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CHAPTER 2 – BOARDS AND PUBLIC FACILITIES

Article 1 – Library Board

SECTION 2-101: LIBRARY; OPERATION AND FUNDING

A. The city owns and manages the library through the Library Board. The City Council may levy a tax of not more than \$0.105 on each \$100.00 upon the taxable value of all the taxable property in the city annually to be levied and collected in like manner as other taxes in the city for support of the library. The levy shall be subject to Neb. Rev. Stat. §§77-3442 and 77-3443. The amount collected from such levy shall be known as the library fund and shall also include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing property and real estate from any source for the purpose of endowing the public library. All money collected by the library shall be turned over at least monthly by the librarian to the city treasurer along with a report of the sources of the revenue.

B. All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of the public library shall be kept for the use of the library separate and apart from all other funds of the city, shall be drawn upon and paid out by the city treasurer upon vouchers signed by the president of the Library Board and authenticated by the secretary of the board, and shall not be used or disbursed for any other purpose or in any other manner. The city may establish a public library sinking fund for major capital expenditures.
(Neb. Rev. Stat. §§51-201, 51-209)

SECTION 2-102: MEMBERS; TERMS

The Library Board shall have control and management of the library. The board shall consist of five members who are residents of the city, appointed by a majority vote of the City Council. Each member shall serve a term of four years. 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 board member shall receive any pay or compensation for any services rendered as a member of the board. Members of the board may be required, at the discretion of the City Council, to give a bond in a sum set by resolution of the council and conditioned upon the faithful performance of their duties. (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

A. The Library Board shall have the power to make and adopt such bylaws, rules, and regulations for its own guidance and for the government of the library and reading room as it may deem expedient, not inconsistent with Neb. Rev. Stat. §§51-201 through 51-219.

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

C. The Library Board may erect, lease, or occupy an appropriate building for the use of such a library, appoint a suitable librarian and assistants, fix the compensation of such appointees, and remove such appointees at the pleasure of the board. The City Council shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the Library Board.

D. The Library Board may establish rules and regulations for the government of the library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency. The board may fix and impose by general rules any penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or regulation. All fees, penalties, and forfeitures may be collected in civil action in the event of failure, neglect, or refusal to pay the said assessments.

E. All actions of the board shall be subject to the review and supervision of the City Council. The board shall be responsible for making such reports and performing such additional duties as the City Council may designate from time to time.
(Neb. Rev. Stat. §§51-205, 51-207, 51-211)

SECTION 2-105: ANNUAL REPORT TO CITY COUNCIL

The Library Board shall, on or before the second Monday in February each year, make a report to the City Council of the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other

statistics, information, and suggestions as the Library Board may deem of general interest or as the City Council may require. The report shall be verified by affidavit of the proper officers of the board. (Neb. Rev. Stat. §51-213)

SECTION 2-106: REAL ESTATE; SALE AND CONVEYANCE

A. The Library Board may, by resolution, direct the sale and conveyance of any real estate owned by the board or by the public library which is not used for library purposes or of any real estate so donated or devised to the board or to the library, upon such terms as the board may deem best.

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

(Neb. Rev. Stat. §51-216)

SECTION 2-107: GROUNDS AND BUILDING

Upon approval of the City Council, the Library Board may purchase or lease grounds, exercise the power of eminent domain, and condemn real estate for the purpose of securing a site for a library building. The procedure to condemn property shall be exercised in the manner set forth in Neb. Rev. Stat. §§76-704 through 76-724. (Neb. Rev. Stat. §51-210)

SECTION 2-108: MORTGAGES; RELEASE OR RENEWAL

Upon approval of the City Council, the president of the Library Board shall have the power to release, upon full payment, any mortgage constituting a credit to the library fund and standing in the name of the board. The signature of the president on any such release shall be authenticated by the secretary of the board. The president and secretary in like manner, upon resolution duly passed and adopted by the board, may renew any such mortgage. (Neb. Rev. Stat. §51-206)

SECTION 2-109: LIBRARY; DONATIONS

Any person may make donation of money, lands, or other property for the benefit of

the public library. The title to property so donated may be made to and shall vest in the Library Board and its successors in office, and the board shall thereby become the owners thereof in trust to the uses of the public library. (Neb. Rev. Stat. §51-215)

SECTION 2-110: LIBRARY; COST OF USE; VIOLATION OF RULES

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

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

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

1. "Basic services" shall include, but are not limited to, free loan of circulating print and non-print materials from the local collection and general reference and information services.
2. "Non-basic services" shall include but are not limited to the use of:
 - a. Photocopying equipment;
 - b. Telephones, facsimile equipment, and other telecommunications equipment;
 - c. Media equipment;
 - d. Personal computers; and
 - e. Videocassette recording and playing equipment.

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

SECTION 2-111: LIBRARY; DISCRIMINATION PROHIBITED

No library service shall be denied to any person because of race, sex, gender identity, religion, age, color, national origin, ancestry, physical handicap, or marital status. (Neb. Rev. Stat. §51-211)

SECTION 2-112: 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 2-113: 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 2-114: 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 2-115: 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)

SECTION 2-116: LIBRARY; PENALTIES; RECOVERY; DISPOSITION

Penalties imposed or accruing by any bylaw or regulation of the Library Board and any court costs and attorney's fees may be recovered in a civil action before any court having jurisdiction, such action to be instituted in the name of the Library Board. Money collected in such actions, other than any court costs and attorney's fees, shall be placed in the treasury of the city to the credit of the library fund. Attorney's fees collected pursuant to this section shall be placed in the treasury of the city and credited to the budget of the city attorney's office. (Neb. Rev. Stat. §51-214)

Article 2 – Board of Health

(Neb. Rev. Stat. §17-121)

SECTION 2-201: MEMBERS; TERMS

A. The City Council shall appoint a Board of Health which shall consist of five members: the mayor, chief of police, city manager, a physician or health care provider and one citizen willing to serve on such board. Such physician or health care provider shall be the board's medical advisor. The mayor shall act as chairman and the chief of police shall serve as secretary and quarantine officer and shall be the chief health officer of the city. It shall then be his or her duty to notify the City Council and the Board of Health of health nuisances within the city and its zoning jurisdiction. If the city has a contract with the Sheridan County Sheriff's Office for law enforcement services, the mayor may appoint the county sheriff to serve as secretary and quarantine officer.

B. The members of the Board of Health, other than the mayor and chief of police, shall serve one-year terms of office and may be reappointed. No member of the Board of Health shall hold more than one board position. The members of the board shall serve without compensation. The Board of Health shall be funded by the City Council from time to time out of the general fund.

SECTION 2-202: MEETINGS; OFFICERS

The Board of Health shall meet at such times as the City Council may designate. The board shall elect officers at its meeting after appointments are regularly considered by the council and, if necessary, select a member to serve as secretary. 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 council.

SECTION 2-204: STATE RULES

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

SECTION 2-205: COUNTY HEALTH BOARD

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

Article 3 – City Parks

SECTION 2-301: OPERATION AND FUNDING

The city owns and operates the city parks and other recreational areas through the Public Works Department. 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 and shall remain in the custody of the city treasurer. The utilities superintendent shall have the authority to adopt rules and regulations for the efficient management of the city parks and other recreational areas of the city. (Neb. Rev. Stat. §§17-948, 17-949, 17-951)

SECTION 2-302: HOURS OF OPERATION

City parks shall be opened to the public every day of the year from dawn to dusk unless special permission is granted for organized events by the city manager. No person or vehicle shall be within any park except during the operating hours. (Ord. No. 1152, 1/14/16)

Article 4 – Swimming Pool

SECTION 2-401: OPERATION AND FUNDING

A. The city owns and manages the swimming pool through the Public Works Department. 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 Public Works Department 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: ADMISSION CHARGE

The Public Works Department, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the swimming pool, may make a reasonable admission charge for its use by any person. The said charges shall be kept 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 2-403: RENTALS

The pool manager shall have the authority to rent the swimming pool to such organizations and other persons as it may in its discretion see fit. The pool manager 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 as set by resolution by the City Council, kept on file at the city office and posted in a conspicuous place at the pool. (Neb. Rev. Stat. §17-949)

Article 5 – Cemetery; Perpetual Care Board

SECTION 2-501: CEMETERY; OPERATION AND FUNDING

A. The city owns and manages the cemetery through the sexton. The City Council, for the purpose of defraying the cost of the care, management, maintenance, and beautification of the cemetery, 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 cemetery fund and shall include all gifts, grants, deeds of conveyance, bequests, money, stocks, bonds, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the cemetery. The cemetery fund shall at all times be in the custody of the city treasurer. The city manager shall have the power and authority to hire and supervise such employees as he/she may deem necessary and to pass such rules and regulations for the operation of the cemetery as may be proper for its efficient operation.

B. The mayor and City Council may receive money by donation, bequest, or otherwise for credit to the perpetual fund to be invested as provided by ordinance or as conditioned by the donor. The income therefrom may be used for the general care, management, maintenance, improvement, beautification, and welfare of the cemetery as the donor may designate. The principal therefrom may be used for the general care, management, maintenance, improvement, beautification, and welfare of the cemetery as the donor may designate as long as no more than 20% of the principal is so used in any fiscal year and no more than 40% of the principal is so used for the purchase and development of additional land to be used for cemetery purpose as the donor may designate as long as no more 25% of the principal is so used in any fiscal year and no more than 35% of the principal is so used in any period of ten consecutive fiscal years.

C. This section does not limit the use of any money that comes to the city by donation, bequest, or otherwise that is not designated to be credited to the perpetual fund or that allows greater use for purchase or development of additional land to be used for cemetery purposes.

(Neb. Rev. Stat. §§12-301 through 12-403) (Am. Ord. 1123, 12/10/09)

SECTION 2-502: DECLARATION OF TRUST

The mayor and the City Council declare:

A. That all moneys heretofore paid for the perpetual care of cemetery lots sold and deeded and now held and invested by the board, in the fund known as the Gordon Cemetery perpetual care fund, was and is a perpetual trust fund and that the moneys so paid and subsequently invested and all moneys hereafter so paid or donated or otherwise legally acquired, make and constitute a Perpetual Care Fund Trust for the care and preservation of the lots and grounds contained within Gordon Cemetery;

B. That the funds so acquired shall always be kept and remain intact; and

C. That only the interest and profit derived from the investment of said funds can be used for the maintenance of the lots and grounds of the cemetery and paid into the cemetery's general operating funds account.

SECTION 2-503: PERPETUAL CARE FUND TRUST; MEMBERS

A. The mayor, by and with the consent of the City Council or a majority thereof, shall appoint a board of three members, to be known as the Gordon Cemetery Board Perpetual Care Fund Trust, who shall serve without pay and shall have the entire and exclusive custody, possession and control of all moneys, funds and bonds now in the Gordon Cemetery perpetual care fund and any subsequent additions thereto.

B. The trustees or members of the Gordon Cemetery Board Perpetual Care Fund Trust shall be appointed from among the citizens at large of said city. New members shall be recommended by the city manager to the mayor, who shall appoint the said members with consent of the City Council or a majority thereof, for terms of three years each. Before assuming the duties of office, each appointee shall, in the presence of the city clerk, take and subscribe to the oath required of city officers. Said oath shall be filed in the office of the city clerk. A reasonable bond to be set by resolution of the mayor and City Council shall be required of and from said trustees. Vacancies on the Gordon Cemetery Board Perpetual Care Fund Trust shall be filled for the unexpired term in like manner as regular members of said board are appointed and qualified.

(Am. Ord. No. 537, 10/13/77)

SECTION 2-504: PERPETUAL CARE FUND TRUST; OFFICERS; MEETINGS

The members of the Perpetual Care Fund Trust shall meet at such times as said trustees, by their own rules, fix and shall elect from their own number a chairman, secretary, and treasurer for the ensuing year. The chairman shall preside at all meetings of the trustees; sign all warrants for money to be paid out of the perpetual care fund; and, execute and sign all contracts and such other written instruments on behalf of said trust as may be necessary or required for conducting the trust's business. The secretary shall keep a true and complete record of the proceedings of the trust. The treasurer shall draw and countersign all warrants for the payment of money out of the perpetual care fund; shall attest all contracts and other written instruments of said trust; shall keep a true and accurate account of the receipts and expenditures of said trust; and shall file an annual report of the same with the city clerk on or before January 1 of each year, showing the business transacted during the preceding year and the amount and kind of U.S. government bonds and money in their possession as such trustees.

SECTION 2-505: PERPETUAL CARE FUND TRUST; DUTIES

The trustees of the Perpetual Care Fund Trust shall have the following powers and duties.

A. The trustees are hereby authorized to take over, have and receive from the city treasurer all bonds, investments and moneys heretofore paid to it for perpetual care of cemetery lots now owned and held in the perpetual care fund.

B. The trustees shall have sole custody, possession and control of all of the U.S. government bonds and money that now belong to the perpetual care fund and of all future money, U.S. government bonds, and other property that may come into their possession by the sale of perpetual care certificates in said cemetery, at the rate fixed for perpetual care; by reinvestment; or by donations and bequests.

C. All perpetual care funds received by the trustees either from the sale of lots, by donations, or by bequests shall be deposited in a bank in the City of Gordon to the credit of the trustees. As soon as funds accumulate at least to \$500.00 but not more than \$1,500.00, the trustees shall invest said funds in one of the following:

1. Bonds, notes, or other obligations of the United States;
2. Bonds and debentures issued either singly or collectively by any of the 12 federal land banks; or
3. Certificates of deposit of banks which are members of the Federal Deposit Insurance Corporation, not to exceed the amount of insurance available from FDIC.

D. When all investments now owned or held or which may hereafter be owned or held by the trustees may mature or be called for repayment, it is the duty of the trustees to reinvest such funds as soon as possible at the most favorable interest rate as outlined above.

E. The trustees shall have the authority to receive and accept any and all donations and bequests given or bequeathed to the perpetual care fund at any future time, which said moneys shall be invested by the trustees as soon as possible at the most favorable interest rate as outlined above.

F. All bonds owned and held by the trustees of the Perpetual Care Fund Trust shall at all times be kept in a safety deposit box in a bank in the City of Gordon in and under the name of the trustees of the Gordon Cemetery Board Perpetual Care Fund Trust and they shall have complete control, possession and supervision of said deposit box and the contents thereof.

G. At least semi-annually, on June 30 and December 31 of each year, the trustees shall ascertain whether all funds belonging to the Gordon Cemetery Board Perpetual Care Fund Trust have been promptly and properly allocated by the city to said fund as the same are paid to the Gordon cemetery fund from the sale of perpetual care certificates at such rate as may then be charged. If such funds have not been allocated, it is the duty of the trustees of the Perpetual Care Fund Trust to collect such funds and

to immediately invest the same as in the manner hereinbefore provided.
(Am. Ord. No. 537, 10/13/77)

SECTION 2-506: CEMETERY; SEXTON

The City Council shall have the authority to appoint a sexton, who shall perform such duties and make such reports as the council shall direct. It shall be the duty of the sexton to locate and direct the applicant to the correct lot and to dig and excavate or cause the same to be dug and excavated in compliance with the rules and regulations of the City Council. (Neb. Rev. Stat. §12-403)

SECTION 2-507: CEMETERY; BURIAL PERMIT

A. All persons desiring to bury a deceased person shall first be required to file a completed death certificate with the registrar of the county before the body may be buried in the city cemetery. If it is impossible to complete the certificate of death within the legal period of time prescribed by state law, the funeral director shall notify the registrar and obtain written approval before the deceased person may be buried in the cemetery. The burial permit so issued by the registrar shall then be filed with the city clerk. It shall be unlawful for the sexton or other person to allow the interment of a body without first receiving such permit. The burial permit shall then be countersigned and dated by the sexton.

B. The applicant shall also file with the burial permit an application containing the name, age, sex, race, and cause of death of the deceased person for the records of the city manager. Upon completion of the requirements herein, the manager shall then issue a city burial permit, which shall entitle the applicant to bury a deceased person in the city cemetery. The interment of a body shall be performed under the direct supervision of a licensed funeral director. In the event that removal of the body of any deceased person is requested, the manager shall issue no permit until the applicant shall have first complied with state laws with respect to such disinterment.

C. All persons desiring to bury the cremated remains of a deceased person in the cemetery shall submit to the city clerk an application containing the name, age, sex, race, and cause of death of the deceased person for the records of the city manager. Upon completion of the requirements provided for herein, the city manager shall then issue a city burial permit for cremated remains, which shall entitle the applicant to bury such remains in the city cemetery.

(Neb. Rev. Stat. §71-605) (Am. Ord. No. 1202, 12/10/20)

SECTION 2-508: CEMETERY; CONVEYANCE OF LOTS

The City Council may convey cemetery lots by certificate signed by the mayor and countersigned by the city clerk under the city seal, specifying that the person to whom the same is issued is the owner of the lot described therein by number for the purpose of interment. The said certificate shall give a right in fee simple to the proprietor, his or

her heirs and assigns. The certificate shall then be recorded in the office of the county clerk. (Neb. Rev. Stat. §17-941)

SECTION 2-509: CEMETERY; DESTRUCTION OF PROPERTY

Any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, or gravestone placed in the cemetery or any fence, railing, or other work for the protection or ornamentation of the cemetery or who shall willfully destroy, cut, break or injure any tree, shrub, or plant shall be deemed to be guilty of an offense. (Neb. Rev. Stat. §17-946)

SECTION 2-510: CEMETERY; PERPETUAL CARE

A. The city treasurer shall allocate and set apart a percentage of the entire amount paid for lots or burial spaces if the said lots or burial spaces are to be endowed with perpetual care. Any lot owner who shall not have endowed his or her holdings with perpetual care prior to the purchase of his or her lot may do so by paying to the treasurer such sum of money as the City Council may in each case fix and determine. Thereafter, the owner shall not be liable for the payment of an annual maintenance assessment.

B. The mayor and City Council may set aside the proceeds of the sale of lots as a perpetual fund to be invested as provided by ordinance. The income from the fund may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery. The principal of the perpetual fund may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as long as no more than 20% of the principal is so used in any fiscal year and no more than 40% of the principal is so used in any period of ten consecutive fiscal years. The principal of the perpetual fund may also be used for the purchase and development of additional land to be used for cemetery purposes as long as no more than 25% of the principal is so used in any fiscal year and no more than 35% of the principal is so used in any period of ten consecutive fiscal years. (Neb. Rev. Stat. §12-402) (Am. Ord. No. 1123, 12/10/09)

SECTION 2-511: CEMETERY; FLOWERS AND DECORATIONS

A. Flowers and decorations include but are not limited to any flower or plant, whether fresh or artificial; any wreath, sign, shepherd's hook or garden hook, toy, ceramic statue or flower pot or any other ornament, adornment or decoration.

B. Flowers and decorations shall be allowed on the day of funeral and burial at the gravesite where such funeral and burial occurs.

C. Flowers and decorations may be present and shall be allowed to remain on any or all gravesites for a period commencing ten days prior to the following-described holidays and terminating ten days thereafter, as listed:

<i>Holiday</i>	<i>Removal Date</i>
Easter	Ten days after Easter
Memorial Day	Ten days after Memorial Day
Veterans' Day	Ten days after Veterans' Day
Christmas	Ten days after Christmas (including wreaths)

D. Any flowers or decorations remaining after ten days from the holiday listed, or after the date of any funeral, will be subject to removal by the City.

E. Veterans organizations' metal markers shall be allowed to remain at gravesites at all times and are not subject to removal so long as such markers are placed at the base or foundation of the marker, monument or headstone on any such grave.

F. Solar lights shall be allowed to remain at gravesites year-round so long as any such light is located or placed immediately adjacent to the monument base.

G. Artificial flowers placed in vases which are attached to or otherwise built into a headstone or monument base may remain throughout the year so long as such flowers do not otherwise violate the provisions of this section.

H. No wire or glass shall be allowed at any time. The City of Gordon shall have authority to remove any flowers or decorations which become unsightly, dangerous or detrimental to the overall appearance of the cemetery or which are otherwise in violation of the provisions of this ordinance at any time including during the holiday time periods identified herein. No person may plant any flowers, shrubs, trees or other plants in any burial space in the cemetery.

I. The City shall not be liable for any lost, broken or removed flowers, vases and decorations.
(Ord. No. 1202, 12/10/20)

SECTION 2-512: CEMETERY; HOURS OF OPERATION; VIOLATION

A. The Gordon Cemetery shall be open to the public every day of the year from dawn to dusk. No person or vehicle shall be within the cemetery except during operating hours. Pets are not allowed in the cemetery at any time.

B. Any person who shall violate or refuse to comply with the enforcement of this section shall be deemed guilty of a misdemeanor and upon conviction shall be sentenced to a fine of \$250.00.
(Ord. No. 1202, 12/10/20)

Article 6 – Planning Commission

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

SECTION 2-601: MEMBERS

The Planning Commission shall consist of seven 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 2-602: 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 2-603: 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, 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 2-604: OFFICERS; MEETINGS

The Planning Commission shall elect its chairman from its members and create and fill such other of its offices as it may determine. The term of the chairman shall be one year and he or she shall be eligible for re-election. The commission shall hold at least one regular meeting in each calendar quarter, except the 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 2-605: 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 2-606: POWERS AND DUTIES; APPEAL

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

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

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

Article 7 – Board of Adjustment

SECTION 2-701: MEMBERS; POWERS AND DUTIES; APPEALS

The Board of Adjustment shall consist of six members, one of whom shall be a member of the Planning Commission. The board's powers and duties and the appeal procedures shall be as provided in Article VIII of the Zoning Regulations.

Article 8 – Housing Authority

SECTION 2-801: PERPETUAL EXISTENCE

The Housing Authority of the city, established by resolution of the City Council, shall have perpetual existence unless dissolved in accordance with law, under authority of the Nebraska Housing Agency Act, as enacted and amended.

SECTION 2-802: DEFINITIONS

“Area of operation” shall include the City of Gordon.

“Authority” or “Housing Authority” shall mean the Housing Authority for the City of Gordon, Nebraska.

“Bonds” shall mean any bonds, notes, interim certificates, debentures or other obligations issued by the authority pursuant to this article.

“Federal government” shall include the United States of America, the Federal Emergency Administration of Public Works or any other agency or instrumentality, corporate or otherwise, of the United States of America.

“Housing project” shall mean any work or undertaking as follows:

- A. To demolish, clear, or remove buildings from any slum area; such work or undertaking may embrace the adaptation of such area to public purposes, including parks or other recreational or community purposes.
- B. To provide decent, safe and sanitary urban or rural dwellings, apartments or other living accommodations for persons of low income; such work or undertaking may include buildings, land, equipment, facilities or other real or personal property for necessary, convenient or desirable appurtenances, water service, streets, sewers, parks, site preparation or administrative, community, health, recreational, educational, welfare or other purposes.
- C. To accomplish a combination of the foregoing, the term “housing project” also may be applied to the planning of the buildings and improvements; the acquisition of property for public purposes, including parks or other recreation or community purposes; the demolition of existing structures, reconstruction, alteration and repair of the improvements; and all other work in connection therewith.

“Obligee of the Housing Authority” or “obligee” shall include any bondholder, trustee or trustees for any bondholders; any lessor demising to the Housing Authority’s property used in connection with a housing project; any assignee or assignees of such lessor’s interest or any part thereof; or the federal government when it is a party to any contract

with the Housing Authority.

“Persons of low income” shall mean persons or families who lack the amount of income which is necessary, as determined by the authority undertaking the housing project, to enable them, without financial assistance, to live in decent, safe and sanitary dwellings without overcrowding.

“Real property” shall include all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto or used in connection therewith, and every estate, interest and right, legal or equitable therein, including terms for years and liens by way of judgment, mortgage or otherwise and the indebtedness secured by such liens.

“Slum” shall mean any area where dwellings predominate which, by reason of dilapidation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health and morals.

SECTION 2-803: TERMS; REMOVAL; VACANCY

A. There shall be five Housing Authority commissioners, one of which shall be a City Council member. At the annual organizational meeting of the mayor and City Council on the second Thursday of December each year, the mayor, with the consent of the council, shall appoint one commissioner for a term of five years. All members shall hold office until their successors are appointed and qualified. 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 due and proper appointment of such commissioner.

B. The powers of the Housing Authority shall be vested in a board of at least five and not more than seven commissioners appointed by the mayor under the Nebraska Housing Agency Act, including at least one resident commissioner where required by law.

C. A commissioner may be removed from office for inefficiency, neglect of duty or misconduct in office by the mayor but only after he or she shall have been given a copy of the charges at least ten days prior to the hearing thereon and has had an opportunity to be heard in person or by counsel. In the event of the removal of any commissioner, a record of the proceedings, together with the charges and findings thereon, shall be filed in the office of the city clerk. A vacancy occurring on the Housing Authority shall be filled by the mayor for the unexpired term.

SECTION 2-804: POWERS AND DUTIES

The Housing Authority shall constitute a public body, corporate and political, exercising public and essential governmental functions and having all the powers necessary or

convenient to carry out and effect the purposes and provisions of this article, including the following powers in addition to others granted herein:

A. To sue and be sued; to have a seal and alter the same at pleasure; to have perpetual succession; to make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the Housing Authority; and to make, from time to time, amend and repeal by-laws and rules and regulations not inconsistent with the laws of the State of Nebraska.

B. Within its area of operation, to prepare, carry out, acquire, lease and operate housing projects; and to provide for the construction, reconstruction, improvement, alteration or repair of any housing project or any part thereof.

C. To arrange or contract for the furnishing by any person or agency, public or private, of services, privileges, works or facilities for or in connection with a housing project or the occupants thereof; and, notwithstanding anything to the contrary contained in this chapter or in other provisions of the law, to include in any contract let in connection with a project, stipulations requiring that the contractor or any subcontractor comply with requirements as to minimum wages and maximum hours of labor, and comply with any condition which the federal government may have attached to its financial aid of the project.

D. To lease or rent any dwellings, houses, lands, accommodations, buildings, structures or facilities in any housing project and, subject to the limitations contained in this article, to establish and revise the rents or charges therefor; to own, hold, and improve real or personal property; to purchase, lease, obtain options upon, acquire by gift, grant, bequest, devise or otherwise any real or personal property or any interest therein; to acquire by the exercise of the power of eminent domain any real property; to sell, lease, exchange, transfer, assign, pledge or dispose of any real or personal property or any interest therein; to insure or provide for the insurance of any real or personal property or operations of the Housing Authority against any risks or hazards; to procure or agree to the procurement of insurance or guarantees from the federal government of the payment of any bonds or parts thereof issued by an authority, including the power to pay premiums on any such insurance.

E. To invest any funds held in reserve or sinking funds or, in any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; and, to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled.

F. Within its area of operation, to investigate into living, dwelling and housing conditions and into the means and methods of improving such conditions; to determine where slum areas exist or where there is a shortage of decent, safe and sanitary dwelling accommodations for persons of low income; to make studies and recommendations relating to the problems of clearing, replanning and reconstructing slum areas

and the problem of providing dwelling accommodations for persons of low income, and cooperate with the city, the county, the state or any political or governmental subdivision thereof in action taken in connection with such problems; and to engage in research, studies and experimentation on the subject of housing.

SECTION 2-805: HOUSING PROJECTS; APPROVAL OF CITY COUNCIL

The Housing Authority shall submit each housing project for approval of the City Council.

SECTION 2-806: HOUSING PROJECTS; RENTALS; REGULATIONS

It is hereby declared to be the policy of the city that the Housing Authority shall manage and operate its housing projects in an efficient manner so as to enable it to set the rentals for dwelling accommodations at the lowest possible rates consistent with providing decent, safe and sanitary dwelling accommodations, and that the authority shall not construct or operate such project for profit or as a source of revenue to the city. To this end, the authority shall set the rentals for dwellings in its projects at no higher rates than it shall find necessary in order to produce revenues which, together with all available money, revenues, income and receipts of the authority, from whatever sources derived, will be sufficient:

A. To pay the principal and interest on the bonds of the authority as the same become due;

B. To meet the cost of and to provide for maintaining and operating the properties including the cost of insurance and administrative expenses of the authority; and

C. To create, during not less than six years immediately succeeding its issuance of any bonds, a reserve sufficient to meet the largest principal and interest payments which are due on such bonds in any one year thereafter and to maintain such reserve.

SECTION 2-807: RECORDS; ANNUAL REPORT

The Housing Authority shall keep an accurate account of all its activities and of all receipts and disbursements. At least once a year, the Housing Authority shall file with the city clerk a report of its activities for the preceding year and shall make recommendations with reference to such additional legislation or other action as it deems necessary in order to carry out the purposes of this article.

Article 9 – Airport Authority

(Neb. Rev. Stat. §§3-501 through 3-513)

SECTION 2-901: DEFINITIONS

“Authority” or “Airport Authority” shall mean the Airport Authority for the City of Gordon, Nebraska.

“Bonds” shall mean bonds issued by the Airport Authority.

“Project” shall mean any airport operated by an authority, including all real and personal property, structures, machinery, equipment and appurtenances or facilities which are part of such airport or used or useful in connection therewith either as ground facilities for the convenience of handling aviation equipment, passengers and freight or as part of aviation operation, air navigation and air safety operation.

“Real property” shall mean lands, structures and interests in land, including lands under water and riparian rights, and any and all things and rights usually included within the term “real property,” including not only fee simple absolute but also any and all lesser interests, such as easements, rights of way, uses, leases, interests or rights, legal or inequitable, pertaining to real property.

SECTION 2-902: MEMBERSHIP; COMPENSATION

The Airport Authority shall consist of five members who shall be nominated and elected in the manner provided by law for the election of officers of the city and shall take office at the same time as the officers of the city. All members shall serve without compensation for services rendered but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of their duties.

SECTION 2-903: TERMS; QUORUM

The term of office for each member hereafter elected shall be six years. A majority of the members of the Airport Authority shall constitute a quorum.

SECTION 2-904: CORPORATE EXISTENCE

The Airport Authority and its corporate existence shall continue only for a period of 20 years from the date of appointments of the members and thereafter until its liabilities have been met and its bonds have been paid in full or such liabilities and bonds otherwise have been discharged. When all liabilities of every kind and character incurred by the authority have been met and all its bonds have been paid in full, or such liabilities and bonds otherwise have been discharged, all rights and properties of the authority shall pass to and be vested in the city. The authority shall have and retain full and exclusive jurisdiction and control over all projects under its jurisdiction with the right

and duty to charge and collect revenue therefrom for the benefit of the holders of any of its bonds or other liabilities. Upon the authority's ceasing to exist, all of its remaining rights and properties shall pass to and vest in the city.

SECTION 2-905: VACANCIES

Any vacancy on the Airport Authority, other than from expiration of a term of office, shall be filled by temporary appointment by the mayor until a successor can be elected at the next general election to serve the unexpired portion of the term. A member of such authority 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 in the district court of the county upon resolution of the City Council. (Neb. Rev. Stat. §3-502)

SECTION 2-906: POWERS

The Airport Authority may delegate to one or more of its members, or its officers, agents and employees, such powers and duties as it may deem proper. The authority shall constitute a public body, corporate and political, exercising public and essential governmental functions and having full and exclusive jurisdiction and control over all facilities owned or thereafter acquired by the city for the purpose of aviation operation, air navigation and air safety operation. The authority shall have power:

- A. To sue and be sued.
- B. To have a seal and alter the same at pleasure.
- C. To acquire, hold and dispose of personal property for its corporate purposes.
- D. To acquire, in the name of the city, by purchase or condemnation, real property, rights or easements necessary or convenient for its corporate purposes and, except as may otherwise be provided herein, to use the same so long as its corporate existence shall continue.
- E. To make by-laws for the management and regulation of its affairs and, subject to agreements with bondholders, to make rules and regulations for the use of projects and the establishment and collection of rentals, fees and other charges for services or commodities sold, furnished or supplied by such authority. Any person violating such rules shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not more than \$500.00.
- F. With the consent of the city, to use the services of its agents, employees and facilities for which the authority may reimburse the city a proper proportion of the compensation or cost thereof and may also use the services of the city attorney as legal advisor to the authority.
- G. To appoint officers, agents and employees and fix their compensation.

H. To make contracts, leases and all other instruments necessary or convenient to the corporate purposes of the authority.

I. So long as its corporate existence shall continue: (1) to design, construct, maintain, operate, improve and reconstruct such projects as shall be necessary and convenient to the maintenance and development of aviation services to and for the city in which such authority is established, including landing fields, heliports, hangars, shops, passenger and freight terminals, control towers and all facilities necessary or convenient in connection with any such project; (2) to contract for the construction, operation or maintenance of any parts thereof or for services to be performed thereon; and (3) to rent parts thereof and grant concessions thereon, all on such terms and conditions as the authority may determine.

J. To include projects, space and facilities for public recreation, business, trade or other exhibitions, sporting or athletic events, public meetings, conventions or any other kind of assemblies in order to obtain additional revenues, space and facilities for business and commercial purposes, subject to zoning restrictions. Whenever the authority deems it to be in the public interest, the body may lease any such project or any part thereof or contract for the management and operation thereof or any part thereof. Any such lease or contract may be for such term as the authority shall determine.

K. To establish fees, rentals, charges and other revenues for the use of projects under the jurisdiction of the authority subject to and in accordance with such agreement with bondholders as may be made as hereafter provided. Subject to contracts with bondholders, all fees, rentals, charges and other revenues derived from any project shall be applied to the cost of operation, administration and other necessary expenses of the authority properly chargeable to such project and to the payment of the principal and interest on bonds or for making sinking fund payments therefor. Subject to contracts with bondholders, the authority may treat one or more projects as a single enterprise in respect to revenues, expenses, the issuance of bonds, maintenance, operation or other purposes.

L. To certify annually to the City Council the amount of tax to be levied for airport purposes, not to exceed one mill on the dollar upon the assessed valuation of all the taxable property in such city, except intangible property. The City Council shall levy and collect the taxes so certified at the same time and in the same manner as other city taxes are levied and collected and the proceeds of such taxes, when due and as collected, shall be set aside and deposited in the special account(s) in which other revenues of the authority are deposited.

M. To construct and maintain under, along, over or across a project any telephone, telegraph or electric wires and cables, fuel lines, gas mains, water mains and other mechanical equipment not inconsistent with the appropriate use of such project; to contract for such construction; and to lease the right to construct and use the same on such terms for such periods of time and for such consideration as the authority shall determine.

N. To accept grants, loans or contributions from the U.S. government, the State of Nebraska or any agency or instrumentality of either of them, or from the city, and to expend the proceeds thereof for any corporate purposes.

O. To incur debt and issue negotiable bonds and to provide for the rights of the holders thereof.

P. To enter on any lands, waters and premises for the purposes of making surveys, soundings and examinations.

Q. To do all things necessary or convenient to carry out the powers expressly conferred on such authority by the State of Nebraska.

SECTION 2-907: FINANCES

A. All income, revenues, receipts, profits and money of the Airport Authority from whatever source derived shall be paid to the treasurer of the city as ex officio treasurer of the authority, who shall not intermingle such money with any other funds under his or her control. Such money shall be deposited in a separate bank account or accounts and shall be withdrawn only by check or draft signed by said treasurer and countersigned by the chairman of the authority or such other person or persons as the authority may authorize.

B. The chief auditing officer of the city and his or her legally authorized representatives are hereby authorized and empowered from time to time to examine the accounts and books of such authority including its receipts, disbursements, contracts, leases, sinking funds, investments and any other matters relating to its financial standing. Notwithstanding the provisions of this section, the authority may contract with the holders of any of its bonds as to collection, custody, securing, investment and payment of any money of the authority or any money held in trust or otherwise for the payment of bonds, or in any way to secure bonds and to carry out any such contract, notwithstanding that such contract may be inconsistent with the previous provisions of this section.

C. All banks and trust companies are hereby authorized to give security for such deposits of money of the authority as shall be required by law to secure the deposits of the city.

SECTION 2-908: POLICE POWERS

The police powers of the city are hereby extended to include all real and personal property now owned or hereafter acquired for Airport Authority purposes by the city. The Police Department of the city shall have the power to make arrests within Airport Authority property for violations of any city ordinance or for the violation of any Nebraska state statute.

Article 10 – Community Development Agency

(Ord. No. 1155, 3/10/16)

SECTION 2-1001: CREATION

A Community Development Agency is hereby established for the city pursuant to Neb. Rev. Stat. §18-2101.01. (Neb. Rev. Stat. §18-2101.01)

SECTION 2-1002: MEMBERS; OFFICERS

The mayor and City Council are hereby designated to be the Community Development Agency for the city. The mayor shall be the chairperson; the vice-mayor shall be the vice-chairperson; and the city clerk shall be the secretary.

SECTION 2-1003: POWERS AND DUTIES

The Community Development Agency shall exercise all of the powers and authority granted to a community redevelopment authority under Neb. Rev. Stat. §§18-2101 to 18-2154. The Community Development Agency shall also have the power and authority to do all community development activities and 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. (Neb. Rev. Stat. §§18-2101 through 18-2154)

Article 11 – Human Relations Board

SECTION 2-1101: PURPOSE

A. With the city's population consisting of people of many races, religions, colors, national origins and ancestries, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of group prejudice and antagonism against one another. The practice of discrimination by reason of race, sex, sexual orientation, religion, color, national origin or ancestry threatens not only the rights and privileges of the inhabitants of the city, but also menaces the institutions and foundations of a free democratic state. It is hereby the declared policy of the city to eliminate and prevent all forms of discrimination because of race, sex, religion, color, national origin or ancestry and to assure equal opportunity for all citizens of the city.

B. All persons, regardless of race, sex, religion, color, national origin or ancestry, shall have equal enjoyment of and equal protection under all the provisions of this charter and all ordinances, resolutions, rules, regulations, orders and directives adopted pursuant hereto.

SECTION 2-1102: CREATION

It is necessary and expedient to create a Human Relations Board for the City of Gordon for the purpose of eliminating and preventing all forms of discrimination due to race, sex, sexual orientation, religion, color, national origin or ancestry and to ensure equal opportunity for all citizens of the city.

SECTION 2-1103: ESTABLISHMENT; MEMBERSHIP

A. The Human Relations Board shall administer the human relations program prescribed herein. The board shall be comprised of six members of the public appointed by the mayor and confirmed by the City Council. All appointments shall be for terms of three years. An unexpired term which becomes vacant shall be filled by the mayor by appointment for the remainder of the term and shall be confirmed by the council. Members shall be appointed from among the legal residents of the city and shall be of various racial, religious and ethnic groups in the city. The board shall elect its own chairman and secretary from among its members and shall establish its own rules of procedure. A member of the board may be removed by the affirmative vote of four members of the City Council for cause and, after being given a written statement of the charges against him or her, at a hearing which shall be a public hearing if he or she so requests. Members of the board shall serve without pay.

B. All city departments and agencies shall cooperate with the board in all respects. The city manager is hereby made the liaison between the city and the board.

SECTION 2-1104: POWERS AND DUTIES

The powers and duties of the board shall be:

A. Promote mutual understanding and respect among all racial, religious and nationality groups and work to discourage and prevent discriminatory practices including, but not limited to, discriminatory employment, housing, educational, law enforcement or public accommodations practices against any such group.

B. Disseminate information, educational materials, and reports which will assist in the elimination of prejudice, intolerance, intergroup tensions and discriminations or which will promote good will and promote programs of community education and information with the object of promoting better human relations.

C. Investigate and study complaints, problems and specific situations arising between groups or individuals which result or may result in tensions, discrimination or prejudice in the city on account of race, sex, sexual orientation, religion, color, national origin or ancestry.

D. Assist various groups and agencies of the community, state or federal government to cooperate in educational campaigns devoted to the elimination of group prejudice, racial or area tensions, intolerance and discrimination.

E. Aid in seeing that no person in this city is deprived of equal services furnished in the city by reason of discrimination or prejudice on account of race, sex, religion, color, national origin or ancestry. To prevent discrimination in housing, the Nebraska Fair Housing Act has been adopted by the city, as set forth in Chapter 5, Article 8. The Human Relations Board is hereby charged with carrying out said regulations. The procedure for addressing complaints is provided in Chapter 5, Section 5-810.

F. Attempt to foster through community effort or otherwise, good will, cooperation and conciliation among the groups and elements of the inhabitants of this community.

G. Formulate and carry out educational programs that will aid in eliminating and preventing all types of prejudice and discrimination based on race, sex, sexual orientation, religion, color, national origin or ancestry.

H. Receive, investigate and conciliate complaints and initiate its own investigations of (1) racial, religious and ethnic group tensions, prejudice, intolerance, bigotry and discrimination and any breach of the peace or disorder occasioned thereby; and (2) practices of discrimination against any person because of race, sex, religion, color, national origin or ancestry; and to hold hearings, request attendance of witnesses and testimony of any person in connection therewith, and the production of any evidence relating to any matter under investigation or in question before the board.

I. Issue such publications and such reports of investigations and research as in its judgment will tend to minimize or eliminate prejudice, intolerance, bigotry, discrimination, breach of peace or disorder or tend to promote good will.

J. Enlist the cooperation of the various racial, religious and ethnic groups, community, civic, labor and business organizations, fraternal and benevolent associations, veterans organizations, and other groups in educational campaigns and programs devoted to teaching the need for eliminating group tensions, prejudices, intolerance, bigotry and discrimination and breach of the peace and disorder occasioned thereby.

K. Aid in the formation of local community groups in such neighborhoods as it may deem necessary or desirable to carry out specific programs designed to lessen tensions or improve group relations in the community.

L. To cooperate with federal, state and city agencies in developing programs showing the contributions of the various races, religious and ethnic groups to the culture and traditions of our city and nation; the menace of prejudice, intolerance, bigotry and discrimination; and the need for mutual self-respect.

M. Make recommendations to the mayor and City Council for the development of policies and procedures in general and for programs of formal and informal education that will aid in eliminating all types of discrimination based on race, sex, religion, color, national origin or ancestry.

N. Recommend legislation to the mayor and City Council to aid in carrying out the purposes of this article.

Article 12 – Police Review Board

SECTION 2-1201: PURPOSE

A properly administered mechanism for review of complaints concerning police procedures and policies would serve both the professional interests of the Police Department and the general interests of the community by fostering better relations between the police and community and by maintaining police services commensurate with the expectations of the community.

SECTION 2-1202: CREATION

The Police Review Board shall be composed of five members appointed by the mayor and approved by the City Council. The members shall be representative of a cross-section of the citizens of the community. In addition to the designated members, one officer from the Police Department shall serve as a non-voting liaison member of the board. Each appointee shall serve for a period of three years and shall serve without compensation. Any vacancy occurring shall be filled in the same manner as provided for in the original appointment.

SECTION 2-1203: POWERS AND DUTIES

A. The Police Review Board shall operate as a mechanism to review complaints of alleged police misconduct by the use of excessive force, abuse of authority or extreme discourtesy, and shall also hear complaints of a general nature concerning the policies and procedures of the Police Department. The board shall review and investigate such complaints and shall submit written reports of its findings and recommendations as hereinafter set forth. The board shall have no jurisdiction to hear complaints or conduct any investigation while a criminal or civil action relating to the complaint is pending against either the complainant or the officer(s) involved, unless the defendant in the pending criminal or civil action agrees in writing that the board shall have jurisdiction.

B. The board shall meet at least once a year and at that time shall elect a chairman and secretary from among its members and adopt rules and regulations for the conduct of its meetings. Four members of the board shall constitute a quorum for the transaction of business. Legal services shall be provided by the city attorney.

SECTION 2-1204: COMPLAINT; FILING; TIME LIMIT

Complaints must be filed in person within 45 days of the alleged occurrence of the use of excessive force, abuse of authority, or extreme discourtesy on the part of a police officer. However, if a criminal or civil action relating to the complaint is pending against either the complainant or the officer(s) involved and the defendant in the pending criminal or civil action does not agree that the Police Review Board shall have immediate jurisdiction, then such 45-day time limit shall not commence to run until the termination

of such criminal or civil action. Nothing herein is intended to prohibit the board from working to encourage conciliation of complaints if or while a criminal or civil action is pending. This end may be reached by encouraging meetings between the complainant and respondent for the purpose of conciliation. All complaints shall be on a form approved by the board and shall be signed by the complainant. Complaints may be filed by aggrieved parties, interested persons or interested organizations. All complaints must be filed with the police chief, city manager or chairman of the board.

SECTION 2-1205: COMPLAINT; PROCEDURE; HEARING

A. The Police Review Board shall submit a copy of all complaints it receives to the Police Department and city manager for review and comment. The Police Department shall review the complaint and provide written comments to the board, the complainant and the city manager within ten days of the date it receives the complaint. Within ten days of receipt of such comment, the board shall meet and determine the necessity of holding a hearing on said complaint. Decisions on all complaints shall be by majority vote of the board. The board chairman shall preside at all hearings or, in his or her absence, a member designated by the chairman shall preside. The presiding member of the board shall administer oaths and shall rule on the admissibility or non-admissibility of all oral testimony and documentary or physical evidence. The board shall interview the complainant, the police officer(s) involved and any other witnesses, and shall receive all evidence bearing upon the matter. In reviewing any matter, the board may request the City Council to issue a subpoena to compel the attendance of any witness or obtain the production of books and records pertinent to its investigation.

B. The following rules for conduct of hearings shall be observed:

1. The board may admit and give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent people in the conduct of their affairs. It shall give effect to the rules of privilege recognized by law. It may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.
2. Hearsay evidence may be used for the purpose of supplementing or explaining any direct evidence, but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions in courts of competent jurisdiction in the state.
3. All evidence shall be taken only upon oath or affirmation.
4. Each party appearing before the board shall have the right to present all testimony and introduce documentary and physical evidence relevant to the matters in hearing before the board and to rebut any evidence introduced against him or her.

SECTION 2-1206: FINDINGS; REPORT

A. After a review of all evidence and testimony, the Police Review Board shall make a finding as to whether or not there was any police misconduct as follows:

1. "Unfounded" when the investigation indicates the act complained of did not occur.
2. "Exonerated" when the investigation indicates that the act occurred, but that the act was justified, lawful and proper.
3. "Not sustained" when the investigation discloses insufficient evidence to clearly prove or disprove the allegations made.
4. "Sustained" when the investigation discloses that the act complained of did occur.
5. "Misconduct not based upon the complaint" when the investigation discloses misconduct that is not part of the original complaint.

B. The board shall put its findings in writing and shall send a copy of such findings to the City Council, the city manager and the police chief and shall include in such written findings a recommendation of reprimand, suspension, dismissal or commendation if the board determines that such action is warranted. The complainant and the officer(s) involved shall also be notified of the hearing results.

SECTION 2-1207: ANNUAL REVIEW

The Police Review Board shall meet at least once a year and shall review all complaints received. If the board determines that the complaints indicate a pattern of misconduct or show that particular police policies are being met with significant disapproval by a substantial number of citizens, then the board shall make a report in writing to the City Council, the city manager and the police chief outlining such patterns of misconduct or police policies and shall make recommendations and proposals for their correction.

Article 13 – Tree Board

(Ord. Nos. 1203, 5/13/21; 1211, 11/11/21)

SECTION 2-1301: CREATION; MEMBERS

A. The City Council may create and establish a Tree Board for the city. In the event the board is created, it shall consist of up to seven members with at least one such member being a representative from the city, which shall be defined as an agent, representative or employee of the city as may be assigned to that position by the City Council. Such members shall live, work or own property within ten (10) miles of the corporate limits of the city. The board members shall be approved by the council.

B. The Gordon Tree Board may establish an alternate board member position for purposes of meeting the requirements for a quorum when a regular member is unable to attend. The alternate member shall be appointed by the Tree Board chairperson with approval by the city representatives.

C. An alternate member may participate in all board discussions. In the event that a regular member is absent from the meeting, then the alternate will assume all powers and responsibilities of the regular member, including the power to make motions and cast votes in the stead of the regular member.

D. In the event that a regular member is removed from office or vacates the position prior to the end of the appointed term, the alternate will advance to the vacated position for the remainder of the term which was vacated.

SECTION 2-1302: DEFINITIONS

"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.

"Private community forest" is herein defined as all trees within city boundaries but not owned by the city.

"Public community forest" is herein defined as all street and park trees owned by the city as a total resource.

"Size classes" are herein defined as:

- A. A "small tree" is any tree that reaches 20 feet or below at maturity.
- B. A "medium tree" is any tree that reaches 20 to 40 feet tall at maturity.
- C. A "large tree" is any tree that reaches more than 40 feet at maturity.

"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 with the city.

SECTION 2-1303: TERMS OF OFFICE

The terms of the seven persons to be appointed by the mayor with the approval of the City Council shall be three years and their terms shall be staggered. In the event that a vacancy should occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

SECTION 2-1304: COMPENSATION

Members of the Tree Board shall serve without compensation.

SECTION 2-1305: DUTIES AND RESPONSIBILITIES

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

SECTION 2-1306: OPERATION

The Tree Board shall choose its own officers, which shall include a chairperson, vice-chairperson and secretary. The board shall 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.

SECTION 2-1307: STREET TREE SPECIES TO BE PLANTED

The tree list adopted and published by the Tree Board constitutes the official street tree species for the city. No species other than those included on such list may be planted as street trees without written permission of the Tree Board as per the Nebraska Statewide Arboretum's current "Trees for Western Nebraska".

SECTION 2-1308: BUSINESS DISTRICT

The section of Main Street between Fourth Street and Highway 20, including the Highway 20 corridor within municipal limits, are deemed to have special conditions due to space availability. Therefore, they are exempt from the limitations listed in Section 2-1309(A). Any tree planting in said areas must be pre-approved by the Tree Board.

**SECTION 2-1309: DISTANCE FROM CURBS AND SIDEWALKS; PUBLIC WAYS;
FIRE HYDRANTS**

A. The distance that trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in the definitions. It is recommended that no trees or bushes be planted in any street, alley or highway right-of-way.

B. No street tree shall be planted closer than 10 feet to any fire hydrant.

SECTION 2-1310: UTILITIES

No street trees other than those species listed as small trees on the tree list 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 2-1311: PUBLIC TREE CARE

Subject to Section 2-1307 herein, the city shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

SECTION 2-1312: CONSENT OF PROPERTY OWNER

The Tree Board shall plant no trees on public right of way without the consent of the adjacent property owners. Such consent shall be in writing and shall be maintained as part of the official Tree Board records.

SECTION 2-1313: TREE TOPPING

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than 3 inches in diameter within the tree's crown to such a degree so 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 2-1314: 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 shall not obstruct the light from any street lamp or obstruct the view of any street intersection. There shall be a clear space of 8 feet above the surface of the street or sidewalk.

SECTION 2-1315: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

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. 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. Such notice shall allow the said owner 30 days to present a plan of action. If no action is taken, then the City of Gordon may take steps to declare the trees and property a nuisance, per Sections 3-142, 3-501 and 3-502 of the city ordinances.

SECTION 2-1316: REMOVAL OF STUMPS

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

SECTION 2-1317: 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 engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds, as authorized in this article.

SECTION 2-1318: REVIEW BY CITY COUNCIL

The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal any ruling or order of the Tree Board to the council, which may hear the matter and make a final decision.

Article 14 – Penal Provision

SECTION 2-1401: 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.