerk, where they shall be available for public inspection during office hours. A majority of the board members shall constitute a quorum for the transaction of business. Special meetings may be held upon the call of the chairman or any two members of the board.

SECTION 2-304: DUTIES

The Park Board shall establish appropriate rules and regulations for the management, use, and operation of the city parks and recreation areas. All employees of the city doing work in or for the park shall be under the supervision and direction of the board. All accounts against the park fund or park and recreation fund, as the case may be, shall be audited by such board. Warrants against the fund shall be drawn by the chairman of the board, and warrants so drawn shall be paid by the city treasurer out of the fund. All actions of the board shall be subject to the review and control of the City Council. The board shall be responsible for making such reports and performing such other duties as the council may, from time to time, designate. (Neb. Rev. Stat. §17-952)

Article 4 – Swimming Pool

SECTION 2-401: OPERATION AND FUNDING

A. The city owns and manages the swimming pool. The City Council, for the purpose of defraying the cost of the management, maintenance, and improvements of the swimming pool, 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 city that is subject to taxation. The revenue from the said tax shall be known as the swimming pool fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the swimming pool. The swimming pool fund shall at all times be in the custody of the city treasurer.

B. The City Council shall manage the swimming pool and shall have the power and authority to hire and supervise the swimming pool manager and such employees as it may deem necessary, and shall pass such rules and regulations for the operation of the swimming pool as may be proper for its efficient operation.
(Neb. Rev. Stat. §17-948, 17-951, 17-952)

SECTION 2-402: RULES AND REGULATIONS

The City Council shall have the power and authority to enact bylaws, rules, and regulations for the protection of those using the swimming pool and for the efficient management thereof. Suitable penalties may be provided for the violation of such bylaws, rules, and regulations, subject to review and supervision. (Neb. Rev. Stat. §17-949)

SECTION 2-403: ADMISSION CHARGE

The City Council may, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the swimming pool, make a reasonable admission charge for its use by any person. The said charges shall be on file at the office of the city clerk and shall also be posted in a conspicuous place at the pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; provided, nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color, or national origin in the classification of persons for admission charges. (Neb. Rev. Stat. §17-949)

SECTION 2-404: RENTALS

The City Council shall have the authority to rent the swimming pool to such organizations and other persons as it may in its discretion see fit. The Board shall prescribe rules and regulations for such rentals and shall require an appropriate number of qualified lifeguards to be in attendance during the rental period. Such fees and other costs shall be on file at the office of the city clerk and posted in a conspicuous place at the pool. (Neb. Rev. Stat. §17-949)

Article 5 – Housing Authority

(Ord. No. 656, 6/8/00)

SECTION 2-501: CONTINUED EXISTENCE AS HOUSING AGENCY

A. The local housing authority established under prior state law and in existence on January 1, 2000, shall have continued existence as a housing agency under the Nebraska Housing Agency Act and shall conduct its operations consistent with the Act. All property, rights in land, buildings, records, and equipment and any funds, money, revenue, receipts, or assets of the authority belong to the agency as successor. All obligations, debts, commitments, and liabilities of the authority are obligations, debts, commitments, and liabilities of the successor agency.

B. Any resolution by the Housing Authority and any action taken by the authority prior to January 1, 2000, with regard to any project or program which was to be completed within or to be conducted for a 12-month period following January 1, 2000, and which resolution or action was lawful under state law as it existed prior to January 1, 2000, is a lawful resolution or action of the successor agency and binding upon the successor agency and enforceable by or against the agency notwithstanding that such resolution or action is inconsistent with, not authorized by, or prohibited under the provisions of the Act.

C. All commissioners of the Housing Authority and all officers, legal counsel, technical experts, directors, and other appointees or employees of the agency holding office or employment by virtue of any such prior law on January 1, 2000, shall be deemed to have been appointed or employed under the Act.
(Neb. Rev. Stat. §71-1576)

SECTION 2-502: MEMBERS

A. The City Council shall appoint five persons who shall constitute the Housing Authority, called the commissioners. One commissioner shall be appointed each year. Each commissioner shall serve a five-year term of office or until his or her successor is duly appointed; provided, all vacancies shall be filled for the unexpired terms. The council may appoint one of its members to serve as one of the five members of the authority for such term as the council may determine.

B. No person shall serve as a commissioner unless he or she resides within the area of operation of the Housing Authority. A certificate of the appointment or reappointment of any commissioner shall be filed with the city clerk and such certificate shall be conclusive evidence of the proper appointment of such commissioner. A commissioner shall receive no compensation for his or her services but shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his or her duties.

(Neb. Rev. Stat. §71-1594, 71-1596, 71-1598)

SECTION 2-503: CONFLICT OF INTEREST

During his or her tenure and for one year thereafter, no commissioner, officer, or employee of the Housing Authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project or in any contract or proposed contract relating to any housing project. If any such commissioner, officer, or employee involuntarily acquires any such interest or voluntarily or involuntarily acquired any such interest prior to appointment or employment as commissioner, officer, or employee, he or she shall immediately disclose such interest in writing to the authority and such disclosure shall be entered upon the minutes. He or she shall not participate in any action by the authority relating to the property or contract in which he or she has any such interest; provided, nothing herein shall apply to the acquisition of any interest in notes or bonds of the authority issued in connection with any housing project or to the execution of agreements by banking institutions for deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services, the rates for which are fixed or controlled by a governmental agency.

SECTION 2-504: DUTIES

The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make a report to the City Council on all such information. The authority may employ legal counsel or it may call upon the chief law officer of the city for such services as it may require. It may employ technical experts and such other officers, agents, and employees as it may require and shall determine their qualifications, duties, compensations, and terms of office. The authority may delegate such other powers and duties to its agents or employees as it may deem proper.

SECTION 2-505: MEETINGS

The commissioners shall elect a chairman and vice-chairman and shall have the power to employ an executive director who shall serve as an officio secretary of the Housing Authority. A majority of commissioners shall constitute a quorum for the purpose of conducting business, exercising powers, and for all other purposes. Action may be taken by the authority upon the vote of the majority of the commissioners present unless in any

case the bylaws of the authority shall require a larger number. (Neb. Rev. Stat. §71-1594, 71-1595)

SECTION 2-506: REMOVAL OF MEMBER

A commissioner may be removed for neglect of duty, misconduct in office, or conviction of any felony by the mayor, who shall send a notice of removal to such commissioner. The said notice shall set forth the charges against him or her. Unless within ten days from the receipt of such notice the commissioner files with the city clerk a request for a hearing before the City Council, the commissioner shall be deemed removed from office. If a request for hearing is so filed, the council shall hold a hearing not sooner than ten days after the date a hearing is requested, at which hearing the commissioner shall have the right to appear in person or by counsel and the City Council shall determine whether the removal shall be upheld. If the removal is not upheld by the council, the commissioner shall continue to hold his or her office. (Neb. Rev. Stat. §71-15,105)

Article 6 – Tree Board

SECTION 2-601: OPERATION

The Tree Board shall consist of five members who shall be citizens and residents of this city, appointed by the mayor with the approval of the City Council. The terms shall be two years and shall expire December 31. Two members shall be appointed or re-appointed one year and three members the next year. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. Members of the Tree Board shall serve without compensation. The board shall choose its own officers, make its own rules and regulations and keep a minute book of its proceedings. A majority of its members shall be a quorum for the transaction of business. The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal any ruling or order of the Tree Board to the council, which may hear the matter and make a final decision.

SECTION 2-602: DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Tree Board to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and, upon its acceptance and approval, shall constitute the official comprehensive tree plan for the city. The Tree Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

SECTION 2-603: TREES; DEFINITIONS

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

"Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names and all areas owned by the city or to which the

public has free access as a park.

SECTION 2-604: TREES; SPECIES TO BE PLANTED

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

SECTION 2-605: TREES; SPACING

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

SECTION 2-606: TREES; DISTANCE FROM CURB AND SIDEWALK

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

SECTION 2-607: TREES; DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS

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

SECTION 2-608: TREES; UTILITIES

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

SECTION 2-609: TREES; MAINTENANCE, REMOVAL; PLANTING BY ADJACENT PROPERTY OWNERS

A. The city shall have the right to plant, prune, maintain and remove trees plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B. This section does not prohibit the planting of street trees by adjacent property owners providing that the selection and location of said trees is in accordance with this article.

SECTION 2-610: TREES; PUBLIC RIGHT OF WAY; CONSENT OF PROPERTY OWNER

The Tree Board shall plant no trees on public right of way without the consent of the ad-

jaacent property owners. Such consent shall be in writing and shall be maintained as part of the official Tree Board records.

SECTION 2-611: TREES; TOPPING

It shall be unlawful as a normal practice for any person, firm, or city department to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than 3 inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the Tree Board.

SECTION 2-612: TREES; PRUNING; CORNER CLEARANCE

Every owner of any tree overhanging any street or right of way within the city shall prune the branches so that they do not obstruct the light from any street lamp or obstruct the view of any street intersection.

SECTION 2-613: INJURY TO TREES

It shall be unlawful for any person to purposely or carelessly and without lawful authority to cut down, carry away, injure, break down, or destroy any fruit, ornamental, shade or other tree standing or growing on any land belonging to another person or on any public land in the corporate limits. Any public service company desiring to trim or cut down any tree, except on property owned and controlled by it, shall make an application to the City Council to do so and the written permit of the council in accordance with its decision to allow such an action shall constitute the only lawful authority on the part of the company to do so. (Neb. Rev. Stat. §17-555, 18-806)

SECTION 2-614: TREES; DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

A. All trees that are in a diseased, dying or dead condition are declared to be a public nuisance and shall be removed by the property owner from the private property on which they are located. For the purpose of carrying out the provisions of this section, the city police shall have the authority to enter on private property to inspect the trees thereon. In the event that the trees are diseased or dead, notice shall be given to the owner of the property by mail or personal service and such notice shall allow the said owner 60 days to remove the said tree or trees.

B. In the event that the owner is a nonresident, notice shall be made by publication in a newspaper of general circulation or by certified mail if the name and address are known. The person charged with the removal may enter into an agreement with the city that such work be accomplished by the city and the expense shall be declared to be a lien upon such property from the time the same becomes due until paid. If the owner fails, neglects or refuses to enter into such an agreement or to remove the trees, the Tree Board may enter upon the property and proceed to direct the removal of the trees; the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the city after being properly billed, the costs shall be assessed against the property and certified by the city clerk to the county treasurer to be collected in the manner prescribed by law.

C. In the event the property owner is a nonresident of the county in which the property lies, the city shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

SECTION 2-615: TREES; REMOVAL OF STUMPS

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump does not project above the surface of the ground.

SECTION 2-616: INTERFERENCE WITH TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the Tree Board or any of its agents while they are engaged in the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees or trees on private grounds, as authorized in this article.

Article 7 – Planning Commission

(Neb. Rev. Stat. §19-924 through 19-929)
(Am. by Ord. Nos. 490, 7/14/94; 503, 8/11/94; 620, 8/13/98)

SECTION 2-701: MEMBERS

The Planning Commission shall consist of five members who shall represent, insofar as is possible, the different professions or occupations in the city and shall be appointed by the mayor by and with the approval of a majority vote of the City Council. Two of the regular members may be residents of the area over which the city is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the city exercises extraterritorial zoning and subdivision regulation, one regular member of the commission shall be a resident from such area. If it is determined by the City Council that a sufficient number of residents reside in the area subject to extraterritorial zoning and subdivision regulation and no such resident is a regular member of the commission, the first available vacancy on the commission shall be filled by the appointment of such an individual. For purposes of this section, “a sufficient number of residents” shall mean 500 residents. All regular members of the commission shall serve without compensation and shall hold no other city office except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. §19-908.

SECTION 2-702: ALTERNATE MEMBER

The mayor, with the approval of a majority vote of the City Council, may by ordinance provide for the appointment of one alternate member to the commission, who shall serve without compensation and shall hold no other city office. The term of the alternate member shall be three years and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant

other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the mayor with the approval of a majority of the City Council. The alternate member may attend any meeting and may serve as a voting and participating member of the commission at any time when less than the full number of regular commission members is present and capable of voting.

SECTION 2-703: TERMS; VACANCIES

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

SECTION 2-704: OFFICERS; MEETINGS

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

SECTION 2-705: FUNDING

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

SECTION 2-706: POWERS AND DUTIES; APPEAL

A. Except as provided in Neb. Rev. Stat. §19-930 to 19-933, the Planning Commission shall (1) make and adopt plans for the physical development of the city, including any areas outside its boundaries which in the commission's judgment bear relation to the planning of such city and including a Comprehensive Development Plan as defined by Neb. Rev. Stat. §19-903; (2) prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested municipal departments; and (3) consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the Comprehensive Development Plan and its implemental programs. The commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports. The City Council shall not take final action on matters relating to the Comprehensive Development Plan, capital improvements, building codes,

subdivision development, the annexation of territory, or zoning until it has received the recommendation of the Planning Commission. The City Council shall by ordinance set a reasonable time within which the recommendation from the Commission is to be received. A recommendation from the commission shall not be required for subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the City Council has designated, by ordinance, an agent pursuant to Neb. Rev. Stat. §19-916.

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

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

Article 8 – Airport Authority Board

(Neb. Rev. Stat. §3-501 through 3-513) (Ord. No. 743, 11/13/08)

SECTION 2-801: AIRPORT ESTABLISHED

There is hereby established in the city a municipal airport, which shall be forever kept and maintained by said city.

SECTION 2-802: BOARD MEMBERS

A. The Airport Authority Board is a body corporate and politic, constituting a public corporation and an agency of the city. The board shall consist of five members nomi-

nated and elected in the manner provided by law for the election of other elected officials. Members of the board shall be residents of the city and shall serve terms of six years. Two members of the board shall be elected in each city election year; provided, in each third election year, one member only shall be elected to the board.

B. Any vacancy on the board resulting from any other cause than the expiration of a term of office shall be filled by temporary appointment by the mayor with the approval of the City Council until a successor can be elected at the next general city election to serve the unexpired portion of the term. A member of the board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of such officer may be brought upon resolution of the City Council in the District Court of the county.

C. The board members shall not be entitled to compensation for their services but shall be entitled to reimbursement of expenses paid or incurred in the performance of the duties imposed upon them by the Cities Airport Authorities Act of the State of Nebraska.

SECTION 2-803: OFFICERS; QUORUM

The members of the Airport Authority Board shall, at their first meeting in December after the general election, organize by electing from their number a president, secretary and such other officers as may be necessary. Three members of such board shall constitute a quorum; provided, however, any motion, resolution or order passed by said board shall require the vote or assent of three members in order to be valid.

SECTION 2-804: POWERS AND DUTIES

The Airport Authority Board shall have the full and exclusive jurisdiction and control over all facilities owned or hereafter acquired by the city for the purpose of aviation operation, air navigation, and air safety operation. It shall have the power to adopt such bylaws, rules and regulations for its guidance and for the governing of the municipal airport as may be deemed expedient, subject to the supervision and control of the City Council and not inconsistent with this ordinance. Any bylaws, rules and regulations established by the board may be amended by the council. The board shall have exclusive control of expenditures of all the money collected or donated to the credit of the airport board fund; of all airport property; of the renting or construction of any building; and the supervision, care and custody of the grounds or buildings constructed, leased or set apart for airport purposes. The board shall have the power to appoint a suitable manager and assistants, to fix their compensation, and to remove any appointees.

SECTION 2-805: TAX LEVIED

There shall be levied and appropriated annually for the support and maintenance of the municipal airport a tax of not more than one mill upon the dollar of the actual valuation of real and personal property of the city. Said tax shall be levied, appropriated, collected and expended and known as the airport fund.

SECTION 2-806: FINANCES

All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance or support of the municipal airport shall be kept for its use, separate

and apart from the other funds of the city; shall be drawn upon and paid out of the airport fund upon vouchers signed by the president of the Airport Authority Board and authenticated by the secretary; and shall not be used or disbursed for any other purpose or in any other manner.

Article 9 – Economic Development Board

SECTION 2-901: OPERATION

A. The Creighton Economic Development Board shall consist of five members appointed by the mayor with the consent of the City Council and chosen from the following groups or with the following qualifications: One person shall be nominated by each of the entities listed in (A) to (D) as follows: (A) Creighton City Council; (B) Creighton Area Chamber of Commerce, (C) Creighton Development Corporation; (D) Creighton Planning Commission; and (E) one member selected at large residing within or without the city limits but within the general retail trade area of the city. All members shall serve staggered terms of three years each.

B. It shall be the duty of this board to perform studies, create plans, raise funding, promote the city and economic development within and for the city, work with and oversee the activities of any economic development director hired by the city, subject to the control, direction, and financing provided by the City Council, and make recommendations for city projects for consideration by the council.
(Ord. No. 724, 11/14/06)

Article 10 – Community Development Agency

SECTION 2-1001: OPERATION

A. Pursuant to Neb. Rev. Stat. §18-2101.01, a Community Development Agency has been established for the city. The mayor and City Council are hereby designated to be the Community Development Agency for the city.

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

C. The Community Development Agency shall have the power and authority to exercise those powers and authority granted to a community redevelopment authority under Neb. Rev. Stat. §18-2101 to 18-2144. The agency shall also have the power and authority to do all community development activities and to do all things necessary to cooperate with the federal government in all matters relating to community development program activities as a grantee, or as an agent or otherwise, under the provisions of the Federal Housing and Community Development Act of 1974, as amended through the Housing and Community Development Amendments of 1981. The agency may levy taxes for the exercise of such jurisdiction and authority and may issue general obligation bonds, general obligation notes, revenue bonds, and revenue notes, including those general obligation and revenue refunding bonds and notes for the purposes set forth in such sections and under the powers granted to any community redevelopment authority

described therein.

(Ord. No. 568, 5/8/97) (Am. by Ord. Nos. 780, 7/11/13; 781, 8/20/13)

Article 11 – Keep Creighton Beautiful

SECTION 2-1101: OPERATION

The Keep Creighton Beautiful Committee (hereafter “KCB” or “the committee”) was established in 1984 for the purpose of assisting the City Council in establishing a city-wide policy for decreasing the amount of loose refuse in the city and promoting a recycling program for the community and surrounding area on the following terms and conditions:

A. The committee shall be comprised of nine members to be appointed by the mayor and approved by the City Council and shall be residents of the city or the surrounding area.

B. The term of each member shall be two years, with rotating appointments on odd and even years as established when the committee was first created.

C. KCB may recommend refuse, recycling, and environmental management policies to the City Council so all city refuse and clean city activities may follow a common purpose. The committee shall have the following responsibilities:

1. Develop city-wide refuse and environmental policy plan(s), including recycling collection, equipment, and staffing needs;
2. Evaluate city actions in light of that policy;
3. Determine and recommend to the City Council management and program priorities and clean city activities on a city-wide basis;
4. Recommend enforcement and review and endorse additional program alternatives for City Council consideration;
5. Monitor city performance from data collected and examined under the Keep America Beautiful, Inc., Clean Community System guidelines and make an annual report to the City Council; and
6. Carry out such other tasks as the council may designate.

D. The executive director of Keep Creighton Beautiful shall be appointed by the mayor with approval of the City Council for a term of two years and shall serve as a voting member of the committee. He or she shall be custodian of all minutes and records of the council and perform such other duties as the committee may deem necessary and consistent with both the responsibilities of KCB and his or her responsibilities to the city.

E. Office space, supplies, telephone, postage and secretarial support for the executive director shall be furnished by the City of Creighton. Additional funds for KCB activities involving travel or training for the executive director may also be supplied by the city within council-imposed budgetary restraints.

F. KCB shall hold an organizational meeting in May of each even-numbered year and shall elect a chairman and vice-chairman and other necessary officers from among its members before proceeding to any other matters of business. KCB shall meet regularly and shall designate the time and place of its meetings.

G. Four members of KCB shall constitute a quorum for the conduct of business. The members shall regularly attend meetings and public hearings of Keep Creighton Beautiful and shall serve without compensation except for reimbursement for authorized expenses attendant to the performance of their duties.

H. KCB shall adopt its own rules of procedure and keep a record of its proceedings in accordance with the provisions of this section and the city charter. Newly appointed members shall be installed at the first regular meeting after their appointment. (Am. by Ord. Nos. 602, 11/13/97, 726, 7/12/07)

Article 12 – Penal Provision

SECTION 2-1201: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply. (Ord. No. 658, 7/13/00)