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CHAPTER 2 – COMMISSIONS AND BOARDS

Article 1 – Board of Health

SECTION 2-101: APPOINTMENT OF MEMBERS; TERMS

The Village Board shall appoint the Board of Health, which shall consist of three members. The members shall include the village chair, who shall serve as chair of the Board of Health; chief of police, who shall be the secretary and quarantine officer; and one other member. The third member shall be a physician or health care provider (which shall include a registered nurse in its definition), 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. The members of the board shall serve one-year terms of office, unless reappointed, and shall reorganize in December of each year. The board shall be funded by the Village Board from time to time from the general fund. (Neb. Rev. Stat. §17-208) (Am. Ord. No. 2020-5, 7/21/20)

SECTION 2-102: ALTERNATE MEMBERS

In addition to appointing the aforementioned three members of the Board of Health, the Village Board shall also appoint alternate members to said board in case the originally appointed individuals, from time to time, are unable to serve. The vice chair of the Board of Trustees shall be an alternate for the village chair; any police officer of the village, as specifically appointed by the Board of Trustees, shall be an alternate for the chief of police; and any member of the Planning Commission, as specifically appointed by the Board of Trustees, shall be an alternate for the third member of the Board of Health. Said alternates shall have all of the same duties, responsibilities, and authority as the originally appointed members of the Board of Health. (Neb. Rev. Stat. §17-208) (Am. by Ord. Nos. 2003-12, 9/16/13; 2020-5, 7/21/20)

SECTION 2-103: MEETINGS; OFFICERS

The Board of Health shall meet at such times as the Village Board may designate. A majority of the board shall constitute a quorum for the purpose of doing business. No member of the Board of Health shall hold more than one board position. 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 village clerk, where they shall be available for public inspection during office hours. Special meetings may be held upon the call of the chair or any two board members. (Neb. Rev. Stat. §17-208)

SECTION 2-104: POWERS AND 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 the law to safeguard the health of the residents of the village. The board shall enforce the rules and regulations and provide fines and pun-

ishments for any violations thereof. It may regulate, suppress and prevent the occurrence of nuisances and shall actively enforce all state statutes and village ordinances relating to matters of sanitation which affect the health and safety of the people. The board shall regularly inspect such premises and businesses as the Village Board may direct. All actions of the board shall be subject to the review and supervision of the Village Board. The Board of Health shall be responsible for making such reports and performing such other duties as the Village Board may designate. (Neb. Rev. Stat. §17-208)

SECTION 2-105: REGULATIONS

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

SECTION 2-106: ENFORCEMENT OFFICIAL

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

SECTION 2-107: STATE RULES

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

SECTION 2-108: COUNTY HEALTH BOARD

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

Article 2 – Library Board

SECTION 2-201: MEMBERSHIP

The Library Board shall consist of five appointed members who shall be either residents or non-residents of the village and who shall serve terms of two years. The Village Board shall appoint the members of the Library Board by a majority vote. No member of the Village Board shall be a member of the Library Board. The terms of members serving on the effective date of a change in the number of members shall not be shortened, and any successors to those members shall be appointed as the terms of those members expire. In case of any vacancy by resignation, removal, or otherwise, the Village Board shall fill the vacancy for the unexpired term. (Neb. Rev. Stat. §51-202) (Ord. No. 174-78, 4/10/78) (Am. by Ord. Nos. 96-29, 8/20/96; 97-12, 10/21/97; 99-20, 4/20/99, 2007-2, 7/17/07; 2010-8, 2/22-11)

SECTION 2-202: OFFICERS; MEETINGS

Members of the Library Board shall organize annually by electing from their number a president, vice-president, secretary and such other officers as may be necessary. Three board members shall constitute a quorum.

SECTION 2-203: POWERS AND DUTIES

A. The Library Board shall establish rules and regulations for the governing of the library and for the preservation and efficient management thereof. 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, 51-214)

B. The Library Board shall appoint a librarian and assistants, fix their compensation, if any, and remove any such appointees at its pleasure.

C. All actions of the board shall be subject to the supervision and control of Board of Trustees and not inconsistent with this article or state statutes.

SECTION 2-204: ANNUAL REPORT TO VILLAGE BOARD

The Library Board shall, on or before the second Monday in February in each year, make a report to the Village Board 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 Village Board may require. The report shall be verified by affidavit of the proper officers of the Library Board. (Neb. Rev. Stat. §51-213)

SECTION 2-205: LIBRARY; OPERATION AND FUNDING

The village owns and manages the library through the Library Board. The Village Board, 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 village 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 village treasurer. The Library Board shall have the power and authority to appoint the librarian and to hire such other employees as it may deem necessary and may pass such other rules and regulations for the operation of the library as may be proper for its efficient operation. All actions by the Library Board shall be under the supervision and control of the Village Board. (Neb. Rev. Stat. §51-201, 51-202, 51-211)

SECTION 2-206: LIBRARY; COST OF USE

The library shall be free for the use of the inhabitants of the village. The librarian 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 2-207: 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 and also to label or stamp the said proof on the 30th page of each volume. (Neb. Rev. Stat. §51-211)

SECTION 2-208: LIBRARY; LOAN REGISTER; CHECKOUT AND RENEWAL

A. The librarian shall keep or cause to be kept a register of all books issued and returned at the time of issuance and return. It shall be unlawful for any person 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 to be guilty of a misdemeanor.

B. 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 2-209: LIBRARY; DAMAGED AND LOST BOOKS

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

SECTION 2-210: 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. (Neb. Rev. Stat. §51-207)

Article 3 – Recreation Board

SECTION 2-301: PARKS; OPERATION AND FUNDING

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

SECTION 2-302: MEMBERS; TERMS; COMPENSATION; BOND

The Village Board may appoint the Ceresco Recreation Board, which may have five members who may either be residents or non-residents of the village. Each member may serve a two-year term of office and may be reappointed. No member of the Village Board may serve as a member of the Recreation Board while serving a term of office as a Village Board member. The Recreation Board members may serve without compensation and may be required, in the discretion of the Village Board, to give a bond in a sum set by resolution and conditioned upon the faithful performance of their duties. (Neb. Rev. Stat. §17-952) (Am. Ord. No. 2015-1, 4/21/15)

SECTION 2-303: OFFICERS; MEETINGS

At the time of the Recreation Board's meeting in December of each year, the members shall organize by selecting a chair and secretary. No member of the board shall serve in the capacity of both chair 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 village 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. The board shall meet at such times as the Village Board or the Recreation Board may designate. Special meetings may be held upon the call of the chair or any two members of the Recreation Board.

SECTION 2-304: DUTIES

The Recreation Board shall oversee the recreation programs offered by the village. The board shall be responsible for making such reports and performing such other duties as the Village Board may, from time to time, designate.

SECTION 2-305: PARKS; INJURY TO PROPERTY; LITTERING

It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub; to injure or destroy any sodded or planted area; or injure or destroy any building, structure, equipment, fence, bench, table, or any other property

of the village parks and recreational areas. No person shall commit any waste on or litter the village parks or other public grounds.

Article 4 – Tree Board

(Ord. No. 2008-6, 11/18/08)

SECTION 2-401: CREATION AND ESTABLISHMENT

The Village Tree Board may consist of five members who are citizens or non-residents of this village, appointed by the chair and approved by the Board of Trustees. (Am. Ord. No. 2015-1, 4/21/15)

SECTION 2-402: TERMS OF OFFICE; VACANCY

The terms of the five appointees shall be three years. 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 by the Village Board.

SECTION 2-403: COMPENSATION

Members of the Tree Board shall serve without compensation.

SECTION 2-404: OPERATION

The Tree Board shall choose its own officers, make its own rules and regulations, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. Copies of its minutes shall be periodically presented to the Board of Trustees. Copies of its rules and regulations shall be on file with the village clerk.

SECTION 2-405: DUTIES AND RESPONSIBILITIES

The duties and responsibilities of the Tree Board shall be as follows:

A. To formulate rules and regulations for the planting of trees on village-owned real estate which, along with any amendments thereto, shall be approved by the Board of Trustees.

B. To beautify the appearance of the village by promoting and encouraging the responsible planting, care, replacement, and maintenance of trees.

C. To plan and sponsor activities in celebration of Arbor Day.

D. To provide educational materials and programs to the public concerning the planting and care of trees.

E. To make recommendations to the chair and the Board of Trustees concerning landscape plans for new or existing public facilities constructed by the village.

F. When requested by the Village Board, to consider, investigate and make findings, reports, and recommendations upon any special matter or question relating to trees.

SECTION 2-406: INTERFERENCE

It shall be unlawful for any person to prevent, delay or interfere with the Village 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 2-407: TREES; PLANTING PERMIT

It shall be unlawful for any person to plant or cause to be planted any tree or shrubbery in or upon any sidewalk space, park, or other village-owned property without first having obtained a permit in writing from the village clerk to do so. The terms of the permit shall be strictly followed by the person to whom it is issued. No tree or shrubbery of another or different kind shall be planted in another or different location than designated in the permit. The requirement to obtain a permit shall not apply to the employees of the village when planting trees on behalf of the village. No fee shall be charged for such permit and nothing in this section shall be construed to apply to any existing trees now growing within the sidewalk space.

SECTION 2-408: TREES; DEFINITIONS

A. "Street trees" are defined as trees, shrubs, bushes, and all other woody vegetation in the "sidewalk space," as defined in Section 6-101.

B. "Park trees" are defined as trees, shrubs, bushes and all other woody vegetation in public parks and all other areas owned by the village, or to which the public has free access, as in a park, except for the aforementioned sidewalk space areas.

C. "Act of God" is defined as a manifestation of nature so unusual and extraordinary that it could not under normal conditions have been reasonably anticipated or expected.

SECTION 2-409: TREES; SPECIES TO BE PLANTED

The village shall maintain a list of recommended trees for planting in the sidewalk space in size classes based on mature height. The purpose of this list shall be to maintain diversity in the local tree population of the village. The list shall be available to residents of the village upon request to aid in the selection of trees for private and public properties. The list of recommended trees shall be updated periodically to reflect new developments or species that will affect the population of the community forest of the village.

SECTION 2-410: TREES; DISTANCES AND CLEARANCES FOR PLANTING

A. The spacing of street trees shall be in accordance with the class size listing in Section 2-409 (Species to be Planted). No trees may be planted closer together than the following: small trees, 15 feet; medium trees and large trees, 35 feet; except in special plantings designed or approved by a landscape architect and the Tree Board and/or the Village Board.

B. Trees may be planted in the sidewalk space where there is more than 6 feet between the edge of the sidewalk and the curb of the street. Street trees shall be planted no closer than 3 feet from a sidewalk, driveway or street.

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

D. No street trees other than those species referred to in Section 2-409 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.

E. The village reserves to itself the right to plant trees, plants, and/or shrubs in the sidewalk space of all streets.

SECTION 2-411: TREES; INJURING PROHIBITED

It shall be unlawful for any person to willfully maliciously, or wantonly cut down, destroy by girdling or tapping, or otherwise injure any tree within the village that is not owned by such person, unless permission to do so has been granted by the owner of such tree.

SECTION 2-412: TREES; OWNERSHIP AND MAINTENANCE

A. The abutting property owner or owners shall be the owner of all street trees located in the sidewalk space adjacent to abutting property.

B. It shall be the duty of the abutting property owner of all street trees to maintain said trees to include, but not be limited to, trimming, pruning, and maintaining, so that said street trees will not be declared to be a nuisance pursuant to the provisions of Section 2-415 (Nuisances Declared), except as provided in subparagraphs (C) and (D) hereof.

C. The village reserves unto itself and its electrical franchisee the right to cut and remove any overhanging branches or limbs of trees so that the electrical lines of the village and its electrical franchisee will be free and safe and to protect said lines or property of the village and its electrical franchisee. Said cutting and removal shall be at the expense of the village and its electrical franchisee.

D. The village reserves unto itself the right to cut and remove any overhanging branches or limbs of trees on the sidewalk space that extend over the streets less than 14 feet above the surface of the street. Said cutting and removing shall be at the expense of the village.

SECTION 2-413: TREES; REMOVAL FOR PUBLIC SAFETY

A. The village shall have the right to prune, maintain, and remove street trees within the sidewalk space of all streets as may be necessary to insure the public safety, including those which

1. Are in an unsafe condition,
2. Are injurious to or affect the safe operation and maintenance of sewer lines, electric lines, water lines, or other public improvements,
3. Are seriously affected with any fatal disease, or
4. Interfere with lighting from street lights, with the convenience of the public using the adjacent street or sidewalk, or public safety on the adjacent streets and sidewalks,

at the expense of the abutting property owner, except as provided in Section 2-412 (C) and (D) (Ownership and Maintenance), and provided the village has followed the procedures as set forth in Section 2-415 (Nuisances Declared).

B. In the case of an act of God resulting in a community disaster or in the event of an emergency, both as declared by the Village Board or as ordered by the chair in the event of a lesser occurrence; the village may aid the property owner in the removal, trimming, and/or cleanup of street trees.

SECTION 2-414: TREES; TOPPING

It shall be unlawful as a normal practice for any person, firm, or village department to top any street or park tree. "Topping," "rounding off," or "pollarding" 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 pruning practices are impractical may be exempted from this ordinance at the determination of the Tree Board. Said authorization may be delegated by the board to the Streets/Parks Maintenance Department.

SECTION 2-415: TREES; NUISANCES DECLARED

A. It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees within the sidewalk space of the village.

B. It is hereby declared a nuisance for a property owner to permit, allow, or

maintain any dead or diseased trees on private property within the village.

C. It is hereby declared a nuisance for a property owner to permit the limbs or branches of any tree or trees on the property owner's property, or street trees and limbs in the sidewalk space that abuts the property owner's property, to extend over the sidewalks less than 8 feet above the surface of the sidewalk.

SECTION 2-416: TREES; ENFORCEMENT

A. For the purpose of enforcing the provisions of Section 2-415 (Nuisances Declared), the chair of the village, the chief of police, one of the village police officers or Streets/Parks Maintenance Department personnel are charged with enforcement of this article. They shall have the authority to enter upon private property at all reasonable hours for the purposes of inspecting trees thereon and may remove such specimens as are required for analysis to determine whether or not the same are infected. It shall be unlawful for any person to prevent them from entering on private property for the purposes of carrying out their duties under this article or to interfere with them in the lawful performance of their duties under the provisions of this article.

B. Pursuant to Neb. Rev. Stat. §17-555, any property owner receiving a notice pursuant to Section 2-415 shall be given 30 days to abate and remove such nuisance.

Article 5 – Planning Commission

SECTION 2-501: MEMBERS

A. The Village Board shall appoint a Planning Commission which shall consist of nine regular members who shall represent, insofar as is possible, the different professions or occupations in the village and shall be appointed by the chair, by and with the approval of a majority vote of the Village Board. Two of the regular members may be residents of the area over which the village is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the village exercises extraterritorial zoning and subdivision regulation, one regular member of the commission shall be a resident from such area. If it is determined by the board that a sufficient number of residents reside in the area subject to extraterritorial zoning or subdivision regulation, and no such resident is a regular member of the commission, the first available vacancy on the commission shall be filled by the appointment of such an individual. For purposes of this section, "a sufficient number of residents" shall mean 200 residents.

B. 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. All regular members of the commission shall serve without compensation and shall hold no other municipal office except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. §19-908. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the Village Board, be removed by the chair with the consent of a majority vote of the board 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 chair of the Village Board with the approval of the board.

SECTION 2-502: OFFICERS; MEETINGS

The commission shall elect its chair from its members and create and fill such other of its offices as it may determine. The term of the chair 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 Village Board may require the commission to meet more frequently; and the chair of the commission may call for a meeting when necessary to deal with business pending before the commission. 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.

Article 6 – Emergency Preparedness Committee

SECTION 2-601: MEMBERS

A. The chair of the Village Board of Trustees, with the approval of the remaining board members, shall appoint the Emergency Preparedness Committee, which may consist of not more than 15 persons. One of the members of the committee shall be a member of the Board of Trustees. The chair, with the approval of the remaining board members, shall designate one of the members of the committee to be the Ceresco emergency preparedness director. A deputy director may also be appointed in like manner.

B. In order to qualify as a member of the committee, a person must be a resident of the Ceresco Rural Fire Protection District #5. The Board of Trustees member, the director, and the deputy director shall be nonvoting members of the committee. The director, deputy director and members of the committee shall serve without compensation.

SECTION 2-602: TERMS; SECRETARY; QUORUM

The director, deputy director and members of the committee shall serve one-year terms and shall be appointed at the organizational meeting of the Village Board. It shall be the duty of the secretary of the committee to keep the full and correct minutes and records of all meetings and to file the same with the village clerk, where they shall be available for public inspection during office hours. A majority of the voting committee members shall constitute a quorum for the transaction of business.

SECTION 2-603: OPERATION; DUTIES

Except as otherwise provided herein, the committee shall function in accordance with its own procedural rules. The emergency preparedness director and deputy director shall serve as liaison between the committee and the Saunders County Civil Defense Agency and other civil defense agencies for the purpose of coordinating activities between the organizations. The chair will have direct responsibility for the organization, administration and operation of the committee, subject to the direction and control of the Village Board. The committee shall propose to the board appropriate rules and regulations for emergency preparedness for the village in coordination with the Emergency Preparedness Program of the Saunders County Civil Defense Agency. All actions of the committee shall be subject to the review and control of the Village Board. The committee shall be responsible for making such reports and performing such other duties as the board may from time to time designate.

SECTION 2-604: DISASTER PLAN

In carrying out its duties, the committee shall maintain a disaster plan and keep it current. A disaster emergency may be declared by a proclamation of the chair of the Board

of Trustees if it is found that a disaster has occurred or that the occurrence or threat thereof is imminent. Proclamation of a state of disaster shall activate the disaster response and recovery aspects of the disaster plan. During a proclaimed state of disaster, in addition to any other powers conferred upon the chair of the Board of Trustees by law, he or she may:

A. Utilize all available resources as are reasonably necessary to cope with the disaster emergency.

B. Transfer the direction, personnel or function of the Board of Trustees for the purpose of performing or facilitating disaster response.

C. Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the village if he or she deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery.

D. Control ingress and egress to and from a disaster area and the movement of persons within the area.

E. Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives and combustibles.

F. Make provisions for availability and use of temporary emergency housing.

G. Any other acts deemed necessary to protect private and public property in the area of the disaster emergency.

(Ord. No. 83-1, 3/21/83) (Am. by Ord. Nos. 84-6, 5/21/84; 94-18, 9/19/94)

Article 7 – Penal Provision

SECTION 2-701: 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.