Village of Shelton, Nebraska

Municipal Code

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CHAPTER 1

ADMINISTRATIVE

Article 1. Elected Officials

§1-101 VILLAGE BOARD CHAIRPERSON; SELECTION AND DUTIES. The Village Board Chairperson shall be selected at the first regular meeting of the Board of Trustees in December by the Board of Trustees from its own membership. The Chairperson shall preside at all meetings of the Board of Trustees. In the absence of the Chairperson, the Board of Trustees shall elect one of its own body to occupy the position temporarily who shall hold the title of Chairperson pro tempore of the Board of Trustees. The Chairperson and the Chairperson pro tempore shall have the same powers and privileges as other members of the Board of Trustees. The Chairperson shall cause the ordinances of the Board of Trustees to be printed and published for the information of the inhabitants. The Chairperson shall also perform all duties of his or her office in accordance with the laws of the State of Nebraska, and the ordinances of the Municipality. The qualifications for the Chairperson shall be the same general qualifications that apply to the members of the Board of Trustees. *(Ref. 17-202 through 17-210 RS Neb.)*

§1-102 VILLAGE BOARD ORGANIZATION. The Board of Trustees shall consist of five (5) members. Any person who is a citizen of the United States, a resident of the Municipality at the time of his or her election, and a registered voter may be eligible to be elected to the Board of Trustees. Every Trustee, so elected and so qualified, shall hold his or her office for a term of four (4) years; provided, a Trustee's term shall expire, and the office will become vacant upon a change of residence from the Municipality. The Board of Trustees shall, before entering upon the duties of their office, take an oath to support the Constitution of the United States, and the Constitution of the State of Nebraska, and faithfully and impartially discharge the duties of their office. All Trustees elected to office shall qualify and meet at the first regular meeting of the Board in December, organize, and appoint the Municipal officers required by law. *(Ref. 17-202 through 17-204 RS Neb.)*

§1-103 VILLAGE BOARD; POWERS.

(1) The Board of Trustees shall have the power to pass ordinances to prevent and remove nuisances; to restrain and prohibit gambling; to provide for licensing and regulating theatrical and other amusements within the Village; to prevent the introduction and spread of contagious diseases; to establish and regulate markets; to erect and repair bridges; to erect, repair, and regulate wharves; to regulate the landing of water craft; to provide for the inspection of building materials to be used or offered for sale in the Village; to govern the planting and protection of shade trees in the streets and the building of structures projecting upon or over and adjoining, and all excavations through and under, the sidewalks of the Village; maintain the peace, good government, and welfare of the Village and its trade, commerce; and to enforce all ordinances by inflicting penalties upon inhabitants or other persons for violation thereof not exceeding five hundred ($500.00) dollars for any one offense, recoverable with costs.

(2) The Village has the power and authority by ordinance to define, regulate, suppress, and prevent nuisances, and to declare what constitutes a nuisance, and to abate and remove the same. The Village may exercise such power and authority within its zoning jurisdiction. *(Ref. 17-207, 18-1720 RS Neb.)*

§1-104 ELECTED OFFICIALS; VACANCY. Whenever a vacancy occurs in an elected office of the Municipality, notice of said vacancy shall be presented in writing to the Board of Trustees at a regular meeting and said notice shall appear as a part of the minutes of such meeting.

The Board of Trustees shall at once give public notice of the vacancy by causing it to be published in a newspaper of general circulation within the Municipality or by posting in three (3) public places in the Municipality the office vacated and the length of the unexpired term.

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

No officer who is removed at a recall election or resigns after initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the Governing Body during the remainder of his or her term of office. Upon a majority vote of approval by the Board the vacancy shall be filled. If a majority vote is not reached, the nomination shall be rejected, and the Chairman shall at the next regular meeting submit the name of another qualified elector. If the vote on the nominee fails to carry by majority vote, the Chairman shall continue at such meeting to submit the names of qualified electors, and the Board shall continue to vote upon such nominations until the vacancy is filled.

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

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

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

If there is a vacancy in the offices of a majority of the members of the Village Board, there shall be a special Municipal Election conducted by the Secretary of State to fill such vacancies. (Ref 32-529, 32-1406 RS Neb.)

Article 2. Appointed Officials

§1-201 APPOINTED OFFICIALS; APPOINTMENT; REMOVAL. (1) The Governing Body may appoint a Municipal Clerk, Treasurer, Attorney, Municipal Utility Superintendent, and Police Chief.

(2) It shall also appoint a Board of Health consisting of three (3) members: the Chairperson of the Village Board, who shall be chairperson, and two (2) other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the Board's medical advisor. If the Governing Body has appointed a Police Chief, the Police Chief may be appointed to the Board to serve as secretary and quarantine officer.

(3) The Governing Body shall also appoint such additional officials and employees as they may determine the Municipality needs.

(4) All such appointees shall hold office for one (1) year, unless sooner removed by the Chairperson of the Board of Trustees by and with the advice and consent of the remainder of the Board of Trustees. If the Municipality has a Municipal Water Commissioner, the Municipal Water Commissioner may at any time, for sufficient cause, be removed from office by a two-thirds (2/3) vote of the Board of Trustees. *(Ref. 17-208, 17-541 RS Neb.)*

§1-202 APPOINTED OFFICIALS; MERGER OF OFFICES. The Governing Body of the Municipality may, in its discretion, by ordinance combine and merge any elective or appointive office or employment, except Village Trustee, with any other elective, or appointive offices so that one or more of such offices may be held by the officer or employee at the same time, except that Trustees may perform and upon Board approval, receive compensation for seasonal or emergency work so long as there is no conflict of interest for such compensation. The offices so merged and combined shall always be construed to be separate, and the effect of the combination or merger shall be limited to a consolidation of official duties only; and provided further, the salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the offices so combined. For purposes of this section, volunteer firefighters and ambulance drivers shall be considered officers. *(Ref. 17-209.02 RS Neb.)*

§1-203 APPOINTED OFFICIALS; CLERK-TREASURER POSITION CREATED. The appointive offices of Municipal Clerk and Municipal Treasurer are hereby combined and merged, in accordance with the authority granted to the Governing Body by section 1-202.

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

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

§1-204 APPOINTED OFFICIALS; MUNICIPAL CLERK. The Municipal Clerk shall attend the meetings of the Governing Body and keep a correct journal of the proceedings of that body. He or she shall keep a record of all outstanding bonds against the Municipality and when any bonds are sold, purchased, paid, or canceled, said record shall show the fact. He or she shall make, at the end of the fiscal year, a report of the business of the Municipality transacted through his or her office for the year. That record shall describe particularly the bonds issued, and sold during the year, and the terms of the bonds

issued, and sold during the year, and the terms of the sale with each, and every item, and expense thereof. He or she shall file all official bonds after the same shall have been properly executed and approved. He or she shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Governing Body.

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

The Municipal Clerk shall permit no records, public papers, or other documents of the Municipality kept, and preserved in his or her office to be taken therefrom, except by such officers of the Municipality as may be entitled to the use of the same, but only upon their leaving a receipt therefor. He or she shall keep all records of his or her office. He or she shall include as part of his or her records all petitions under which the Governing Body shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions, and ordinances relating to the same. He or she shall endorse the date, and hour of filing upon every paper, or document so filed in his or her office. All such filings made by him or her shall be properly docketed. Included in his or her records shall be all standard codes, amendments thereto, and other documents incorporated by reference. He or she shall keep an accurate, and complete account of the appropriation of the several funds, draw, sign, and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he or she shall then make a report of the amounts appropriated to the various funds, and the amount of the warrants drawn thereon. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records at all reasonable times.

The Municipal Clerk shall deliver all warrants, ordinances, and resolutions under his or her charge to the Chairperson for his or her signature. He or she shall also deliver to officers, employees, and committees all resolutions, and communications which are directed at said officers, employees, or committees. With the seal of the Municipality, he or she shall duly attest the Chairman's signature to all ordinances, deeds, and papers required to be attested to when ordered to do so by the Governing Body. Within thirty (30) days after any meeting of the Governing Body, the Municipal Clerk shall prepare and publish the official proceedings of the Governing Body in a legal newspaper
of general circulation in the Municipality, and which was duly designated as such by the Governing Body. Said publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one (1) item. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge of such publication shall not exceed the rates provided by the statutes of the State of Nebraska. Said publication shall be charged against the General Fund. He or she shall then keep in a book with a proper index, copies of all notices required to be published, or posted by the Municipal Clerk by order of Governing Body, or under the ordinances of the Municipality. To each of the file copies of said notices shall be attached the printer's affidavit of publication, if the said notices are required to be published, or the Municipal Clerk's certificate under seal where the same are required to be posted only.

The Municipal Clerk shall receive all objections to creation of paving districts, and other street

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

The Municipal Clerk may charge a reasonable fee for certified copies of any record in his or her office as set by resolution of the Governing Body. He or she shall destroy Municipal records under the direction of the State Records Board pursuant to sections 84-1201 through 84-1220; provided, the Governing Body shall not have the authority to destroy the minutes of the Municipal Clerk, the permanent ordinances, and resolution books, or any other records classified as permanent by the State Records Board. *(Ref. 17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712 RS Neb.)*

§1-205 APPOINTED OFFICIALS; MUNICIPAL TREASURER. The Administrative Clerk shall be the Municipal Treasurer and shall be the custodian of all moneys belonging to the Municipality. He shall keep all money belonging to the Municipality separate, and distinct from his own money. He shall keep a separate account of each fund or appropriation, and the debits, the credits belonging thereto. He shall issue duplicate (2) receipts for all moneys received by him for the Municipality. He shall give to every person paying money into the Municipal Treasury, a receipt therefore specifying the date of payment, and the account paid. One (1) of the receipts shall be filed with his monthly report, and the last copy of the said receipt shall be kept on file in his office. His books and accounts shall always be open for inspection by any citizen of the Municipality whenever any Municipal fiscal record, audit, warrant, voucher, invoice, purchase order, requisition, receipt or other record of receipt, cash or expenditure involving public funds is involved. He shall cancel all bonds, coupons, warrants, and other evidences of debt against the Municipality, whenever paid by him, in writing, or stamping on the face thereof, "Paid by the Municipal Treasurer," with the date of payment written or stamped thereon. He shall collect all special taxes, allocate special assessments to the several owners, and shall obtain from the County Treasurer a monthly report as to the collection of delinquent taxes. The Treasurer's daily cash book shall be footed and balanced daily, and he shall adopt such bookkeeping methods as the Governing Body shall prescribe. He shall invest and collect all money owed by, or owed to, the Municipality as directed by the governing Body. *(Ref. 17-606 through 17-609, 84-712 RS Neb.)*

§1-206 APPOINTED OFFICIALS; TREASURER'S MONTH REPORT. The Municipal Treasurer shall at the end of each, and every month, and such other times as the Governing Body may deem necessary, render an account to the Governing Body under oath showing the financial state of the Municipality at that date, the amount of money remaining in each fund and the amount paid therefrom, and the balance of money remaining in the Treasury. He shall accompany the said account with a statement of all receipts, and disbursements, together with all warrants redeemed, and paid by him. He shall also produce depository evidence that all Municipal money is in a solvent, in the name of the Municipality. If the Municipal Treasurer shall neglect, or fail for the space of ten (10) days from the end of each and every month to render his accounts as aforesaid, the Governing Body shall, by resolution, declare the office vacant, and appoint some person to fill the vacancy. The Municipal Treasurer shall be present at each regular meeting of the Governing Body at which time he shall present his monthly report. *(Ref. 17-606 RS Neb.)*

§1-207 APPOINTED OFFICIALS; TREASURER'S ANNUAL REPORT. The Municipal Treasurer shall publish in a legal newspaper having general circulation within the Municipality, within sixty (60) days following the first (1st) day of October of each year, a report of the activities of this office which said report shall show in detail. Said report shall include all receipts, disbursements, warrants outstanding, and the debt, or credit balance of the Municipality. *(Ref. 19-1101 RS Neb.)*

***after close of municipal fiscal year, a statement of receipts and expenditures of funds of the Village for the fiscal year. *(Ref. 19-1101 RS Neb.)*

§1-208 APPOINTED OFFICIALS; MUNICIPAL ATTORNEY. The Municipal Attorney is the Municipality's legal advisor, and as such he shall commence, prosecute, and defend all suits on behalf of the Municipality. When requested by the Governing Body, he shall attend meetings of the Governing Body and shall advise any Municipal official in all matters of law in which the interests of the Municipality may be involved. He shall draft such ordinances, bonds, contracts, and other writings as may be required in the administration of the affairs of the Municipality. He shall examine all bonds, contracts, and documents on which the Governing Body will be required to act. He shall prepare complaints, attend, and prosecute violations of the Municipal ordinances when directed to do so by the Governing Body. Without direction, he shall appear and prosecute all cases for violation of the Municipal ordinances that have been appealed to, and are pending in any higher court. He shall also examine, when requested to do so by the Governing Body, the ordinance records, and advise, and assist the Administrative Clerk as much as may be necessary to the end that each procedural step will be taken in the passage of each ordinance to insure that they will be valid, and subsisting local laws in so far as their passage, and approval are concerned. The Governing Body shall have the right to compensate the Municipal Attorney for legal services on such terms as the Governing Body and the Municipal Attorney may agree, and to employ any additional legal assistance as may be necessary out of the funds of the Municipality. *(Ref. 17-610 RS Neb.)*

§1-209 APPOINTED OFFICIALS; SPECIAL ENGINEER. The Governing Body may employ a Special Engineer to make or assist the Municipal Engineer in making any particular estimate, survey, or other work. The Special Engineer shall make a record of the minutes of his surveys and all other work done for the Municipality. He shall, when directed by the Governing Body, accurately make all plats, sections, profiles, and maps as may be necessary in the judgment of the Governing Body. He shall, upon request of the Governing Body, make estimates of the costs of labor and material which may be done or furnished by contract with the Municipality, and make all surveys, estimates, and calculations necessary for the establishment of grades, bridges, building of culverts, sewers, electric light system, waterworks, power plant, public heating system, curbing and gutters, and the improvement of streets and erection and repair of buildings, and shall perform such other duties as the Governing Body may require. All records of the Special Engineer shall be public records which shall belong to the Municipality, and shall be turned over to his successor. (Ref. 18-330, 17-568, 17-568.01, 17-919 RS Neb.)

§1-210 APPOINTED OFFICIALS; MUNICIPAL UTILITIES SUPERINTENDENT. A Utilities Superintendent shall be appointed in the event that there is a more than Municipal utility, and the Governing Body determines that it is in the best interest of the Municipality to appoint one official to have the immediate control over all the said Municipal utilities and Municipal streets. The Utilities Superintendent may be removed at any time by the Chairman and the Governing Body. Any vacancy

occurring in the said office by death, resignation or removal may be filled in the manner hereinbefore provided for the appointment of all Municipal officials. The Utilities Superintendent's duties over the following departments shall be as stated herein:

Water Department

He shall have general supervision and control over the Municipality Water System and shall be primarily responsible for its economic operation and prudent management. Included in the said water system, shall be the water plant, the pump house, all machinery, and appliances used in connection with producing and distributing water to inhabitants of the Municipality. All actions, decisions, and procedures of the Utilities Superintendent shall be subject to the general directives and control of the Governing Body. The Utilities Superintendent shall have the general control and authority over all employees of the Water System which the Governing Body may from time to time hire to operate and maintain the said system. He shall make a detailed report to the Governing Body at least once every six (6) months, of the condition of the said water system, of all mains, pipes, hydrants, reservoirs, and machinery and such improvements, repairs, and extensions thereof as he may think proper. The report shall show the amount of receipts and expenditures on account thereof for the preceding six (6) months. No money shall be expended for improvements, repairs, or extensions of the said waterworks system except upon the recommendation of the Superintendent. The Utilities Superintendent shall provide a bond conditioned upon the faithful discharge of his duties which shall amount to not less than the amount set by resolution of the Governing Body and on file in the office of the Administrative Clerk. He shall perform such additional duties as may be prescribed by the Governing Body.

Sewer Department

The Utilities Superintendent shall have the immediate control, and supervision over all employees, and property that make up the Municipal sewer system, subject to the general control, and directives of the Governing Body. He shall at least every six (6) months, make a detailed report to the Governing Body on the condition of the sewer system, and shall direct their attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed along with an estimate of the cost thereof. He shall have such other duties as the Governing Body may delegate to him. He shall issue permits for all connections to the Municipal sewer system and inspect and supervise all repairs made to the said system.

Street Department

The Utilities Superintendent shall, subject to the orders, and directives of the Governing Body, have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the Municipality, and shall perform such other duties as the Governing Body may require. It shall be his responsibility to see that gutters and drains therein function properly, and that the same are kept repaired. He shall, at the request of the Governing Body make a detailed report to the Governing Body on the condition of the streets, sidewalks, culverts, alleys, and bridges of the Municipality, and shall direct their attention to such improvements, repairs, extensions, additions, and additional employees as he may believe

are needed to maintain a satisfactory street system in the Municipality along with an estimate of the cost thereof. He shall issue such permits and assume such other duties as the Governing Body may direct.

Park and Pool

The Utilities Superintendent shall have the immediate control and supervision of the Municipal Park and Pool subject to the general control and directives of the Governing Body. He shall, at least every six (6) months, make a detailed report to the Governing Body on the condition of the Park and Pool and shall direct their attention to such improvements, repair, extensions, additions and additional employees as he may believe are needed along with an estimate of the cost thereof. He shall have such other duties as the Governing Body may delegate to him. *(Ref. 17-214, 17-541, 17-543 RS Neb.)*

§1-211 APPOINTED OFFICIALS; MUNICIPAL POLICE CHIEF. The Municipal Police Chief shall direct the police work of the Municipality and shall be responsible for the maintenance of law and order. He shall act as Health Inspector, except in the event the Municipality appoints another person. He shall file the necessary complaints in cases arising out of violations of Municipal ordinances and shall make all necessary reports required by the Municipal ordinances, or the laws of the State of Nebraska. *(Ref 17-213 RS Neb.)*

§1-212 APPOINTED OFFICIALS; MUNICIPAL FIRE CHIEF. The Municipal Fire Chief shall be elected by the members of the Fire Department. He/She shall enforce all laws and ordinances covering the prevention of fires; the storage and use of explosives and flammable substances; the installation of fire alarm systems; the maintenance of fire extinguishing equipment; the regulation of fire escapes; and the inspection of all premises requiring adequate fire escapes. He/She shall within two (2) days investigate the cause, origin, and circumstances of fires arising within his jurisdiction. He/She shall, on or before the first (1st) day of April and October of each year, cause the secretary to file with the Administrative Clerk, and the Clerk of the District Court a certified copy of the rolls of all members in good standing in their respective companies in order to obtain the exemptions provided by law. He shall have the power during the time of a fire, and for a period of thirty-six (36) hours thereafter to arrest any suspected arsonist, or any person for hindering the department's efforts, conducting himself in a noisy and disorderly manner, or who shall refuse to obey any lawful order by the Fire Chief or Assistant Fire Chief. The Fire Chief, or his assistant in charge of operations at a fire may command the services of any person present at any fire in extinguishing the same or in the removal, and protection of property. Failure to obey such an order shall be a misdemeanor punishable by a fine. The Fire Chief shall the right to enter at all reasonable hours into buildings, and upon all premises within his jurisdiction for purposes of examining the same for fire hazards, and related dangers. *(Ref 17-505, 35-102, 35-108, 81-506, 81-512 RS Neb.)*

§1-213 APPOINTED OFFICIALS; ZONING INSPECTOR. The Chairman may appoint a Zoning Inspector. In the absence of a specific appointment by the Chairman, the Utilities Superintendent is hereby designated as Zoning Inspector.

Article 3. Bonds and Oath

§1-301 <u>BONDS: FORM</u>. Official bonds of the Municipality shall be in form, joint and several, and shall be made payable to the Municipality in such penalty as the Governing Body may set by resolution; Provided, the penalty amount on any bond shall not fall below the legal minimum, when one has been set by the State of Nebraska, for each particular official. All official bonds of the Municipal officials shall be executed by the principal named in such bonds and by at least two (2) sufficient sureties who shall be freeholders of the county, or by the official as principal and by a guaranty, surety, fidelity, or bonding company; Provided no Municipal official, while still in his official term of office, shall be accepted as surety on any other official's bond, contractor's bond, license bond, or appeal bond under any circumstances. Only companies that are legally authorized to transact business in the State of Nebraska shall be eligible for suretyship on the bond of an official of the Municipality. All said bonds shall obligate the principal, and sureties for the faithful discharge of all duties required by law of such principal, and shall insure to the benefit of the Municipality and any persons who may be injured by a breach of the conditions of such bonds. No bond shall be deemed to be given or complete until the approval of the Governing Body, and all sureties are endorsed in writing on the said instrument by the Chairman and Administrative Clerk pursuant to the said approval of the Governing Body. The premium on any official bond required to be given may be paid out of the General Fund, or other proper Municipal fund, upon a resolution to that effect by the Governing Body at the beginning of any Municipal year. All official bonds, meeting the conditions herein, shall be filed with the Administrative Clerk for his official records, and it shall be the duty of the Administrative Clerk to furnish a certified copy of any bond so filed upon the payment of a fee which shall be set by resolution of the Governing Body. In the event that the sureties on the official bond of any officer of the Municipality, in the opinion of the Governing Body, become insufficient, the Governing Body may, by resolution, fix a reasonable time within which the said officer may give a new bond or additional sureties as directed. In the event that the officer should fail, refuse, or neglect to give a new bond, or additional sureties to the satisfaction, and approval of the Governing Body then the office shall, by such failure, refusal, or neglect, become vacant, and it shall be the duty of the Governing Body to appoint a competent, and qualified person to fill the said office. Any official who is re-elected to office shall be required to file a new bond after each election. *(Ref. 11-103 thru 11-118, 17-604 RS Neb.)*

§1-302 <u>OATH OF OFFICE; MUNICIPAL OFFICIALS</u>. All officials of the Municipality, whether elected or appointed, except when a different oath is specifically provided herein, shall, before entering upon their respective duties, take and subscribe to the following oath which shall be endorsed upon their respective bonds:

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

member of any political party or organization that advocates the overthrow of the government of the United States or of this State by force or violence. So help me God."
(Ref. 11-101 RS Neb.)

Article 4. Corporate Seal

§1-401 SEAL; OFFICIAL CORPORATE. The official Corporate Seal of the Municipality shall be kept in the office of the Administrative Clerk, and shall bear the following inscription, "Seal, Village of Shelton, Nebraska." The Administrative Clerk shall affix an impression of the said official seal to all official papers issued by order of the Governing Body and countersigned by the Administrative Clerk. *(Ref. 17-502 RS Neb.)*

Articles 5. Meetings

§1-501 MEETINGS; DEFINED. Meetings, as used in this Article shall mean all regular, special, or called meetings, formal or informal, of a public body for the purpose of briefing, discussion of public business, formation of tentative policy, or the taking of any action. *(Ref. 84-1409(2) RS Neb.)*

§1-502 MEETINGS; PUBLIC BODY DEFINED. Public Body as used in this Article shall mean:

A. The Governing Body of the Municipality.
B. All independent boards, commissions, bureaus, committees, councils, subunits, or any other bodies, now hereafter created by Constitution, statute, ordinance or otherwise pursuant to law, and
C. Advisory committee of the bodies listed above.

This Article shall not apply to subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy or taking formal action on behalf of their parent body. *(Ref. 84-1409(1) RS Neb.)*

§1-503 MEETINGS; PUBLIC. All public meetings as defined by law shall be held in a Municipal public building which shall be open to attendance by the public. All meetings shall be held in the public building which the Governing Body usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specific place. The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the Governing Body and to the public by a method designated by the Governing Body or by the Chairman if the Governing Body has not designated a method. Such notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice, or a statement that such an agenda kept continually current shall be readily available for public inspection at the office of the Administrative Clerk. Except for items of an emergency nature, the agenda shall not be altered later than (a) twenty-four (24) hours before the scheduled commencement of the meeting or (b) forty-eight (48) hours before the scheduled commencement of a meeting or the Governing Body scheduled outside the corporate limits of the Municipality. *Items to appear on the agenda may be added by the direction of the Chairman or by two Council Members. The Public may request that a subject be placed on the agenda by completing an application available at the Office of the Village Clerk who shall present such request to the Chairman for consideration. Applications for the agenda involving the operation of the Village and Village services shall first be handled by the Village staff for resolution before submission to the Chairman for agenda inclusion.* The Governing Body shall have the right to modify the agenda to include items of an emergency nature only at such public meetings. The minutes of the Administrative Clerk shall include the record of the manner and advance time by which the advance publicized notice given, a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, and the names of each member of the Governing Body present or absent at each convened meeting. The minutes of the Governing Body shall be public record open to inspection by the public upon request at any reasonable time at the office of the Administrative Clerk. Any official action on any question or motion duly moved and seconded shall be taken by roll call vote of the Governing Body in open session. The record of the Administrative Clerk shall show how each member voted, or that the member was absent and did not vote. *(Ref. 84-1408, 84-1409, 84-1411, 84-1413 RS Neb.)*

§1-504 MEETINGS: CLOSED SESSIONS.

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

(a) Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;
(b) Discussions regarding deployment of security personnel or devices;
(c) Investigative proceedings regarding allegations of criminal misconduct; or
(d) Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

Nothing in this session shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

(2) The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the closed session commenced and concluded shall be recorded in the minutes. The public body holding such a closed session shall restrict its consideration to matters during the closed portions to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action shall mean a collective decision or a collective commitment or promise to make a decision on any question, motion, proposal, resolution, order, or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (a) of this section.

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

(4) Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the provisions of this Article. No closed session, informal meeting, chance meeting, social gathering, or electronic communication shall be used for the purpose of circumventing the provisions of this

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

§1-505 MEETINGS; EMERGENCY MEETINGS. When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of section 1-508 of this Article shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public no later than the end of the next regular business day. *(Ref. 84-1411 RS Neb.)*

§1-506 MEETINGS: MINUTES. Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed. The minutes shall be public records and open to public inspection during normal business hours. Minutes shall be written and available for inspection within ten (10) working days, or prior to the next convened meeting, whichever occurs earlier. *(Ref. 84-1412, 84-1413 RS Neb.)*

§1-507 MEETINGS; VOTES. Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session, and the record shall state how each member voted, or if the member was absent or not voting. The requirements of a roll call or via voice vote shall be satisfied by the Municipality unitizing an electronic voting device which allows the yeas and nays of each member of the Governing Body to be readily seen by the public.

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

§1-508 MEETINGS; NOTICE TO NEWS MEDIA. The Administrative Clerk, Secretary, or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting, and the subjects to be discussed at that meetings. *(Ref. 84-1411 RS Neb.)*

§1-509 MEETINGS; PUBLIC PARTICIPATION. Subject to the provision of this Article the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of public body except for closed meetings called pursuant to section 1-504 may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcastings, or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself or herself. No public body shall for the purpose of circumventing the provisions of this Article hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this State. An agency which contracts with municipalities outside the State of Nebraska may hold meetings of any committee outside the State of Nebraska if such meetings are held only in such contracting

municipalities. Final action on any agenda item shall only be taken by the agency at a meeting in the State of Nebraska, which meeting shall comply with sections 84-1408 to 84-1414 RS Neb. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one (1) copy of all reproducible written material to be discussed at an open meeting. *(Ref. 84-1412, 18-2438 RS Neb.)*

§1-510 MEETINGS; REGULAR MEETING. The meetings of the Governing Body shall be held in the meeting place of the Municipality. Regular meetings shall be held on the second (2nd) Thursday of each month at the hour of seven (7:00) o'clock P.M. At all meetings of the Board of Trustees, a majority of the Board shall constitute a quorum to do business. *(Ref. 17-204, 17-205, 17-210 RS Neb.)*

§1-511 MEETINGS; SPECIAL MEETINGS. Special meetings may be called by the Chairman, or by three (3) members of the Board of Trustees, the object of which be submitted to the Board in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the Administrative Clerk. On filing the call for a special meeting, the Administrative Clerk shall notify the members of the Board of Trustee of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a member of the Board known to be out of the state, or physically unable to be present. A majority of the members of the Board of Trustees shall constitute a quorum for the transaction of business, but smaller numbers may adjourn from day to day and compel the attendance of the absent members. Whether a quorum is present or not, all absent members shall be sent for and compelled to attend.

At the hour appointed for the meeting, the Administrative Clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Board shall be called to order by the Chairman, if present, or if absent, by the chairman pro tempore. In the absence of both the Chairman and the chairman pro tempore, the members of the Board of Trustees shall elect an alternate chairman pro tempore. All ordinances passed by any special meeting shall comply with procedures set forth in Chapter 1, Article 6 herein. *(Ref. 17-204, 17-205, 17-210 RS Neb.)*

§1-512 MEETINGS; ORDER OF BUSINESS. All meetings of the Governing Body shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Governing Body, the Administrative Clerk, the Chairman, and such other Municipal officials that may be required shall take their regular stations in the meeting place, and the business of the Municipality shall be taken up for consideration, and disposition in the manner prescribed by the official agenda on file at the office of the Municipal Clerk.

§1-513 MEETINGS; PARLIAMENTARY PROCEDURE. The Chairman shall preserve order during meetings of the Governing Body and shall decide all questions of order, subject to an appeal to the Governing Body. When any person is called to order, he shall be seated until the point is decided. When the Chairman is putting the question, no person shall leave the meeting room. Every person present, previous to speaking shall rise from his seat and address himself to the presiding officer and while speaking shall confine himself to the question. When two (2), or more person rise at once, the Chairman shall recognize the one who spoke first. All resolutions or motions shall be reduced to writing before being acted upon, if requested by the Administrative Clerk, or any member of the Governing Body. Every member of the Governing Body who is present when a question is voted upon, shall cast his vote unless

excused by a majority of the Governing Body present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the Chairman before being debatable. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Governing Body making motion, or resolution shall be entered also. After each vote, the "Yays" and "Nays" shall be taken, and entered in the minutes upon the request of any member of the Governing Body. Before the vote is actually taken, any resolution, motion or proposed ordinance may be withdrawn from consideration by the sponsor thereof with consent of the member of the Governing Body seconding the said resolution, motion, or ordinance. When, in the consideration of an ordinance, different times, or amounts are proposed, the question shall be put on the largest sum, or the longest time. A question to reconsider shall be in order when made by a member voting with the majority, but such motion to reconsider must be made before the expiration of the third (3rd) regular meeting after the initial consideration of the question. When any question is under debate, no motion shall be made, entertained, or seconded except the previous question, a motion to table, and to adjourn. Each of the said motions shall be decided without debate. Any of the rules of the Governing Body for meetings may be suspended by a two-thirds (2/3) vote of the members present. In all cases in which provisions are not made by these rules. Robert's Rules of Order is the authority by which the Governing Body shall decide all procedural disputes that may arise.

§1-514 MEETINGS; CHANGE IN OFFICE. The Chairperson and Board of Trustees shall meet at the regular meeting of the Board in December in each election year, and the outgoing officers and outgoing members of the Board of Trustees shall present their reports, and upon the outgoing Board having completed its business, the outgoing Trustees shall surrender their offices to the incoming Trustees, and the outgoing officers shall thereupon each surrender to his successor in office all property, records, papers, and moneys belonging to the same. *(Ref. 17-204 RS Neb.)*

§1-515 MEETINGS; REORGANIZATIONAL MEETING. The newly elected Board of Trustees shall convene at the regular place of meeting at the first meeting of the Board in the month of December in each election year immediately after the prior Board adjourns and proceed to organize themselves for the ensuring year. The Chairperson pro tempore shall call the meeting to order. The Board shall then proceed to examine the credentials of its members and other elective officers of the Municipality to see that each has been duly and properly elected and to see that such oaths and bonds have been given as are required. After ascertaining that all Trustees and officers are duly qualified, the Board shall then elect one of its own body who shall be styled as Chairperson of the Board of Trustees. The Chairperson shall then nominate his or her candidates for appointive offices and said officers shall hold office until their successors are duly appointed and qualified. The Chairperson shall then proceed with regular order of business. It is hereby made the duty of each and every member of the Board or of his or their successors in office and of each officer hereafter elected to any office, to qualify prior to the first regular meeting of the Board in December following his or her election. Immediately upon the assembly of the newly elected Board upon the first regular meeting in December following the election, each officer elected at the general election shall take possession of his office. Each appointive officer who is required to give bond shall qualify by filing the required bond, approved by the Board of Trustees, in the office of the Municipal Clerk within two (2) weeks from the date of his said appointment; provided, on said bond shall be endorsed the same oath as required of a Trustee. Failure to qualify by elective or appointive officers within the time and manner provided in this section shall and does in itself create a vacancy in the officer to which said person failing to qualify shall have been elected or appointed. *(Ref. 17-204 RS Neb.)*

Article 6. Ordinances

§1-601 ORDINANCES, RULES, AND RESOLUTIONS; GRANT OF POWER. The Governing Body may make all ordinances, bylaws, rules, regulations, not inconsistent with the laws of the State of Nebraska, as may be expedient for maintaining the peace, good government, and welfare of the Municipality and its trade, commerce, and manufactories. *(Ref. 17-505 RS Neb.)*

§1-602 ORDINANCES; INTRODUCTION. Ordinances shall be introduced by members of the Governing Body in one of the following ways:

(1) With the recognition of the Chairman, a Board member may, in the presence and hearing of a majority of the members elected to the Governing Body, read aloud the substance of the proposed ordinance and file a copy with the Municipal Clerk for future consideration; or

(2) With the recognition of the Chairman, a Board member may, in the present the proposed ordinance to the Clerk who, in the presence and hearing of a majority of the members elected to the Governing Body, shall read aloud the substance of the ordinance and file it for future consideration.

§1-603 ORDINANCES; RESOLUTIONS AND MOTIONS. Resolutions and motions shall be introduced in one of the methods prescribed for the introduction of ordinances. After their introduction, they shall be read by title to the members elected to the Board. The issue raised by said resolutions or motions shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the Board. A majority vote shall be required to pass any resolution or motion. The vote on any resolution or motion shall be by roll call vote.

§1-604 ORDINANCES; STYLE. The style of all Municipal ordinances shall be:

"Be it ordained by the Board of Trustees of the Village of Shelton, Nebraska:" *(Ref. 17-613 RS Neb.)*

§1-605 ORDINANCES; TITLE. No ordinance shall contain a subject not clearly expressed in its title. *(Ref. 17-614 RS Neb.)*

§1-606 ORDINANCES, RESOLUTIONS, ORDERS, BYLAWS; READING PASSAGE. Ordinances of a general permanent nature shall read by title on three (3) different days unless three-fourths (3/4) of the Governing Body vote to suspend this requirement, except that such requirement shall not be suspended for any ordinance for the annexation of territory. In case such requirement is suspended, the ordinance shall be read by title and then moved for final passage. Three-fourths (3/4) of the Governing Body may require a reading of any ordinance in full before enactment under either procedure set out in this section. All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the Governing Body. On the passage or adoption of every bylaw or ordinances, and every resolution or order to enter into a contract by the Governing Body, the yays and nays shall be called and recorded. To pass or adopt any bylaw, ordinances, or any such resolution or order, a concurrence of a majority of the whole number of members elected to the Governing Body shall be required. All appointments of the officers by the Governing Body

shall be made viva voce; and the concurrence of a like majority shall be required, and the names of those, and for whom they voted, on the vote resulting in an appointment, shall be recorded. The requirements of a roll call or viva voce shall be satisfied by a Municipality which utilizes an electronic voting device which allows the yays and nays of each member of the Governing Body to be readily seen by the public. *(Ref. 17-614, 17-616 RS Neb.)*

§1-607 ORDINANCES; PUBLICATION OR POSTING. All ordinances of a general nature shall, before they take effect, be published one (1) time, within fifteen (15) days after they are passed:

(1) In some newspaper published in the Municipality or, if paper is not published in the Municipality, then by posting a written or printed copy thereof in each of three (3) public places in the Municipality; or

(2) In book or pamphlet form (*Ref. 17-613 RS Neb.)*

§1-608 ORDINANCES; CERTIFICATE OR PUBLICATION OR POSTING. The passage, approval, and publication or posting of all ordinances shall be sufficiently proven by a certificate under the Seal of the Municipality from the Administrative Clerk showing that the said ordinance was passed and approved, and when, and in what paper the same was published, or when, and by whom, and where the same was posted. *(Ref 17-613 RS Neb.)*

§1-609 ORDINANCES; EFFECTIVE DATE; EMERGENCY ORDINANCES. (1) Except as provided in subsection (2) of this section, an ordinance for the government of the Municipality which has been adopted by the Governing Body without submission to the voters of the Municipality shall not go into effect until fifteen (15) days after the passage of the ordinance.

(2) In the case of riot, infectious or contagious diseases, or other impending danger, failure of a public utility, or other emergency requiring its immediate operation, an ordinance shall take effect upon the proclamation of the Chairperson and the posting thereof in at least three (3) of the most public places in the Municipality. Such emergency notice shall recite the emergency, be passed by three-fourths (3/4) vote of the Governing Body, and be entered upon the Municipal Clerk's minutes. *(Ref. 17-613, 19-3701 RS Neb.)*

§1-610 ORDINANCES; AMENDMENTS AND REVISIONS. No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended, and the ordinance or section so amended is repealed, except that an ordinance revising all the ordinances of the Municipality and the modifications to zoning or building districts may be adopted as otherwise provided by law. *(Ref. 17-614 RS Neb.*

Article 7. Elections

§1-701 ELECTIONS; ELECTION OF OFFICERS; CERTIFICATION. All Municipal elections involving the election of officers shall be held in accordance with the Election Act and in conjunction with the statewide general election. No later than July 1st of each even-numbered year, the Governing Body shall certify to the Secretary of State, the Election Commissioner, or the County Clerk, the name of the Municipality, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remain term, and the number of votes to be cast by a registered voter for each office. *(Ref. 17-202, 32-401, 32-404, 32-532, 32-556 RS Neb.)*

§1-702 ELECTIONS; TIE VOTES. In the case of a tie vote of any of the candidates in either the primary or general election, the County Clerk shall notify such candidates to appear at this office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail. *(Ref. 32-1122 RS Neb.)*

§1-703 ELECTIONS; JOINT, GENERAL, NOTICE. The County Clerk shall publish in a newspaper designated by the County Board the notice of the election no less than forty (40) days prior to the Primary or General Election. This notice will serve the notice requirement for all Municipal Elections which are held in conjunction with the County. *(Ref. 32-402.01 RS Neb.)*

§1-704 ELECTIONS; SPECIAL, JOINT. (1) Any issue to be submitted to the registered voters at a special election by the Municipality shall be certified by the Municipal Clerk to the Election Commissioner or County Clerk at least fifty (50) days prior to the election. A special election may be held by mail as provided in sections 32-952 through 32-959 RS Neb. No special election to be conducted by the Election Commissioner or County Clerk shall be held within thirty (30) days prior to or sixty (60) days after the statewide primary election, an no special election to be conducted by the Election Commissioner or County Clerk shall be held within thirty (30) days prior to or sixty days (60) days after the statewide general election.

(2) In lieu of submitting the issue at a special election, the Municipality may submit the issue at a statewide primary or general election or at any schedule county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the Municipal Clerk to the Election Commissioner or County Clerk by March 1 for primary election and by September 1 for the general election.

(3) After the Election Commissioner or County Clerk has received the certification of the issue to be submitted, he or she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the Municipal Clerk shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election issues. The Election Commissioner or County Clerk shall prepare the ballots and issue absentee ballots and shall also conduct the submission of the issue, including the receiving and counting of the ballots on the issue. The election returns shall be made to the Election Commissioner or County Clerk. The ballots, including absentee ballots, shall be counted and canvassed

at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the County Canvassing Board, the Election Commissioner or County Clerk shall certify the election results to the Governing Body. The canvass by the County Canvassing Board shall have the same force and effect as if made by the Governing Body. *(Ref. 32-559 RS Neb.)*

§1-705 ELECTIONS, FILING FEE. Prior to the filing of any nomination papers, there shall be paid to the Municipal Treasurer a filing fee which shall amount to one (1%) percent of the annual salary for the office for which the candidate will file; provided, there shall be no filing fee for any candidate filing for an office in which a per diem is paid rather than a salary, or an office for which there is a salary of less than five hundred ($500.00) dollars per year. No nominating papers shall be filed until the proper Municipal Treasurer's receipt, showing the payment of the filing fee, shall be presented to the election officer with whom the nomination papers are to be filed. *(Ref. 32-608 RS Neb.)*

§1-706 ELECTIONS; PETITION CANDIDATES. Candidates for any Municipal office in the Municipality may be nominated by petition. Petitions shall contain signatures of registered voters totaling not less than ten (10%) percent of the total votes received by the candidate receiving the highest number of votes in the Municipality or ward at the preceding general election in which officers were last elected to such office. They shall be accompanied by a treasurer's receipt for the filing fees for the office being sought. All petitions shall provide a space at least two and one half (2 ½") inches long for written signatures, a space at least two (2") inches long for printed names, and sufficient space for any additional information which may be required. Lines on such petitions shall not be less than one-fourth (1/4") inch apart. Petitions may be designed in such a manner that lines for signatures and other information run the length of the page rather than the width. Petition signers and petition circulators shall conform to the requirements of section 32-629 and 32-630 RS Neb. Petitions must be filed at least sixty (60) days prior to the State Primary. *(Ref. 32-4,156, RS Neb.)*

§1-707 ELECTIONS; CAUCUS CANDIDATES. The Governing Body of the Municipality may, by ordinance call a caucus for the purpose of nominating candidates for offices to be filled in the Village election. Such caucus shall be held at least ten (10) days prior to the filing deadline for such election. Notice of such caucus must be published in one (1) newspaper of general circulation in the Municipality, at least once in each of two (2) consecutive weeks prior to said caucus. The Administrative Clerk shall notify the person so nominated of his nomination and such nomination shall take place not less than five (5) days after the said caucus. A candidate so nominated shall not have his name placed upon the ballot unless, not more than ten (10) days after the holding of such caucus, he shall have filed with the Administrative Clerk a written statement accepting the nomination of the caucus and shall have paid the filing fee, if any, for the office which was the individual was nominated. *(Ref. 17-601-01 to 17-601.03 RS Neb.)*

§1-708 ELECTIONS; VOTER QUALIFICATIONS. Electors shall mean every person of the constitutionally prescribed age or upwards, who shall have the right to vote for all officers to be elected to public office, and upon all questions and proposals, lawfully submitted to the voters at any and all elections authorized or provided for by the Constitution or the laws of the State of Nebraska, except school elections; provided, no person shall be qualified to vote at any election unless such person shall be a resident of the State and shall have been properly registered with the election official of the county. *(Ref.*

17-602, 32-102 RS Neb.)

§1-709 <u>ELECTIONS; BOARD OF TRUSTEES; TERMS; QUALIFICATIONS</u>. (1) The members of the Village Board of Trustees shall be elected from the Municipality at large unless the registered voters of the Municipality have voted to elect its Board members by wards.

(2) the Members of the Village Board of Trustees shall be elected at the statewide general election as provided in section 17-202 RS Neb., and each four years thereafter. Except as provided in such section, the term of each Trustee shall be four years or until his or her successor is elected and qualified.

(3) Any person may be a Trustee who is a citizen of the United States, resides in the Village, and is a registered voter. *(Ref. 17-202, 17-203, 32-532, 32-554 RS Neb.)*

Article 8. Fiscal Management

§1-801 FISCAL MANAGEMENT; FISCAL YEAR. The fiscal year of the Municipality and any public utility of the Municipality commences on October 1 and extends through the following September 30 except as provided in the Municipal Proprietary Function Act. *(Ref. 17-701 RS Neb.)*

§1-802 FISCAL MANAGEMENT; PROPOSED BUDGET STATEMENT; CONTENTS; FILING. (1) the Governing Body shall prepare in writing and file with the Municipal Clerk, each year on forms prescribed and furnished by the Auditor of Public Accounts, a proposed budget statement containing the following information, except as provided by state law:

(a) For the immediate prior fiscal year, the revenue from all sources, including motor vehicle taxes, other than revenue received from personal and real property taxation, allocated to the funds and separately stated as to each such source: The unencumbered cash balance at the beginning and end of the year; the amount received by taxation of personal and real property; and the amount of actual expenditures;

(b) For the current fiscal year, actual and estimated revenue from all sources, including motor vehicle taxes, allocated to the funds and separately stated as to each such source; The actual unencumbered cash balance available at the beginning of the year; the amount received from personal and real property taxation; and the amount of actual and estimated expenditures, whichever is applicable. Such statement shall contain the cash reserve for each fiscal year and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the experience of prior years. The cash reserve shall not exceed 50% of the total budget exclusive of capital outlay items;

(c) For the immediately ensuing fiscal year; an estimate of revenue from all sources, including motor vehicle taxes, other than revenue to be received from taxation of personal and real property , separately stated as to each such source: The actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year; the amounts proposed to be expended during the year; and the amount of cash reserve, based on actual experience of prior years, which cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items;

(d) A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property (i) for the purpose of paying the principal or interest on bonds issued by the Governing Body and (ii) for all other purposes;

(e) A uniform summary of the proposed budget statement, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Municipal Proprietary Function Act, and a grand total of all funds maintained by the Governing Body; and

(f) A list of the proprietary functions which are not included in the budget statement. Such proprietary functions shall have a separate budge statement which is approved by the Governing Body as provided in the Municipal Proprietary Function Act.

(2) The actual or estimated unencumbered cash balance required to be included in the budget statement by this section shall include deposits and investments of the Municipality as well as any funds held by the County Treasurer for the Municipality and shall be accurately stated on the proposed budget statement. *(Ref. 13-504 RS Neb.)*

(3) estimated expenditures plus the required cash reserve for the ensuing fiscal year less all estimated and actual unencumbered balances at the beginning of the year and less the estimated income from all sources, including motor vehicle taxes, other than taxation of personal and real property shall

equal the amount to be received from taxes, and such amount shall be shown on the proposed budget statement filed pursuant to this section. The amount to be raised from taxation of personal and real property, as determined above, plus the estimated revenue from other sources, including motor vehicle taxes, and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, the ensuing year. *(Ref. 13-505 RS Neb.)*

§1-803 FISCAL MANAGEMENT; BUDGET HEARING. Subsequent to the filing of the proposed budget statement, the Governing Body shall publish a proposed budget and conduct a public hearing on the proposed budget statement. Such hearing is to be held separately from any regular scheduled meeting of the governing body and not be limited in time. Notice of the place and time of the said hearing, as well as a copy of the proposed budget, shall be published at least five (5) days prior to the date set for the hearing in a newspaper of general circulation in the Municipality. After such hearing, the statement shall be adopted, or amended, and adopted as amended, and a written record shall be made of such hearing. If the adopted budget statement reflects a change from that shown in the published budget statement, a summary of such changes shall be published within twenty (20) days after adoption. *(Ref. 13-506 RS Neb.)*

§1-804 FISCAL MANAGEMENT; ADOPTED BUDGET STATEMENT; FILING.
The Governing Body shall file with and certify to the levying board on or before September thirtieth (30th) of each year, and file with the Nebraska State Auditors, a copy of the adopted budget statement, together with the amount of tax to be levied, setting out separately the amount to be levied for the payment of principal or interest on bonds issued by the Governing Body and the amount to be levied for all other purposes. Proof of publication shall be attached to the statements. The Governing Body shall not certify any tax that exceeds the maximum levy prescribed by State law, except that in certifying the amount to be so levied, allowance may be made for delinquent taxes not exceeding five percent (5%) of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year. *(Ref. 13-508 RS Neb.)*

§1-805 FISCAL MANAGEMENT; BUDGET PROCEDURE. The Manual of instructions for City/Village: Budgets, prepared by the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska 68509 is incorporated by reference for the purpose of proper budget preparation.

§1-806 FISCAL MANAGEMENT; APPROPRIATIONS. The Governing Body shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill", in which are appropriated such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the Municipality. *(Ref. 17-706 RS Neb.)*

§1-807 FISCAL MANAGEMENT; ALL PURPOSE LEVY. The Governing Body has determined that the amount of money to be raised by taxation shall be certified to the County Clerk in the form of one all-purpose levy instead of certifying a schedule of levies for specific purposes added together. Also see Section 1-825. *(Ref. 19-1309 RS Neb.)*

§1-808 FISCAL MANAGEMENT; EXTRAORDINARY LEVY. Otherwise, authorized extraordinary levies to service and pay bonded indebtedness of the Municipality and to pay judgements obtained against the Municipality may be made in addition to the all-purpose levy. *(Ref. 19-1309 RS Neb.)*

§1-809 FISCAL MANAGEMENT; INADEQUATE VALUATION. If the valuation of the Municipality has been reduced so that the maximum levy permitted by section 1-807 is inadequate to produce the necessary revenue, said maximum levy may be exceeded upon presentation to the Governing Body of petitions signed by a majority of the registered voters of the Municipality requesting such action and specifying the extent to, and the period of time, not to exceed five (5) years, in which such maximum may be exceeded. No signature may be withdrawn after the petitions have been filed with the Governing Body. The Governing Body shall cause such petitions, accompanied by the certificate of the County Clerk that he has examined the petitions and that they have been signed by a majority of the registered voters of the Municipality, to be filed with the County Board in which the Municipality is located. After such filing, the Governing Body may exceed the maximum mill levy to the extent and for the period of time specified in the petitions. *(Ref. 19-1309 RS Neb.)*

§1-810 FISCAL MANAGEMENT; ALL PURPOSE LEVY, ALLOCATION. The Governing Body shall allocate the amount raised by the all-purpose levy to the several departments of the Municipality in its annual budget and appropriation ordinance, or in other legal manner, as the Governing Body shall deem best. *(Ref. 19-1310 RS Neb.)*

§1-811 FISCAL MANAGEMENT; ALL PURPOSE LEVY, ABANDONMENT. The Municipality shall be bound by its election of the all-purpose levy during the ensuing fiscal year, but may abandon such method in succeeding fiscal years. *(Ref. 19-1311 RS Neb.)*

§1-812 FISCAL MANAGEMENT; GENERAL PROPERTY TAX. The Governing Body shall cause to be certified to the County Clerk the amount of tax to be levied upon the assessed value of all the taxable property of the Municipality for the requirements of the adopted budget for the ensuing year, including all special assessments and taxes. The maximum amount of tax which may be certified and assessed shall not require a tax levy in excess of the legal minimum as previously prescribed by State law. *(Ref. 17-702 RS Neb.)*

§1-813 FISCAL MANAGEMENT; EXPENDITURES. No Municipal official shall have the power to appropriate, issue, or draw any order or warrant on the Municipal Treasury for money, unless the same has been appropriated or ordered by ordinance. No expenditure for any improvement to be paid for out of the general fund of the Municipality shall exceed in any one (1) year the amount provided for that improvement in the adopted budget statement. (Ref 17-708 RS Neb.)

§1-814 FISCAL MANAGEMENT CONTRACT. The governing Body shall before making any contract in excess of thirty thousand dollars ($30,000.00) as estimated by the Municipal Engineer, for general improvements, such as water extensions, sewers, public heating system, bridges, or work on streets, or any other work or improvement where the cost of such improvement shall be assessed to the property, advertise for bids. In advertising for bids for any such work, or for the purchase of such equipment, the Governing Body may cause the amount of such estimate to be published therewith.

Such advertisement shall be published at least seven days prior to bid closing in a legal newspaper published in or of general circulation in the Municipality, or by posting a written or printed copy thereof

in each of three (3) public places in the Municipality; provided, that in case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to life, health, or property, or war, estimates of costs and advertising for bids may be waived in the emergency ordinance when adopted by a three-fourths (3/4) vote of the Governing Body.

If, after advertising for bids as provided in this section, the Governing Body receives fewer than two (2) bids on a contract for services, material, or labor, or if the bids received by the Governing Body contain a price which exceeds the estimated cost of the project, the Governing Body shall have the authority to negotiate a contract for services, material, or labor in an attempt to complete the proposed project at a cost commensurate with the estimate given. If the materials are of such a nature, that in the opinion of the manufacturer and with the concurrence of the Governing Body, or Board of Public Works, no cost can be estimated until the materials have been purchased or assembled to the specification of the purchasing Municipality, the Governing Body or Board of Public Works, may authorize the manufacture and assemblage of such materials and may thereafter the estimated cost expenditure when it is provided by the manufacturer.

The Municipal bidding procedure shall be waived when materials or equipment are purchased at the same price and from the same seller as materials or equipment which have formerly been obtained pursuant to the State bidding procedure. *(Ref.17-568.01, 17-613 RS Neb.)*

§1-815 FISCAL MANAGEMENT; ANNUAL AUDIT; FINANCIAL STATEMENTS. The Governing Body shall cause an audit of the Municipal accounts to be made by a qualified accountant as expeditiously as possible following the close of the fiscal year. Such audit shall be made on a cash or accrual method at the discretion of the Governing Body. The said audit shall be completed, and the annual audit report made not later than six (6) months after the close of the fiscal year. The accountant making the audit shall submit not less than three (3) copies of the audit report to the Governing Body. All public utilities or other enterprises which substantially generate their own revenue shall be audited separately, except in Villages having a population of less than eight hundred (800), and the results of such audits shall appear separately in the annual audit report, and such audits shall be on an accrual basis and shall contain statements and materials which conform to generally accepted accounting principles. The audit report shall set forth the financial position and results of financial operations for each fund or group of accounts of the Municipality as well as an opinion by the accountant with respect to the financial statements. Two (2) copies of the annual audit report shall be filed with the Administrative Clerk's office, and will at all times thereafter, be open for inspection. One (1) copy shall be filed with the Auditor of Public Accounts; provided, that all Villages may file an unaudited statement of cash receipts and disbursements annually in lieu of an annual audit. Such unaudited statement shall be filed with the Auditor of Public Accounts in a form prescribed by him. The unaudited statement of cash receipts and disbursements shall become a part of the public records of the Administrative Clerk and shall at all times thereafter be open and subject to public inspection. Every Governing Body that is required herein to submit to an audit of its accounts shall provide and file with the Administrative Clerk, financial statements showing its actual and budgeted figures for the most recently completed fiscal year. *(Ref. 19-2901 through 19-2909 RS Neb.)*

§1-816 FISCAL MANAGEMENT; CLAIMS. All Claims against the Municipality shall be presented to the Governing Body in writing with a full account of the items, and no claim or demand shall be audited or allowed unless presented as provided for in this section. No costs shall be recovered against the

Municipality in any action brought against it for an unliquidated claim which has not been presented to the Governing Body to be audited, nor upon claims allowed in part, unless the recovery shall be for a greater sum than the amount allowed, with the interest due. No order, or warrant shall be drawn in excess of eighty-five percent (85%) of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the Municipal Treasury for the appropriate fund against which it is to be drawn; provided, that in the event there exists obligated funds from the Federal and/or State government for the general purpose of such warrant, then such warrant may be drawn in excess of eighty-five percent (85%), but not more than one hundred percent (100%) of the current levy for the purpose for which said warrant is drawn. *(Ref. 17-714, 17-715 RS Neb.)*

§1-817 FISCAL MANAGEMENT; WARRANTS. All warrants drawn upon the Municipal Treasury must be signed by the Chairman of the Board and countersigned by the Administrative Clerk, stating the particular fund to which the warrant is chargeable, the person to whom it is payable, and the purpose of the expenditure. No money shall be otherwise paid upon warrants so drawn. Each warrant shall specify that amount included of such fund. *(Ref. 17-711 RS Neb.)*

§1-818 FISCAL MANAGEMENT; SPECIAL ASSESSMENT FUND. All money received on special tax assessments shall be held by the Municipal Treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and such money shall be used for no other purpose unless to reimburse the Municipality for money expended for any such improvement. *(Ref. 17-710 RS Neb.)*

§1-819 FISCAL MANAGEMENT; SINKING FUNDS. The Governing Body, subject to the limitations set forth herein, shall have the power to levy a tax not to exceed that prescribed by State law upon the assessed value of all taxable property within the Municipality for a term not to exceed that prescribed by State law in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the Municipality, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, or repair of the approved uses as authorized by State law. To initiate the said sinking fund, the Governing Body shall declare its purpose by resolution to submit to the qualified electors of the Municipality the proposition to provide the improvement at the next general Municipal election. The resolution shall set forth the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed, and the proposition as it will appear on the ballot. Notice of the said proposition shall be published in its entirety three (3) times on successive weeks before the day of the election in a legal newspaper of general circulation in the Municipality. The sinking fund may be established after the election if a majority, or more of the legal votes were in favor of the establishment of the fund. The Governing Body may then proceed to establish the said fund in conformity with the provision of the proposition, and applicable State law. The funds received by the Municipal Treasurer shall, as they accumulate, be immediately invested with the written approval of the Governing Body in the manner provided by State law. No sinking fund so established shall be used for any purpose or purposes contrary to the purpose as it appeared on the ballot unless the Governing Body is authorized to do so by sixty percent (60%) of the qualified electors of the Municipality voting at a general election favoring such a change in the use of the sinking fund. *(Ref., 19-1301 through 19-1304, 77-2337, 77-2339 RS Neb.)*

§1-820 FISCAL MANAGEMENT; DEPOSIT OF FUNDS. The Governing Body, at its first (1st) meeting in each fiscal year, shall designate one (1) or more banks of approved and responsible standing in which the Municipal Treasurer shall keep at all times all money held by him; provided, if more than one (1) bank in the Municipality meets the requirements for approved banks as herein defined, the said funds shall be deposited in each of them, and the Municipal Treasure shall not give a preference to any one (1) or more of them in the money he shall deposit. A bond shall be required from all banks so selected in a penal sum which equals the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or a pledge of sufficient assets of the bank to secure the payment of all such deposits. *(Ref. 18-607, 77-2362 through 77-2364 RS Neb.)*

§1-821 FISCAL MANAGEMENT; INVESTMENT OF FUNDS. Whenever a village has accumulated a surplus of any fund in excess of its current needs or has accumulated a sinking fund for the payment of its bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest of any such bonds of such village may invest during the current year, the governing body of such village may invest any such surplus in certificates of deposit, in time deposits, and in any securities in which the state investment officer is authorized by law and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. *(Ref. 17-608, 17-609, 21-1316.01, 77-2341 RS Neb.)*

§1-822 FISCAL MANAGEMENT; BOND ISSUES. The Governing Body may, after meeting all the requirements of State law, issue bonds, fund bonds, and retire bonds for such purposes as may be permitted by State law. The Governing Body shall have the authority to levy special assessments for the payment of interest and principal on such bonds, and may spread the payments up to the maximum number of years permitted by State law. *(Ref. 10-201 through 10-411, 10-601 through 10-614, 12-1001, 17-529.01, 17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-1801 through 18-1805, 23-343.13, 39-836 RS Neb.)*

§1-823 FISCAL MANAGEMENT; MOTOR VEHICLE TAX. The Governing Body of the city may levy a tax on all motor vehicles owned or used in such city, which tax shall be paid to the county treasurer of the county in which such city is located when the registration fees as provided in sections 60-329 to 60-339, R.S. Neb., are paid. Such taxes shall be credited by county treasurer to the road fund of such city. Such funds shall be used by such city for construction, resurfacing, maintaining, or improving streets, roads alleys, public ways, or parts thereof, for the amortization of bonded indebtedness when created for such purposes. *(Ref. 18-1214 RS Neb.)*

§1-824 FISCAL MANAGEMENT; PROPERTY TAX LEVY AND REQUEST; AUTHORITY TO SET. (1) The property tax request for the prior years shall be the property tax request for the current year for purposes of the levy set by the County Board of Equalization in section 77-1601 RS Neb. Unless the Board of Trustees passes by a majority vote a resolution or ordinance setting the tax request at a different amount. Such resolution or ordinance shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the Municipality at least five (5) days prior to the hearing.

(2) The hearing notice shall contain the following information:

(a) The dollar amount of the prior year's tax request and the property tax rate that was

necessary to fund that tax request;

(b) The property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation; and

(c) The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request.

(3) Any resolution setting a tax request under this section shall be certified and forwarded to the County Clerk prior to October 14 of the year for which the tax request is to apply.

(4) Any tax levy which is not in compliance with this section and section 77-1601 RS Neb. Shall be construed as an unauthorized levy under section 77-1606 RS Neb. *(Ref. 77-1601.02 RS Neb.)*

§1-825 FISCAL MANAGEMENT; PROPERTY TAX LEVY; MAXIMUM; AUTHORITY TO EXCEED. (1) Property tax levies for the support of the Municipality for fiscal years beginning on or after July 1, 1998, shall be limited to the amounts set forth in this subsection (1) except as provided in subsections (3) and (4) of this section. The Municipality may levy a maximum levy of forty-five cents ($.45) per one hundred ($100.00) dollars of taxable valuation of property subject to the levy plus an additional five cents ($.05) per one hundred ($100.00) dollars of taxable valuation to provide financing for the Municipality's share of revenue required under an agreement or agreements executed pursuant to the Interlocal Cooperation Act or the Joint Public Agency Act. The maximum levy shall include amounts levied to pay for sums to support a library pursuant to section 51-201 RS Neb., museum pursuant to section 51-501 RS Neb., visiting community nurse, home health nurse, or home health agency pursuant to section 71-1637 RS Neb., or statue, memorial, or monument pursuant to section 80-202 RS Neb. Property tax levies for judgments obtained against the Municipality which require or obligate the Municipality to pay such judgment, to the extent such judgment is not paid by liability insurance coverage of the Municipality, for preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and for payments by a public airport to retire interest-free loans from the Department of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport are not included in the levy limits established by this subsection (1). The limitations on tax levies provided in this subsection (1) are to include all other general or special levies provided by law. Notwithstanding other provisions of law, the only exceptions to the limits in this subsection (1) are those provided by or authorized by this section. Tax levies in excess of the limitations in this section shall be considered unauthorized levies under section 77-1606 RS Neb. unless approved under subsections (3) or (4) of this section.

(2) (a) All city airport authorities established under the Cities Airport Authorities Act and community redevelopment authorities established under the Community Development Law may be allocated property taxes as authorized by law which are authorized by the Municipality and are counted in the Municipality's levy limit provided by subsection (1) of this section, except that such limitation shall not apply to property tax levies for preexisting lease-purchase contracts approved prior to July 1, 1998, for bonded indebtedness approved according to law and secured by a levy on property, and for payments by a public airport to retire interest-free loans from the Department of Aeronautics in lieu of bonded indebtedness at a lower cost to the public airport. The Board of Trustees shall review and approve or disapprove the levy request of the political subdivisions subject to this subsection (2). The Board of Trustees may approve all or a portion of the levy request and may approve a levy request that would allow a levy greater than that permitted by law. The levy allocated by the Municipality may be exceeded as provided in section 77-3444 RS Neb. On or before August 1, all political subdivisions subject to municipal

levy authority under this subsection (2) shall submit a preliminary request for levy allocation to the Board of Trustees. The preliminary request of the political subdivision shall be in the form of a resolution adopted by a majority vote of member present of the political subdivision's governing body. The failure of a political subdivision to make a preliminary request shall preclude such political subdivision from using procedures set forth in section 77-3444 RS Neb. to exceed the final levy allocation as determined in this subsection (2).

(b) The Board of Trustees shall:

1. Adopt a resolution by a majority vote of members present which determines a final allocation of levy authority to its political subdivisions; and

2. Forward a copy of such resolution to the chairperson of the governing body of each of its political subdivisions.

(c) No final levy allocation shall be changed after September 1 except by agreement between both the Board of Trustees and the governing body of the political subdivision whose final levy allocation is at issue.

3. (a) The Municipality may exceed the limits provided in subsection (1) of this section by an amount not to exceed a maximum levy approved by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to exceed the limits must be approved prior to October 10 of the fiscal year which is to be the first to exceed the limits.

(b) The Board of Trustees may call for the submission of the issue to the voters:

1. By passing a resolution calling for exceeding the limits by a vote of at least two-thirds (2/3) of the members of the Board of Trustees and delivering a copy of the resolution to the County Clerk or Election Commissioner of every county which contains all or part of the Municipality; or

2. Upon receipt of a petition by the County Clerk or Election Commissioner of every county containing all or part of the Municipality requesting an election signed by at least five percent (5%) of the registered voters residing in the Municipality.

(c) The resolution or petition shall include the amount of levy which would be imposed in excess of the limits provided in subsection (1) of this section and the duration of the excess levy authority. The excess levy authority shall not have a duration greater than five (5) years. Any resolution or petition calling for a special election shall be filed with the County Clerk or Election Commissioner no later than thirty (30) days prior to the date of the election, and the time of publication and providing a copy of the notice of election required is section 32-802 RS Neb. shall
be no later than twenty (20) days prior to the election. The County Clerk or Election Commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least thirty (30) days after receipt of the resolution or petition. The election shall be held pursuant to the Election Act. For petitions filed with the County Clerk or Election Commissioner on or after May 1, 1998, the petition shall be in the form as provided in sections 32-628 RS Neb. Any excess levy authority approved under this subsection (3) shall terminate pursuant to its terms, on a vote of the Board of Trustees to terminate the authority to levy more than the limits, at the end of the fourth fiscal year following the first year in which the levy exceeded the limit, or as provided in subsection (5) of this section, whichever is earliest. The board of Trustees may pass no more than one resolution calling for an election pursuant to this subsection (3) during any one calendar year. Only one election may be held in any one calendar year pursuant to a petition initiated under this subsection (3). The ballot question may include any terms and conditions set forth in the resolution or petition and shall include the language specified in section 77-

3444 RS Neb. If a majority of the votes cast upon the ballot question are in favor of such tax, the County Board shall authorize a tax in excess of the limits in subsection (1) of this section, but such tax shall not exceed the amount stated in the ballot question. If a majority of those voting on the ballot question are opposed to such tax, the Board of Trustees shall not impose such tax. The County Clerk of Election Commissioner may set a uniform date for a special election to be held before October 10, 1998, to submit the issue of exceeding the limits provided in section 77-3442 RS Neb. or final levy allocation as provided in section 77-3443 RS Neb. to the voters of political subdivisions in the county seeking additional levy authority. The Municipality may individually or in conjunction with one or more other political subdivisions conduct a special election on a date different than that set by the County Clerk of Election Commissioner, except election for this purpose and deliver a copy of the resolution to the County Clerk or Election Commissioner no later than thirty (30) days prior to the date of the election.

(4) In lieu of the election procedures in subsection (3) of this section, the Municipality may approve a levy in excess of the limits in subsection (1) of this section for a period of one (1) year at a meeting of the residents of the Municipality, called after notice is published in a newspaper of general circulation in the Municipality at least twenty (20) days prior to the meeting. At least ten percent (10%) of the registered voters residing in the Municipality shall constitute a quorum for purposes of taking action to exceed the limits. If a majority of the registered voters present at the meeting vote by secret ballot in favor of exceeding the limits, a copy of the record of that action shall be forwarded to the County board prior to October 10 and the County Board shall authorize a levy as approved by the residents for the year. If a majority of the registered voters present at the meeting vote against exceeding the limits or final allocation, the limit or allocation shall not be exceeded and the Municipality shall have no power to call for an election under subsection (3) of this section.

(5) (a) The Municipality may rescind or modify a previously approved excess levy authority prior to its expiration by a majority of registered voters voting on the issue in a primary, general, or special election at which the issue is placed before the registered voters. A vote to rescind or modify must be approved prior to October 10 of the fiscal year for which it is to be effective.

(b) The Board of Trustees may call for the submission of the issue to the voters:

1. By passing a resolution calling for the rescission or modification by a vote of at least two-thirds (2/3) of the members of the Board of Trustees and delivering a copy of the resolution to the County Clerk or Election Commissioner of every county which contains all or part of the municipality; or

2. Upon request of a petition by the County Clerk of Election Commissioner of every county containing all or part of the Municipality requesting an election signed by at least five percent (5%) of the registered voters residing in the Municipality.

(c) The resolution or petition shall include the amount and the duration of the previously approved excess levy authority and a statement that either such excess levy authority will be rescinded or such excess levy authority will be modified. If the excess levy authority will be modified, the amount and duration of such modification shall be stated. The modification shall not have a duration greater than five (5) years. The County Clerk or election Commissioner shall place the issue on the ballot at an election as called for in the resolution or petition which is at least thirty (30) days after receipt of the resolution or petition, and the time of publication and providing a copy of the notice of election required in section 32-802 RS Neb. shall be no later than twenty (20) days prior to the election. The election shall be held pursuant to the Election Act. *(Ref. 77-3442 through 77-3444 RS Neb.)*

§1-826 FISCAL MANAGEMENT; REVISION OF BUDGET. (1) Unless otherwise provided by law, the Governing body may propose to revise the previously adopted budget statement and shall conduct a public hearing on such proposal, whenever during the current fiscal year it becomes apparent to the Governing Body that:

(a) There are circumstances which could not reasonably have been anticipated at the time the budget for the current year was adopted;

(b) The budget adopted violated sections 13-518 to 13-522 RS Neb., such that the revenue of the current fiscal year for any fund thereof will be insufficient, additional expenses will be necessarily incurred, or there is a need to reduce the budget requirements to comply with sections 13-518 to 13-522 RS Neb.; or

(c) The Governing Body has been notified by the State Auditor of a mathematical or accounting error or noncompliance with the Nebraska Budget Act.

(2) Notice of the time and place of the hearing shall be published at least five (5) days prior to the date set for hearing in a newspaper of general circulation within the Governing Body's jurisdiction. Such published notice shall set forth the following:

(a) The time and place of the hearing;

(b) The amount in dollars of additional or reduced money required and for what purpose;

(c) A statement setting forth the nature of the unanticipated circumstances and, if the budget requirements are to be increased, the reasons why the previously adopted budget of expenditures cannot be reduced during the remainder of the current year to meet the need for additional money in the manner; and

(d) A copy of the summary of the originally adopted budget previously published.

(3) At such hearing any taxpayer may appear or file a written statement protesting any application for additional money. A written record shall be kept of all such hearings.

(4) Upon conclusion of the public hearing on the proposed revised budget and approval of the proposed revised budget by the Governing Body, the Governing Body shall file with the County Clerk of the county or counties in which such Governing Body is located, and with the State Auditor, a copy of the revised budget, as adopted, and shall certify the revised amount of tax to be levied. The Governing Body may then issue warrants in payment for expenditures authorized by the adopted revised budget. Such warrants shall be referred to as registered warrants and shall be repaid during the next fiscal year from funds derived from taxes levied therefor.

(5) Within thirty (30) days after the adoption of the budget under section 13-506 RS Neb., a governing Body may, or within thirty (30) days after notification of an error by the State Auditor, a Governing Body shall, correct an adopted budget which contains a clerical, mathematical, or accounting error which does not affect the total amount budgeted by more than one percent (1%) or increase the amount required from property taxes. No public hearing shall be required for such a correction. After correction, the governing Body shall file a copy of the corrected budget with the County Clerk of the county or counties in which such Governing Body is located and with the State Auditor. The Governing Body may then issue warrants in payment for expenditures authorized by the budget. *(Ref. 13-511 RS Neb.)*

Article 9. Compensation

§1-901 COMPENSATION; MUNICIPAL OFFICIALS. The Compensation of any elective official of the Municipality shall not be increased or diminished during the term for which he shall have been elected except when there has been a merger of offices; Provided, the compensation of the members of the Governing Body, a board, or commission may be increased or diminished at the beginning of the full term of any member whether or not the terms of one or more members commence and end at different times. No elected officials may be rehired at a greater salary if he resigns and desires to be rehired during the unexpired term of office. He may be rehired after the term of office during which he resigned at a greater salary. All salaries shall be set by ordinance of the Governing Body and will be available for public inspection at the office of the Municipal Clerk. *(Ref. 17-209.02, 17-612 RS Neb.)*

§1-902 COMPENSATION; CONFLICT OF INTEREST. For purposes of this Section officer shall mean (a) any member of any Board or Commission of the Municipality, (b) any Appointed Official if such Municipal Official (i) serves on a Board or Commission which spends and administers its own funds and (ii) is dealing with a contract made by such Board or Commission, or (c) any elected Municipal Official. Unless specifies otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this Section, with respect to their duties as firefighters and ambulance drivers.

No officer of the Municipality shall be permitted to benefit from any contract to which the Municipality is a party. The existence of such an interest in any contract renders the contract voidable by degree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. An action to have a contract declared void under this Section may be brought by the Municipality or by any resident thereof and must be brought within one (1) year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor, or services furnished under the contract, to the extent that the Municipality has benefitted thereby. The prohibition in this Section shall apply only when the officer or his or her parent, spouse, or child (a) has a business with which the individual is associated or business association which shall mean a business: (1) in which the individual is a partner, director, or officer or (2) in which the individual or a member of the individual's immediate family is a stockholder of a closed corporation stock worth one thousand ($1,000.00) dollars or more at fair market value or which represents more than five percent (5%) equity interest, or is a stockholder of publicly traded stock worth ten thousand ($10,000.00) dollars or more at fair market value or which represents more than ten percent (10%) equity interest or (b) will receive a direct pecuniary fee or commission as a result of the contract; Provided however, if such officer (a) is an employee of the business involved in the contract and (b) has no ownership interest or will not receive a pecuniary fee such officer shall not be deemed to have an interest within the meaning of this Section.

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

A. Makes a declaration on the record to the Governmental Body responsible for approving the contract regarding the nature and extent of his or her interest, prior to official consideration of the contract.
B. Does not vote on the matter of granting the contract, except that if the number of members of the Board declaring an interest in the contract would prevent the Board, with all members present,

from securing a quorum on the issue, then all members may vote on the matter; and

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

The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any Municipality by a financial institution shall not be considered a contract under the provisions of this Section. The ownership of less than five percent (5%) of the outstanding shares of a corporation shall not constitute an interest within the meaning of this Section. Notwithstanding the provisions of subsections, A thru C above, is an officer's parent, spouse or child is an employee of the Municipality, the officer may vote on all issues of the contract which are generally applicable to all employees or all employees within a classification and do not single out his or her parent, spouse, or child for special action. If an officer has the power to employ personnel and he or she hires his or her parent, spouse, or child, such officer shall disclose the hiring pursuant to subsections 1 thru 5 below, except that if the parent, spouse, or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made. Notwithstanding any other provision of this Section, any contract entered into with an interested officer shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the Municipality.

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

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

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

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

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

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

No officer, including volunteer firefighters and ambulance drivers, shall receive any pay or perquisites from the Municipality other than his or her salary. The Governing Body shall not pay or appropriate any money or than valuable thing to pay a person who is not an officer for the performance of any act, service, or duty, which shall come within the proper scope of the duties of any officer of the Municipality. *(Ref. 17-611, 18-305 thru 18-312, 49-14, 103.01 thru 49-14, 103.03, 70-624.04 RS Neb.)*

§1-903 SALARIES OF OFFICIALS. The salaries of the elected and appointed officials of the Municipality of Shelton, Nebraska, shall be on file in the office of the Administrative Clerk and subject to public inspection at any reasonable time.

Article 10. Intergovernmental Risk Management

§1-1001 <u>INTERGOVERNMENTAL RISK MANAGEMENT; AUTHORITY</u>. The Governing Body and any one or more public agencies, as defined in section 44-4303 RS Neb., may make and execute an agreement providing for joint and cooperative action in accordance with sections 44-4301 through 44-4339 RS Neb., to form, become member of, and operate a risk management pool for the purposes of providing to member risk management services and insurance coverages in the form of group self-insurance or standard insurance, including any combination of group self-insurance and standard insurance, to protect members against losses arising from any of the following:

A. General liability;
B. Damage, destruction, or loss or real or personal property, including but not limited to, loss of use or occupancy, and loss of income or extra expense resulting from loss of use or occupancy;
C. Errors and omissions liability; and
D. Worker's compensation liability.

(Ref. 44-4301 through 44-4339 RS Neb.)

Article 11. Indemnification

§1-1101 OFFICERS AND EMPLOYEES; ACTION AGAINST; DEFENSE; PAYMENT OR JUDGMENT; LIABILITY INSURANCE. The Village of Shelton shall indemnify all officers, agents, and employees of the Village with respect to threatened, pending or completed civil or criminal proceedings to the full extent required or permitted by law. Without in anyway limiting the forgoing, the Village:

(1) May indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action, suit, or proceeding, whether civil, criminal, administrative, or investigative, other than an action by or in the right of the Village, by reason of the fact that such person is or was the Chairman, a member of the Village Board or an officer, employee, or agent of the Village, against expenses, including attorney's fees, judgments, fines, and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding if such person acted in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the Village and, with respect to any criminal action or proceeding, had no reasonable cause to believe that his or her conduct was unlawful. The termination of any action, suit, or proceeding by judgment, order, settlement, or conviction or upon a plea of nolo contendere or its equivalent shall not of itself create a presumption that such person did not act in good faith and in a manner which he or she reasonably believed to be or not opposed to the best interests of the Village and, with respect to any criminal action or proceeding, had reasonable cause to believe that his or her conduct was unlawful.

(2) To the extent the Chairman, a member of the Village Board or an officer, employee, or agent of the Village, has been successful on the merits or otherwise in defense of any action, suit, or proceeding referred to in paragraph (1) above, or in defense of any claim, issue, or matter in such action, suit, or proceeding, he or she shall be indemnified against expenses, including attorney's fees, actually and reasonably incurred by him or her in connection with such defense.

(3) The Village may indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending, or completed action or suit by or in the right of the Village to procure a judgment in its favor by reason of the fact that such person is or was the Chairman, a member of the Village Board or an officer, employee, or agent of the Village, against expenses, including attorney's fees, actually and reasonably incurred by him or her in connection with the defense or settlement of such action or suit if such person acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interests of the Village, except that no indemnification shall be made in respect of any claim, issue, or matter as to which such person was adjudged to be liable for negligence or misconduct in the performance of his or her duty to the Village.

(4) Any indemnification under the provisions of this Article shall be made by the Village only as authorized in the specific case upon a determination that indemnification of the Chairman, a member of the Village Board or an officer, employee, or agent of the Village is proper in the circumstances because he or she has met the applicable standard of conduct set forth in this Article.

Such determination shall be made by the Village Board Members by a majority vote of a quorum consisting of Village Board Members who were not parties of such action, suit, or proceeding or, if such a quorum is not obtainable or even if obtainable a quorum of disinterested Board members so directs, by legal counsel in a written opinion.

(5) Expenses incurred in defending a civil or criminal action, suit, or proceeding may be paid by the Village in advance of the final disposition of such action, suit, or proceeding as authorized in the

manner provided in paragraph (4) above upon receipt of an undertaking by or on behalf of the Chairman, member of the Village Board or an officer, employee, or agent of the Village to repay such amount unless it is ultimately determined that he or she is entitled to be indemnified by the Village as authorized in this Article.

(6) The indemnification provided by this Article shall not be deemed exclusive of any other rights to which the person indemnified may be entitled under any agreement, either as to action in his or her official capacity or as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be the Chairman, a member of the Village Board or an officer, employee, or agent of the Village and shall inure to the benefit of the heirs, executors, and administrators of such person.

Article 12. Penal Provision

§1-1201 VIOLATIONS; PENALTY. (1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred ($500.00) dollars. A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

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

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. *(Ref 17-207, 17-505, 18-1720, 18-1722 RS Neb.)*

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CHAPTER 2

COMMISSIONS AND BOARD

Article 1. Standing Committees

§2-101 STANDING COMMITTEES; GENERAL PROVISIONS. At the organizational meeting of the Village Board, the Village Chairman shall appoint members of such standing committees as the Village Board may by ordinance, or resolution, create. The membership of such standing committees may be changed at any time by the Village Chairman. The Village Chairman shall be member ex officio of each standing committee. The members of the standing committees shall serve a term of office of one (1) year, unless reappointed.

The following standing committees shall be appointed or reappointed each year until changed by the Governing Body:

Board of Health
Police Commissioner
Sewer and Water
Street and Alley
Park and Pool

§2-201 BOARD OF HEALTH. (1) the Governing Body shall appoint a Board of health which shall consist of three (3) members. The members of the Board shall include the Chairperson of the Board of Trustees, who shall serve as Chairperson and two (2) other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the Board's medical advisor. The Village Chief of Police may be appointed to the Board as Secretary and quarantine officer. The members of the Board shall serve, without compensation, a one (1) year term of office, unless reappointed and unless removed by the Chairperson of the Board of Trustees with the advice and consent of the Trustees.

(2) The Secretary shall keep full and correct minutes and records of all meetings and file the same with the Municipal Clerk where they shall be available for public inspection during office hours. The Board of Health shall be funded by the Governing Body from time to time out of the General Fund. A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the Governing Body may designate. Special meetings may be held upon the call of the Chairperson, or any two (2) members of the Board.

(3) The Board shall enact rules and regulations, which shall have the full force and effect of law, to safeguard the health of the people of the Municipality. The Board shall enforce the rules and regulations and provide fines and punishments for any violations thereof. It may regulate, suppress, and prevent the occurrence of nuisances and enforce all laws of the State of Nebraska and ordinances of the Municipality relating to nuisances and to matters of sanitation which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the Governing Body may direct. All members of the Board shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate. *(Ref. 17-208 RS Neb.)*

§2-202 PLANNING COMMISSION. (1) The Planning Commission shall consist of three (3) regular members who shall present, in so far as is possible, the different professions or occupations in the Municipality and shall be appointed by the Chairperson, by and with the approval of a majority vote of the members selected to the Board of Trustees. One (1) of the regular members may be residents of the area over which the Municipality is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the Municipality exercises extraterritorial zoning and subdivision regulation, one (1) regular member of the Commission shall be a resident from such area. It is determined by the Board of Trustees 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 two hundred (200) residents. The term of each regular member shall be three (3) years, except that approximately one-third (1/3) of the regular members of the first Commission shall serve for the terms of one (1) year, one-third (1/3) for the terms of two (2) years, and one-third (1/3) for terms of three (3) years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the Board of Trustees, be removed by the Chairperson with the consent of a majority vote of the member elected to the Board of trustees for inefficiency, neglect of duty or malfeasance in office, or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the Chairperson.

(2) 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 section 19-908 RS Neb. All members of the Commission may be required, at the discretion of the Chairperson and Board of Trustees, to give bond in a sum set by resolution of the Board of Trustees, and conditioned upon the faithful performance of their duties. The planning commission of a city of the first class, city of the second class, or village shall elect its chairperson from its members and create and fill such other of its offices as it may determine. The term of the chairperson 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 as provided in this section. The city council or village board of trustees may require the commission to meet more frequently and the chairperson of the commission may call for a meeting when necessary to deal with business pending before the commission. If no business is pending before the commission, the chairperson may cancel a quarterly meeting, but no more than three quarterly meetings may be canceled per calendar year. 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. At the time of the Commission's first (1st) meeting in January of each year, the Commission shall organize by selecting from its membership a Chairman and Secretary. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the Municipal Clerk where they shall be available for public inspection during office hours. The Commission shall be funded by the Board of Trustees from time to time out of the General Fund. 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. Special meetings may be held upon the call of the Chairman, or any three (3) members of the Commission. It shall be the duty of the Commission to make and adopt plans for the physical development of the Municipality, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of the Municipality. All actions by the Commission shall be subject to the review and supervision of the Chairperson and Board of Trustees. Recommendations from the Commission shall be received by the Board of Trustees within thirty (30) days after the Commission begins consideration of a matter relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning. The Commission shall be responsible for making such reports and performing such other duties as the Chairperson and Board of Trustees may, from time to time, designate. No member of the Board of Trustees, or other Municipal official, except where otherwise specifically provided, shall serve as a member of the Commission while serving any other term of office. No member of the Commission shall serve in the capacity for both the Chairman and Secretary of the Commission.

(3) The Chairperson, with the approval of a majority vote of the elected members of the Board of Trustees, shall appoint one (1) alternate member to the Commission. The alternate member shall serve without compensation and shall hold no other Municipal office. The term of the alternate member shall be three (3) 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 Chairperson with the approval of a majority vote of the elected members of the Board of Trustees. 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. *(Ref. 19-924 through 19-929 RS Neb.)* (Updated July 9, 2026 – Ordinance 882)

§2-203 BOARD OF ADJUSTMENT. The Village Board of Trustees shall constitute the Board of Adjustments. The Board of Adjustment shall be funded from time to time out of the General Fund by the Governing Body. Meetings of the Board shall be held at such times as the Governing Body may designate, or at such other times as the Chairman may, in his discretion call a meeting. Special meetings may be also held upon the call of any three (3) member of the Board. A majority of the board shall constitute a quorum for the purpose of doing business. It shall be the duty of the Board to hear and decide appeals where it is alleged that there is error in any order, requirement, decision, or determination made by a Municipal official based on any zoning ordinance of the Municipality; to hear and decide in accordance with the provisions of any zoning ordinance, requests for interpretation of any map; and authorize a variance from the strict application of any zoning ordinance if it is found that specific piece of property, due to exceptional specifications existing at the time of passage of the said ordinance, would result in exceptional difficulties and undue hardship; provided, that no variance shall be granted if the undue hardship appears to affect the property in the district generally, or if the situation of the property concerned appears to be so general or recurring in nature as to make reasonably practicable, the formulation of a general regulation to be adopted by the Governing Body as an ordinance. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination made by any Municipal official on any matter which was governed by any Municipal zoning ordinance. The Board shall be responsible for making such reports and preforming such other duties as the Governing Body may designate. No member of the Governing Body shall serve as a member of the Board of Adjustment except as herein provided. No member of the Board of Adjustment shall serve in the capacity of both Chairman and Secretary of the Board. *(Ref. 19-907 through 19-910, 84-155 RS Neb.)*

§2-204 BOARD OF PARK COMMISSIONERS. *Repealed*

§2-205 HOUSING AUTHORITY BOARD. The Governing Body shall appoint five (5) persons who shall constitute the Housing Authority and such persons shall be called the Commissioners. One (1) Commissioner shall be appointed each year. Each Commissioner shall serve a five (5) year term of the office or until his successor is duly appointed; provided, that all vacancies shall be filled for the unexpired terms. The Governing Body may appoint one (1) of its members to serve as one of the five (5) members of such Housing Authority for such term as the Governing Body may determine. No person shall serve as a Commissioner unless he or she resides with the area of operation of that Housing Authority. A certificate of the appointment or reappointment of any Commissioner shall be filed with the Administrative Clerk and such certificate shall be conclusive evidence of the proper appointment of such Commissioner. A Commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his duties. A majority of Commissioners shall constitute a quorum of the Authority for the purpose of conducting its business, exercising its powers, and for all other purposes. Action may be taken by the Authority upon the vote of the majority of the Commissioners present unless in any case the bylaws of the Authority shall require a larger number. The Commissioners shall elect a Chairman and vice-Chairman from among the Commissioners and shall have the power to employ an executive director who shall serve as ex officio Secretary of the Authority. The Authority may also employ legal counsel, or it may call upon the chief law officer of the Municipality, for such services as it may require. It may employ technical experts and such other officers, agents, and employees as it may require and shall determine their qualifications, duties, compensations, and terms of the office. The Authority may delegate such other powers and duties to its

agents or employees as it may deem proper. During his tenure, and for one (1) year thereafter, no commissioner, officer, or employee of the Municipal Housing Authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any housing project. If any such commissioner, officer, or employee involuntarily acquires any such interest, or voluntarily or involuntarily acquire such interest prior to appointment or employment as commissioner, officer, or employee, he shall immediately disclose his interest in writing to the Authority, and such disclosure shall be entered upon the minutes of the Authority, and he shall not participate in any action by the Authority relating to the property or contract in which he has any such interest; provided, that nothing herein shall apply to the acquisition of any interest in notes or bonds of the Authority issued in connection with any housing project, or to the execution of agreements by banking institutions for deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services, the rates for which are fixed or controlled by a governmental agency. The Chairman may remove a Commissioner for neglect of duty or misconduct in office in the manner prescribed hereinafter. The Chairman shall send a notice of removal to such Commissioner which notice shall contain a statement containing the charges against him. Unless within ten (10) days from the receipt of such notice, such Commissioner files with the Clerk a request for a hearing before the Governing Body, the Commissioner shall be deemed as removed from office. If a request for a hearing is filed with the Clerk, the Governing Body of the Municipality shall hold a hearing at which the Commissioner shall have the right to appear in person or by counsel and the Governing Body shall determine whether the removal shall be disapproved or upheld. If the removal is disapproved, the Commissioner shall continue to hold his position.

The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make a report to the Governing Body on all such information. *(Ref. 71-1524 through 71-1526, 71-1552 RS Neb.)*

§2-205.01 HOUSING AUTHORITY; CONTINUED EXISTENCE AS HOUSING AGENCY. (1) The local housing authority established under prior state law and in existence on January 1, 2000, shall have continued existence as a housing agency under the Nebraska Housing Agency Act.

(2) The local housing agency shall conduct its operations consistent with the Nebraska Housing Agency Act. All property, rights in land, buildings, records, and equipment and any funds, money, revenue, receipts, or assets of the authority belong to the agency as successor. All obligations, debts, commitments, and liabilities of the successor agency.

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

(4) All commissioners of the local housing agency and all officers, legal counsel, technical experts, directors, and other appointees or employees of the agency holding office or employment by virtue of any such prior law on January 1, 2000, shall be deemed to have been appointed or employed under the Nebraska Housing Agency Act. *(Ref 71-1576 RS Neb.)*

§2-206 HOUSING AUTHORITY; OWNERSHIP. The Municipal Housing Authority is owned by the Municipality and operated through the Housing Authority Commission. The Housing Authority shall constitute a body corporate and politic, and shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Nebraska Housing Authority Law. *(Ref 71-1529 RS Neb.)*

§2-207 HOUSING AUTHORITY; DEFINITIONS. Except as otherwise specifically provided, the definitions and terms set out in the Nebraska Statutes relating to Housing Authorities under the Nebraska Housing Authority Law are hereby adopted by reference as they now exist or may hereafter be amended. *(Ref 71-1522 RS Neb.)*

§2-208 HOUSING AUTHORITY; OPERATION AND MANAGEMENT. The Authority shall at all times observe the following duties with respect to rentals and tenant selection:

1. It may rent or lease dwelling accommodations therein only to persons of low income, elderly, or handicapped persons of low income, and displaced persons in need.
2. There shall be no discrimination in the eligibility or occupancy of tenants on the basis of race, religion, color, creed, national origin, or ancestry.
3. The Authority shall not accept any person as a tenant in any dwelling in the housing project if the applicant has an annual income which equals or exceeds the amount which the Authority has conclusively determined to be sufficient to enable one to secure, safe, sanitary, and uncongested dwelling accommodations within the area served by the Authority and to provide an adequate standard of living.
4. The Authority may rent or lease to a tenant a dwelling consisting of a number of rooms which is deemed necessary to provide safe and sanitary accommodations to the occupants without overcrowding.
5. The Authority shall fix income for occupancy and rents after taking into consideration:
    a. The family size, composition, age, physical handicaps, and other factors which might affect the rent-paying ability of the person.
    b. The economic factors which affect the financial stability and solvency of the project.
6. The Authority may accept as a tenant any displaced person or persons in need, regardless of income, but in no event shall such person or person remain as a tenant or tenants of the Authority for more than a period of six (6) months unless such persons also qualify as persons of low income, elderly, or handicapped persons of low income.
7. All persons of low income, elderly, or handicapped persons of low income, or displaced person in need, shall be entitled to the benefits of this Article and the Authority may establish rules and regulations consistent with the purposes of this Article concerning eligibility and occupancy of the housing project or other such shelter.
8. Nothing herein shall prohibit the right of the Authority to inquire into the financial condition, family composition, medical, personal, and employment history or any tenant or prospective tenant.
9. The Authority shall prohibit subletting by tenants.

(Ref. 71-1536 RS Neb.)

§2-209 HOUSING AUTHORITY; RULES AND REGULATIONS. The Housing Authority may establish from time-to-time rules and regulations consistent with the purposes of this Article concerning the priority of eligible applicants for occupancy. The Authority may give preferential treatment to applicants who are servicemen or veterans, relatives of servicemen or veterans, to disabled servicemen or

veterans, the elderly or disabled, those in urgent need of adequate housing or who have no adequate source of income, provided, that in any such system of priority, displaced persons in need shall have a priority ahead of all other persons; and provided further, that no tenant in good standing then in occupancy and qualified for continued occupancy shall have his tenancy terminated in order to provide dwelling units for classes or categories of applicants as the Authority may establish. *(Ref. 71-1547 RS Neb.)*

§2-210 HOUSING AUTHORITY; REPORTS. The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make an annual report at the second (2nd) regular meeting in January of each year to the Governing Body. *(Ref. 71-1552 RS Neb.)*

§2-211 HEALTH CENTER BOARD. *Repealed*

§2-212 SWIMMING POOL BOARD. *Repealed*

§2-213 TREE BOARD. The Governing Body shall appoint A Tree Board consisting of five (5) members who shall be residents and citizens of the Village. The members of the Board shall serve a three (3) year term unless reappointed except that the term of two (2) of the members appointed to the first Board shall be for only one (1) year, and the term of two (2) members of the first Board shall be only for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. The Board shall serve without compensation and may be required, in the discretion of the Board of Trustees of the Village, to give a bond in a sum set by resolution of the Board, and conditioned upon the faithful performance of their duties. It shall be the responsibility of the Board to study, investigate, counsel, develop and administer and/or update annually a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along street and in other public areas. Such plan shall be presented annually to the Village Board and upon acceptance and approval shall constitute the official comprehensive Village Tree Plan for the Village of Shelton. The Tree Board, when requested by the Village Board, shall consider, investigate, make findings, report and recommend, upon any special matter or question coming within the scope of its work. The Tree Board shall establish rules and regulations establishing proper spacing of street trees and a species list of street trees. Said species list may exclude certain species found by the Board to be unsafe, subject to disease or improper for the region. The 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.

§2-214 TREE BOARD; DEFINITION. "Street Trees" are hereby defined as any trees, shrubs, bushes, or other woody vegetation on land lying between property lines on either side of all streets, avenues or ways within the Village of Shelton.

"Park Trees" are hereby defined to mean all trees, shrubs, bushes, or other woody vegetation in public parks having individual names and all areas owned by the Village or to which the public has free access as a park.

§2-215 TREE BOARD; MINIMUM SPACING. The spacing of street trees will be in accordance with the tree species size classes listed in the Tree Board rules and regulations, and no trees may be planted closer together than the following: small trees, thirty (30) feet; medium trees, forty (40) feet; and large

trees, fifty (50) feet; except a special planting designed or approved by a landscape architect.

§2-216 TREE BOARD; TREE DISTANCE, CURB AND SIDEWALK, STREET CORNERS AND FIRE PLUGS. The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the tree species size classes listed in the Tree Board's rules and regulations and no tree may be planted any closer to any curb or sidewalk than the following; small tree, two (2) feet; medium trees, three (3) feet; and large trees, four (4) feet.

No street tree shall be planted closer than thirty-five (35) feet of any street corner, measured from the point of the nearest intersecting curb or curb line. No street tree may be planted within ten (10) feet of any fire plug.

§2-217 TREE BOARD; STREET TREES; UTILITY LINES. No street other than those species listed as small trees in the rules and regulations of the Tree Board may be planted under or within (10) lateral feet of any overhead utility wire or over or within ten (10) lateral feet of any underground water line, sewer line, transmission line or other utility.

§2-218 TREE BOARD; PUBLIC TREE CARE. The Village 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. The Village may remove or cause or order to be removed any tree or part thereof, which is in unsafe condition or which may be reason of its' nature injurious to sewers, electric power lines, gas lines, water lines, or other public improvements or is diseased or infected or infested by insects or other pests. Furthermore, the Village may take necessary action to remove injurious trees declared to be a nuisance in accordance with Section 8-103 of the Municipal Code.

The provisions of this act and section so not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with the rules and regulations of the Tree board.

§2-219 TREE BOARD; REMOVAL OF STUMPS. All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stumps shall not project above the surface of the ground.

§2-220 TREE BOARD; APPEAL OF DECISIONS. Any decision or action of the Tree Board may be appealed by any person to the Village Board whom may hear the matter and make a final decision.

Article 3. Penal Provision

§2-301 <u>VIOLATIONS; PENALTY</u>. (1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction there of shall be fined in any sum not exceeding five hundred ($500.00) dollars. A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

(2) (a) Whenever a nuisance exists as defined int his chapter, the Municipality may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case
(Ref. 17-207, 17-505, 18-1720, 18-1722 RS Neb.)

Article 4. Library Board

§2-401 ESTABLISHMENT. It is hereby established in the Village of Shelton a Public Library and Reading Room.

§2-402 TO BE FREE TO THE INHABITANTS OF SHELTON, NEBRASKA. The use of the library and reading room established under this Chapter shall be forever free to the inhabitants of the Village, subject to the rules and regulations of the Library Board.

§2-403 LIBRARY BOARD; COMPENSATION; TERMS. The Library Board shall consist of five members, to be appointed by the Chairman and confirmed by the Board of Trustees of the Village of Shelton. The members of said board shall be residents of the Village of Shelton. Neither the Chairman nor any member of the Village Board shall be a member of the Library Board. Terms of office shall be for a four-year period with the Board positions terminating January 1st of the year their respective terms expire. The initial term of office shall consist of two two-year term members and three four-year term members to be designated by the appointing authority.

In cases of vacancies by resignation, removal or otherwise, the Chairman and the Village Board shall make a presence to fill such vacancies for the unexpired term.

No Board member shall receive any pay or compensation for any services rendered as a member of the Board. *(Ord. No. 862, 2023)*

§2-404 LIBRARY BOARD; ORGANIZATION; RULES. The Library Board shall immediately after our appointment, meet and organize by electing one of the members President and one Secretary, and such other officers as they shall deem advisable. Three members of the Board shall be a quorum to transact business, and such Board shall have the power to make and adopt such Bylaws, Rules and Regulations for its guidance and for the government of the Library and Reading Room that they may deed expedient, subject to the supervision and control of the Village Board. Such Board shall have exclusive control of the expenditures of all monies collected or donated to the credit of the Library Fund and to renting or construction of any Library building, to supervision, care and custody of the grounds, rooms or buildings, constructed, based, or set apart for that purpose.

§2-405 LIBRARY BOARD; POWER GENERALLY. The Board of Directors of the Public Library shall have the power to purchase or lease grounds, to exercise the power of imminent domain and to condemn real estate for the purpose of securing a site for a Library building; to erect, lease or occupy any appropriate building for the use of such Library; to appoint a suitable Librarian and assistants, to pick such compensation and to remove their appointments in accordance with the personnel rules of the Village of Shelton; to establish regulations for the government of such Library as may be deemed necessary for preservation and to maintain its usefulness and efficiency; to fix and impose by general rules, penalties and forfeitures for the trespassers or injury upon or to the Library, grounds, rooms, books or other property, for the failure to return any book, or for any violation of any Bylaw or regulation; and to exercise such power as may be necessary to carry out the spirit and intent of Nebraska Revised Statute Section 51-201 through Section 51-219 as amended, and to carry out the provisions of this Article and establishing and maintaining the Public Library and Reading Room.

§2-406 DONATIONS. Any person may make a donation of money or land to the benefit of the Public Library and the title to property so donated maybe made to and shall rest in the Library Board and its successors in office and such Board shall thereby become the owners thereof in trust for the use of the Public Library.

§2-407 PRIVATE BOOKS AND WORKS OF ART. The Library Board shall have the power to authorize any circulating library reading matter or works of art for any person to be deposited in the Public Library room and to be drawn out or used outside of the Library room only on payment of such fees as the person owning the same may require. Deposits of such reading matter or works of art may be removed by the owner thereof at their pleasure. The books or other reading matter so deposited in the rooms of the Public Library shall be separately and distinctively marked and kept upon the shelves apart from the books of the Public Library and every such Public Library or other property so deposited in the Public Library, while are so placed or remaining therein, shall be subject to the use and reading within the Library room, without charge, of anyone entitled to the free use of the Public Library.

§2-408 LIBRARY FUND. Any tax levied or collected or funds for the benefit of the Public Library shall be kept for the use of such Library separate and apart from all other funds of the City and shall be drawn upon by the proper officers upon the authenticated vouchers of the Library Board, and shall not be used or disbursed for any other purpose.

§2-409 LIBRARY PENALTIES. Penalties unpaid or accruing by any Bylaw or regulation of the Library Board may be recovered in a civil action. Such action shall be instituted in the name of the Library Board and moneys collected in such action shall be forthwith placed in the City treasury to the credit of the Library fund.

§2-410 AMENDMENT OF LIBRARY RULES. Any Bylaw or regulation established by the Library Board may be amended or annulled by the Village Board of Trustees."

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CHAPTER 3

DEPARTMENTS

Article 1. Water Department

§3-101 MUNICIPAL WATER DEPARTMENT; OPERATION AND FUNDING. The Municipality owns and operates the Municipal Water Department through the Utilities Superintendent. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Water Department 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 Water Fund and shall remain in the custody of the Municipal Treasurer. The Utilities Superintendent shall have the direct management and control of the Municipal Water Department and shall faithfully carry out the duties of his office. The Utilities Superintendent shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department subject to the supervision and review of the Governing Body. The Governing Body shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the Administrative Clerk for public inspection at any reasonable time. *(Ref. 17-531, 17-534, 19-1305 RS Neb.)*

§3-102 MUNICIPAL WATER DEPARTMENT; DEFINITIONS. The following definitions shall be applied throughout this Article. Where no definition is specified, the normal dictionary usage of the word shall apply.

MAIN. The terms "main" is hereby defined to be any pipe other than a supply or service pipe that is used for the purpose of carrying water to, and dispersing the same in the Municipality.

SUPPLY PIPE. The term "supply pipe" is hereby defined to be any pipe tapped into a main and extending where the shut-off, stop box, or curb cock is located, if the water meter is located within the building; and is from the main to the meter for meters located in a pit outside the building. Supply lines are the property of the Village.

SERVICE PIPE. The term "service pipe" is hereby defined to be any pipe extending from the shut-off, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to the meter if such meter is located within the building; and is defined to be any pipe extending from the meter to the point of distribution within the building. The service line is the property of the owner of the real estate so served.

SEPARATE PREMISE. The term "separate premise" is hereby defined to be more than one (1) consumer procuring water from the same service or supply pipe. The second (2nd) premise may be a separate dwelling, apartment, building, or structure used for a separate business.

§3-103 MUNICIPAL WATER DEPARTMENT; CONSUMER APPLICATION. Every person or persons desiring a supply of water must make application therefor to the Utilities Superintendent. The Superintendent may require any applicant to make a service deposit in such amount as has been set by the Governing Body and place on file at the office of the Administrative Clerk. Water may not be supplied to any house or private service pipe except upon the order of the Superintendent. *(Ref 17-537 RS Neb.)*

§3-104 MUNICIPAL WATER DEPARTMENT; SERVICE TO NON-RESIDENTS. The Department shall not supply water service to any person outside the corporate limits without special permission from the Governing Body; Provided, the entire cost of laying mains, service pipe, and supply pipe shall be paid by the consumer. Nothing herein shall be construed to obligate the Municipality to provide water service to non-residents. *(Ref. 19-2701 RS Neb.)*

§3-105 MUNICIPAL WATER DEPARTMENT; WATER CONTRACT. The Municipality through its Water Department shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The Municipality may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a Municipal commercial main is now or may hereafter be laid and may also furnish water to persons whose premises are situated outside the corporate limits of the Municipality, as and when, according to law, the Governing Body may see fit to do so. The rules, regulations, and water rates hereinafter named in this Article, shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service to said consumer shall constitute a contract between consumer and the Municipality, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Utilities Superintendent or his agent, may cut off or disconnect the water service from the building or premise or place of such violation. No further connection for water service to said building, premise, or place shall again be made save or except by order of said Superintendent or his agent.

§3-106 MUNICIPAL WATER DEPARTMENT; INSTALLATION PROCEDURE. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After service pipes are laid, the streets, alleys, and sidewalks shall be stored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of twenty-four (24) hours or more, the Utilities Superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer. All installations or repairs of pipes require one (1) inspection by the Utilities Superintendent. The inspection shall be made when connections or repairs are completed and before the pipes are covered. It is customer's responsibility to notify the Superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the Utilities Superintendent; Provided that the said rules, regulations, and specifications have been reviewed and approved by the Governing Body. *(Ref. 17-537 RS Neb.)*

§3-107 MUNICIPAL WATER DEPARTMENT; INSTALLATION EXPENSE. No person other than the utilities superintendent or his duly authorized agent shall tap a municipal water main. A customer, for purposes of seeking water service, shall apply to and pay a tap fee through the utilities superintendent or village clerk in an amount determined by the fee schedule and any actually incurred boring fee associated with the installation of a water tap line from the customer's property line to the water main under public right-of-way. Said fee shall provide for the tap of said main for a one-inch pipe together with materials including stop box to the property line of the customer. The customer shall, at his own expense, bring the water service from the stop box to the residence or structure thereon. Nonresidents shall pay such tap fees and installation charges in such sums as the utility superintendent, pursuant to resolution or motion of the Village Board, shall in each individual case establish. The extension of commercial mains into unsupplied territory within the corporate limits may be made by means of water extension districts.

§3-108 MUNICIPAL WATER DEPARTMENT; REPAIRS AND MAINTENANCE; EMERGENCY SHUT OFF CHARGES. The Municipality shall repair or replace, as the case may be, the curb stop, the stop box, and all fittings required for connection of copper tubing or Poly Vinyl Chloride (PVC) at the water main. The customer shall bear the expense of all other costs that are necessary to bring water service from the water main to the place of disbursement. When leaks occur in service pipes, the Utilities Superintendent shall shut off water service until the leak is repaired at the expense of the customer to the satisfaction of the Utilities Superintendent. *(Ref. 17-537 RS Neb.)*

When leaks occur within the residence, the Utilities Superintendent, at the request of the property owner or agent, shall shut off water service until the leak is repaired. Any request for shut off by the property owner or the property owner's representative outside of normal business hours shall result in a charge to the customer of a minimum of $25.00. No charge shall be incurred by the customer for such activity if provided during scheduled working hours. Such charge shall be incorporated into the customer's next regularly scheduled billing statement or as soon thereafter as available to the Village Clerk.

Should the owner or the owner's representative seek the shut off and reinstatement of water service for reasons other than repair, the Village shall levy a charge of $25.00 per trip. Such charge shall be incorporated into the customer's next regularly scheduled billing statement or as soon thereafter as available to the Village Clerk.

§3-109 MUNICIPAL WATER DEPARTMENT; RATE SETTING. Customers of the Municipal Water Department shall be charged based upon connection and usage as hereinafter set forth:

ACCESS FEE	BASE FEE
For one inch tap	$ 46.75
For one and ½ inch tap	$185.60
For two inch tap	$221.59
For three inch tap	$274.41
For four inch tap	$534.34
For six inch tap	$961.62

In addition, thereto each customer of the Municipal Water Department shall be charged the sum

of $0.195 per hundred gallons of water.

The landlord or owners of premises shall be responsible and liable for payment of all water charges and fees of their tenants or lessees whenever their tenants of lessees are sixty days or more delinquent in the payment of their water charges. *(Reference 17-538 RS Neb.)*"

§3-110 MUNICIPAL WATER DEPARTMENT; MINIMUM RATES. All water consumers shall be liable for the minimum rate provided by ordinance unless and until the consumer shall, by written order, direct the Utilities Superintendent to shut off the water at the curb box or meter, in which case he shall not be liable thereafter for water rental until the water is turned on again. *(Ref. 17-542 RS Neb.)*

§3-111 MUNICIPAL WATER DEPARTMENT; MONTHLY WATER BILLS. Water bills shall be due and payable monthly in advance at the office of the Administrative Clerk. It shall be the duty of the customer of the Water Department to present themselves at the office of the Administrative Clerk to pay their bills in net cash. The Utilities Superintendent shall direct the Administrative Clerk to charge and collect from each customer for the amount for water consumed together with any other charges, properly itemized, due the Water Department. Bills shall be due on the first (1st) day of each month and shall be payable by the fifteenth (15th) day of the month. Bills not paid by the fifteenth (15th) day of the month shall be deemed delinquent. Upon being deemed to be delinquent, as herein defined, the Administrative Clerk shall give a written notice to the customer of such delinquency and shall demand payment immediately. If payment is not received, the Administrative Clerk shall follow the procedures set forth in Article 3 of this Chapter to discontinue service to the customer. The Utilities Superintendent shall assess an additional fee set by resolution of the Governing Body and on file in the office of the Administrative Clerk in the event that water is shut off for the nonpayment of any water bill, to compensate the Municipality for the additional hook-up necessary to again provide water service to the delinquent customer. *(Ref. 17-542, 18-416 RS Neb.)*

A customer claiming excessive usage due to possible leakage may make a request of the Utilities Superintendent to determine when such leakage occurred. A charge of Fifty Dollars ($50.00) shall be paid to the Village Clerk to offset the cost thereof prior to the investigation.

§3-112 MUNICIPAL WATER DEPARTMENT; LIEN. In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The Administrative Clerk shall notify in writing or cause to be notified in writing, all owners or premise or their agents whenever their tenants or lessees are sixty (60) days or more delinquent in the payment of water rent. It shall be the duty of the Utilities Superintendent on the first (1st) day of June of each year to report to the Governing Body a list of all unpaid accounts due for water together with a description of the premise upon which the same was used. The report shall be examined, and if approved by the Governing Body, shall be certified by the Administrative Clerk to the County Clerk to be collected as a special tax in the manner provided by law. *(Ref. 17-538 RS Neb.)*

§3-113 MUNICIPAL WATER DEPARTMENT; SINGLE PREMISE. No consumer shall supply water to other families, or allow them to take water from his premise, nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the

pipe upon the premise for alteration, extension, or attachment without the written permission of the Utilities Superintendent. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through said meter to cause the meter to register inaccurately. *(Ref. 17-537 RS Neb.)*

§3-114 MUNICIPAL WATER DEPARTMENT; RESTRICTED USE: DECLARATION BY CHAIRMAN. The Governing Body, by means of a proclamation executed by the Chairman of the Board of Trustees, or under emergency conditions created by water shortage due to fire or natural disaster emergency through the utility superintendent, may order a reduction in the use of water or shut off the water on any premise in the event of a water shortage caused by fire or other good insufficient cause including water shortage created by well failure.

By means of proclamation the Chairman of the Board may establish the program of water rationing for which shall become effective upon notice, posting and publication as for regularly scheduled meetings of the Village Board of Trustees.

Any corporation, business, or individual in violation of said proclamation shall be deemed to be in violation of this ordinance and be in violation of this ordinance and be subject to penalty as provided by this code.

The Municipality shall not be liable for any damages caused by shutting off of water supply of any consumer while system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the Municipality has control.

§3-115 MUNICIPAL WATER DEPARTMENT; FIRE HYDRANTS. All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants, and it shall be unlawful for any person other than members of the Municipal Fire Department under the orders of the Fire Chief, or the Assistant Fire Chief; or members of the Water Department to open or attempt to open any of the hydrants and draw water from the same, or in any manner to interfere with the hydrants.

§3-116 MUNICIPAL WATER DEPARTMENT; POLLUTION OF MUNICIPAL WATER SUPPLY; UNSAFE PHYSICAL CONNECTION TO WATER DISTRIBUTION SYSTEM PROHIBITED; POTENTIAL BACKFLOW HAZARDS; CUSTOMER ASSESSMENT. It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Municipal Water Department.

No customer or other person shall cause, allow, or create any physical connection between the Municipal Water Distribution System and any pipes, pumps, hydrants, tanks, steam condensate returns, engine jackets, heat exchangers, or other water supplies or any other connection whereby potentially unsafe or contaminating materials may be discharged or drawn into the Municipal Water Distribution System.

At least one (1) time every five (5) years, customers of the Municipal Water Department and Supply Systems shall be required to assess and report potential backflow and back siphonage hazards to the Municipality on a form supplied by the Municipality to the customer. The customer shall take any steps necessary for protection of public health and safety as determined and/or directed by the Utilities Superintendent.

§3-117 MUNICIPAL WATER DEPARTMENT; MANDATORY HOOK-UP. All per-sons within three hundred feet (300') of a water main shall be required, upon notice by the Governing Body, to hook-up with the Municipal Water System. *(Ref. 17-539 RS Neb.)*

§3-118 MUNICIPAL WATER DEPARTMENT; WATER SERVICE CONTRACTS. Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premise where service is furnished, or if the said premise where service is furnished, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Utilities Superintendent who shall cause the water service to be shut off at the said premise. If the consumer should fail to give such notice, he shall be charged for all water uses on the said premise until the Utilities Superintendent is otherwise advised of such circumstances. *(Ref. 17-537 RS Neb.)*

§3-119 MUNICIPAL WATER DEPARTMENT; POLICE REPORTS. It shall be the duty of the Municipal Police to report to the Utilities Superintendent all cases of leakage and waste in the use of water and all violations of the Municipal Code relating to the Water Department. They shall have the additional duty of enforcing the observance of all such regulations.

§3-120 MUNICIPAL WATER DEPARTMENT; INSPECTION. The Utilities superintendent, or his duly authorized agents, shall have free access, at any reasonable time, to all parts of each premise and building to, or in which, water is delivered or is to be delivered from the public water supply system for the purpose of examining the pipes, plumbing fixtures, and other parts of the water system to ascertain whether there is any disrepair or unnecessary waste of water and to ensure that all pipes, pipe fittings, solders and flux used in the installation or repair of such water system is lead free. Water will not be turned into any new construction of any residential or nonresidential facility which is connected to the public water supply system until the Utilities Superintendent has inspected and approved the pipes, plumbing fixtures, and other parts of the water system of the same to ensure compliance herewith; provided, that this prohibition shall not be construed to prevent plumbers from admitting water to test pipes, but for that purpose only. *(Ref. 17-537 RS Neb.)*

§3-121 MUNICIPAL WATER DEPARTMENT; DESTRUCTION OF PROPERTY. It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Municipal Water Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above-mentioned property without the written permission of the Utilities Superintendent.

§3-122 MUNICIPAL WATER DEPARTMENT; BACKFLOW PREVENTION DEVICES REQUIRED; CUSTOMER INSTALLATION AND MAINTENANCE TESTING. A customer of the Municipal Water Department may be required by the Utilities Superintendent to install and maintain a properly located backflow prevention device at his/her expense appropriate to the potential hazards set forth in Title 179, Nebraska Department of Health, and approved by the Utilities Superintendent.

The customer shall make application to the Utilities Superintendent to install a required backflow prevention device on a form provided by the Municipality. The application shall contain at a minimum

the name and address of the applicant, the type of potential hazard required, protection, and the type of backflow device to be installed including brand and model number.

The Utilities Superintendent shall approve or disapprove the application based on his/her opinion of whether such installation will protect the Municipal Water Distribution System from potential backflow and back siphonage hazards.

The installation of the device shall be subject to all other sections of this code dealing with installation of plumbing, including the use of a plumber licenses by the Municipality if applicable.

Such customer shall also certify to the Municipality at least one (1) time annually that the backflow prevention device has been tested by a Nebraska Department of Health Grade VI Certified Water Operator if the device is equipped with a test port. Such certification shall be made on a form available at the office of the Village Clerk.

Any decision of the Utilities Superintendent may be appealed to the Village Board of Trustees.

§3-123 MUNICIPAL WATER DEPARTMENT; BUILDING REGULATIONS; PROHIBITION OF LEAD PIPES, PIPE FITTINGS, SOLDERS, AND FLUX. Any pipe, pipe fittings, solders or flux used in installation or repair of any residential or nonresidential facility which is connected to the public water lines or water supply system shall be lead free.

For purposes of this section, lead free shall mean:

(a) Solders and flux - not more than two-tenths percent (.2%) lead, and

(b) Pipe and pipe fittings - not more than eight percent (8%) lead.

(Ref. 71-5301 RS Neb.)

§3-124 MUNICIPAL WATER DEPARTMENT; RESTRICTIONS OF WATER WELLS. Within the corporate limits of the Village, private water wells shall be allowed only upon tracts of land of 2.5 acres or more. Any tract containing such well, if reduced in size by subdivision, sale or other form of reducing the acreage upon which the water well is located to less than 2.5 acres shall result in the requirement that said well be abandoned and properly closed. No more than one (1) water well may be place upon any single tract of land. *(Updated 9/16/26 – Ordinance 885)*

Article 2. Sewer Department

§3-201 MUNICIPAL SEWER DEPARTMENT; OPERATION AND FUNDING. The Municipality owns and operates the Municipal Sewer System through the Utilities Superintendent. The Governing Body, for the purpose of defraying the cost of the operation, maintenance and replacement of the Municipal Sewer System and payment of principal, interest, and debt service charges on sewer system bonds and obligations issued from time to time shall establish a user charge system based on actual use and revise the charges as necessary to accomplish the following:

1. Maintain the proportional distribution of operation, maintenance and replacement costs among users and user classes;
2 Generate adequate revenues to pay the costs of operation, maintenance and replacement of the Municipal Sewer System;
3 Generate adequate revenues to pay the principal, interest, debt service charges and related fees on bonds, obligations, and loan agreements incidental to any financing associated with the Municipal Sewer System; and
4 Apply excess revenues collected from a class of users to the costs attributable to the class for the next year and adjust the rates accordingly.

The revenue from the said user charge system based on actual use shall be deposited and maintained in a fund known as the Sewer Treatment Works Fund. The Utilities Superintendent shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the Governing Body. *(Ref. 17-925.01 RS Neb.)*

§3-202 MUNICIPAL SEWER DEPARTMENT; DEFINITION OF TERMS. Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

BIOCHEMICAL OXYGEN DEMAND. The term "Biochemical Oxygen Demand: (BOD) shall mean and include the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in parts per million by weight.

BUILDING OR HOUSE DRAIN. The term "Building Drain" and "House Drain" shall mean and include that part of the lowest horizontal piping of a drainage system which received the discharge from soil, waste, or other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

BUILDING OR HOUSE SEWER. The terms "Building Sewer" and "House Sewer" shall mean and include that part of a house or building drainage system extending from the house or building drain to its connection with the main sewer.

COMBINED SEWER. The term "Combined Sewer" shall mean a sewer receiving both surface runoff and sewage.

EASEMENT. The term "Easement" shall mean an acquired legal right for the specific use of land owned by others.

FLOATABLE OIL. The term "Floatable Oil" shall mean oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

GARBAGE. The term "Garbage" shall mean solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

INDUSTRIAL WASTES. The term "Industrial Wastes" shall mean the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

MAY. The term "May" is permissive; the term "Shall" is mandatory.

MUNICIPALITY. The term "Municipality" shall mean the Village of Shelton, Nebraska.

NATURAL OUTLET. The term "Natural Outlet" shall mean any outlet into a watercourse, ponds, ditch, lake, or other body of surface groundwater.

NORMAL SEWAGE. The term "Normal Sewage" shall mean sewage not exceeding maximum tolerance of contamination of 300 milligrams per liter BOD or 250 milligrams per liter of Suspended Solids.

PARTS PER MILLION. The term "Parts Per Million" shall mean a weight-to weight ratio; the parts-per-million value multiplied by the factor 8.345 shall be equivalent to pounds per million gallons of water.

PERSON. The term "Person" shall mean any individual, firm, company, association, society, corporation, or group.

pH. The term "pH" shall mean and include the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

PLUMBING FIXTURES. The term "Plumbing Fixtures" shall mean and include receptacles intended to receive and discharge water liquid or water-carried wastes into the sewer system with which they are connected.

PROPERLY SHREDDED GARBAGE. The term "Properly Shredded Garbage" shall mean the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particle will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one half (½) inch (1.27 centimeters) in any dimension.

PUBLIC SEWER. The term "Public Sewer" shall mean a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

REPLACEMENT. The term "Replacement" shall mean expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

SANITARY SEWER. The term "Sanitary Sewer" shall mean and include a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SERVICE CHARGE. The term "Service Charge" shall mean the basic assessment levied on all users of the public sewer system whose waste does not exceed in strength the concentration values established as representative of normal sewage.

SEWAGE. The term "Sewage" shall mean and include a combination of the water-carried wastes from residence, business buildings, institutions, and industrial establishments together with such ground, surface, and storm waters as may be present.

SEWAGE TREATMENT PLANT. The term "Sewage Treatment Plant" shall mean any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS. The term "sewage Works" shall mean all facilities for collecting, pumping, treating and disposing of sewage.

SEWER. The term "sewer" shall mean a pipe or conduit for carrying sewage.

SEWER SYSTEM. The term "Sewer System" shall mean and include all facilities for collecting, pumping, treating, and disposing of sewage.

SHALL. The term "Shall" is mandatory; the term "May" is permissive.

SLUG. The term "slug" shall mean any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation.

SOIL PIPE. The term "Soil Pipe" shall mean and include any pipe which conveys the discharge of water closets with or without the discharge from other fixtures to the house or building drain.

STORM SEWER. The term "Storm Sewer" shall mean a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERVISOR. The term "Supervisor" shall mean the Utilities Superintendent of the Village of Shelton, or his authorized deputy, agent, or representative.

SUSPENDED SOLIDS. The term "Suspended Solids" shall mean and include solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and are removable by filtering.

TRAP. The term "Trap" shall mean and include a fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste through it.

TRAP SEAL. The term "Trap Seal" shall mean and include the vertical distance between the crown weir and the dip of the trap.

WASTEWATER FACILITIES. The term "Wastewater Facilities" shall mean the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.

WATERCOURSE. The term "Watercourse" shall mean a natural or artificial channel for the passage of water either continuously or intermittently.

§3-203 MUNICIPAL SEWER DEPARTMENT; APPLICATION FOR PERMIT. Any person wishing to connect with the Sewer System shall make an application therefor to the Utilities Superintendent. The Superintendent may require any applicant to make a service deposit in such amount as he deems necessary subject to the review of the Governing Body. Sewer service may not be supplied to any house or building except upon the written order of the Utilities Superintendent. The Department shall not supply sewer service to any person outside the corporate limits without special permission from the Governing Body; provided, that the entire cost of pipe and other installation charges shall be paid by such consumers. Nothing herein shall be construed to obligate the Municipality to provide sewer service to nonresidents. *(Ref. 17-149, 18-503 RS Neb.)*

§3-204 MUNICIPAL SEWER DEPARTMENT; SEWER CONTRACT. The Municipality through the Municipal Sewer Department shall furnish sewer service to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The municipality may also furnish sewer service to persons whose premises are situated outside the corporate limits of the Municipality, as and when, according to law, the Governing Body may see fit to do so. The rules, regulations, and sewer rental rates hereinafter named in this Article, shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Utilities Superintendent, or his agent, may cut off or disconnect the sewer service from the building or premise of such violation. No further connection for sewer service to said building or premise shall again be made or except by order of the Superintendent or his agent. *(Ref. 17-901, 17-902, 18-503 RS Neb.)*

§3-205 MUNICIPAL SEWER DEPARTMENT; SERVICE CONTRACTS. Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premise where

service is furnished, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Utilities Superintendent who shall cause the sewer service to be shut off from the said premise. If the customer should fail to give notice, he shall be charged for that period of time until the official in charge of sewers is otherwise advised of such circumstances. *(Ref. 17-9012, 17-902, 18-503 RS Neb.)*

§3-206 MUNICIPAL SEWER DEPARTMENT; RATE SETTING. Customers of the Municipal Sewer Department shall be charged a monthly flat rate based upon monthly water usage for the use of sewer service. The following classes of users and flat rate monthly charges to these users are hereby established, set, and ordained by the Governing Body of Shelton, Nebraska:

CLASS I
Single Family Residences . . . . . .$45.00 flat rate per month.

CLASS II
Apartment Houses or other Multiple Family Dwellings . . . . . $45.00 flat rate per month for each dwelling unit.

CLASS III
Single-Tap Commercial and Institutional Buildings and Establishments (Other than Shelton School District) . . . . . .$45.00 flat rate per month.

CLASS IV
Motels, Hotels, and Multi-Tap Commercial and Institutional Buildings and Establishments Not Otherwise Classified herein . . . . . $67.50 flat rate per month.

CLASS V
Non-Resident Users . . . . . .Monthly rate by Contract based on Flow and Loading.

CLASS VI
Industrial and Manufacturing . . . . . .Monthly rate by Contract based on Flow and Loading.

CLASS VII
Shelton School District #19 . . . . . $360.00 flat rate per month.

CLASS VIII
Housing Authority of Village of Shelton,

Nebraska . . . . . .$180.00 flat rate per month.

CLASS IX

Trailer Courts . . . . . $45.00 flat rate per month for each trailer or mobile home.

CLASS X

American Legion of Shelton,
Nebraska . . . . . .$22.50 per month flat rate.

CLASS XI

Wood River Historical
Society of Shelton,
Nebraska . . . . . .$22.50 per month flat rate.

The landlord or owner of premises shall be responsible and liable for payment of all sewer charges and fees of their tenants or lessees whenever their tenants or lessees are sixty (60) days or more delinquent in the payment of their sewer charges. *(Ref. 18-509 RS Neb.) (Amended by Ord. Nos. 372, 9/6/90; 392, 9/13/92; 473, 11/1/95; 534, 3/5/98; 616, 9/13/01; 731, 4/8/10)*

§3-207 MUNICIPAL SEWER DEPARTMENT; SURCHARGES. In addition to other elements of the total user charge system in sections 3-239 and 3-245, the ordinance on file with the Administrative Clerk shall provide for the following surcharges:

1. A high strength waste surcharge established for pollutant levels (BOD, SS, etc.) Which exceed the levels contained in the domestic strength wastewater of the service area. The surcharge shall be expressed as a formula with a per unit charge established for each applicable pollutant. (See Appendix B of 40 CFR 35.900)
2. The authority and intent shall be established to require each user discharging any toxic pollutants to pay the increased costs of managing the effluent or the sludge of the treatment works resulting from such discharge.

§3-208 MUNICIPAL SEWER DEPARTMENT; COLLECTION OF SEWER USE FEES. Sewer use fees shall be due and payable at the same time and in same manner as water bills are due and payable. All penalties and procedures concerning delinquent accounts with the Municipal Water Department shall also be applicable to delinquent accounts with the Municipal Sewer Department.

§3-209 MUNICIPAL SEWER DEPARTMENT; USER CHARGE REVIEW. The Governing Body shall review, at least annually, the user charge system and revise the charges, if necessary, to accomplish the following:

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

§3-210 MUNICIPAL SEWER DEPARTMENT; USER NOTIFICATION. Each user will be notified, at least annually, with a regular bill, of the rate and that portion of the user charges ad valorem taxes which are attributable to wastewater treatment.

§3-211 MUNICIPAL SEWER DEPARTMENT; TREATMENT WORKS FUND. All money raised from the charges imposed and collected pursuant to this Article shall be placed in a separate fund known as the "sewer Treatment Works Fund" and shall be used for maintenance and operation of the sanitary sewer system and treatment works, for payment of principal, interest, and debt service charges on bonds and other obligations associated with and incurred in connection with sanitary sewer system/treatment works financing, or to create a reserve fund for the purpose of future maintenance or replacement of the sanitary sewer system and treatment works of the Village. Within this fund, there shall be the following three accounts with such subaccounts thereto as may be necessary or convenient: (1) Sewage Treatment Works Special Users Monitoring Account; (2) Sewage Treatment Works Capital Cost Account; and (3) Sewage Treatment Works Operation, Maintenance, and Replacement Account. Amounts within the Sewage Treatment Works Fund shall be credited to said accounts as provided in subsections (1), (2), and (3) below:

(1) Sewage Treatment Works-Special Users Monitoring Account. Labor costs associated with monitoring of special users for purposes of determining the surcharge and industrial cost recovery charges shall be charged directly to special users on the basis of a per sample charge. All revenues from the monitoring charges will be credited to the monitoring account. Labor costs connected with the monitoring will be debited to that account. Labor costs and time requirements will be evaluated and adjusted annually.

(2) Sewage Treatment Works Capital Cost Account. All amounts collected from the sewer user charges specifically designated for this account shall be used for payment of principal, interest, debt service charges and related fees on bonds and loan agreements as is provided for in Sections 17-925, 18-502, 18-506, 18-509, 18-1803, or 19-1305, REISSUE REVISED STATUES OF NEBRASKA, 1943, as amended or supplemented, or the Wastewater Treatment Facilities Construction Act, or as stated in any bond ordinance in effect, or as required by any loan or other agreement with or obligation to the United States Environmental Protection Agency or the Nebraska Department of Environmental Quality. The amount credited to this account shall be adequate to pay all such principal, interest, debt service charges and related fees, and other outstanding obligations related to the foregoing, and any part or all of the funds of this account may be pledged as security for the payment of any or all such items.

(3) Sewage Treatment Works Operation Maintenance, and Replacement Account. All amounts collected from the sewer user charges specifically designated for operation and maintenance, including replacement purposes , shall be deposited in a separate non-lapsing account known as the Operation, Maintenance and Replacement Account and will be kept and maintained in two primary subaccounts as follows:

A. Sewage Treatment Works Operation and Maintenance Subaccount. All amounts designated for this subaccount shall be used for the purpose of paying the costs of the operation, maintenance and administration of the sewage treatment works of the Village,

including any minor replacements to the system not otherwise provided for in the Sewage Treatment Works Replacement Subaccount.

B. Sewage Treatment Works Replacement Subaccount. All amounts from the sewer user charges specifically designated for this subaccount shall be credited herein and shall be used to meet the replacement needs of the treatment works and sewage system over its useful life, including any necessary upgrading in the process.

Should a fiscal year-end balance remain in the Operation and Maintenance or Replacement Subaccounts after payment of the items provided for herein, then said balance shall be carried over within the same account and used for the same purposes in the subsequent fiscal year. Transfers of funds to meet temporary shortages in either subaccount with the Operation, Maintenance, and Replacement Account shall be returned to the appropriate subaccount following an adjustment in the user charge rates.

The Village Board of Trustees shall review and adjust annually the user charges based upon the costs incurred during the preceding year to accomplish the following:

1. To generate adequate revenues for payment of principal, interest, and debt service charges and related fees on bonds and other obligations provided for in the Sewer Treatment Works Capital Cost Account.
2. To maintain a proportional distribution of operation, maintenance and replacement costs among users.
3. To generate adequate revenues to pay the cost of operations, maintenance, and replacement of the sewage treatment works and sewage treatment system of the Village.

§3-212 MUNICIPAL SEWER DEPARTMENT; CLASSIFICATION. The Governing Body may classify for the purpose of rental fees the customers of the Municipal Sewer Department; provided, that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. The classification must be approved by the Environmental Protection Agency, relative to the user charge grant condition. *(Ref. 17-925.02 RS Neb.)*

§3-213 SANITARY SUPPLY SYSTEM; DESTRUCTION OF PROPERTY. No person or persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

§3-214 PUBLIC SEWERS REQUIRED; UNLAWFUL DEPOSIT OF WASTES. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the Municipality or within one (1) mile of the corporate limits thereof, or in any area under the jurisdiction of said Municipality, any human or animal excrement, garbage, or other objectionable waste.

§3-215 PUBLIC SEWERS REQUIRED; UNLAWFUL DISCHARGE OF UNTREATED SEWAGE. It shall be unlawful to discharge to any natural outlet within the Municipality, or within one

(1) mile of the corporate limits thereof, or in any area under the jurisdiction of said Municipality, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Article.

§3-216 PUBLIC SEWERS REQUIRED; CESSPOOLS, PRIVATE AND SEPTIC TANKS PROHIBITED. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage.

§3-217 PUBLIC SEWERS REQUIRED; MANDATORY HOOK-UP. The owner of all houses, buildings, or properties used for human employment, recreation, or other purposes, situated within the Municipality and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the Municipality, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provision of this Article within ninety (90) days after the date of official notice to do so; provided, that said public sewer is within one hundred feet (100') (30.5 meters) of the property line.

§3-218 PRIVATE SEWAGE DISPOSAL; WHEN APPLICABLE. Where a public sanitary or combined sewer is not available under the provision of section 3-217, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Article.

At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in section 3-217, a direct connection shall be made to the public sewer within sixty (60) days in compliance with this Article, and any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

§3-219 PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT REQUIRED. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the Municipality, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary by the Supervisor.

§3-220 PRIVATE SEWAGE DISPOSAL SYSTEM; PERMIT, WHEN EFFECTIVE; INSPECTIONS. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within twenty-four (24) hours of the receipt of notice by the Supervisor.

§3-221 PRIVATE SEWAGE DISPOSAL SYSTEM; SPECIFICATIONS. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health of the State of Nebraska. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities when the area of the lot is less than ten thousand (10,000) square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

§3-222 PRIVATE SEWAGE DISPOSAL SYSTEM; MAINTENANCE. The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Municipality.

§3-223 PRIVATE SEWAGE DISPOSAL SYSTEM; ADDITIONAL REQUIREMENTS. No statement contained in sections 3-218 through 3-222 shall be construed to interfere with any additional requirements that may be imposed by the Health Officer.

§3-224 BUILDING SEWER INSTALLATION; PERMIT REQUIRED. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Supervisor.

§3-225 BUILDING SEWER INSTALLATION; CLASSIFICATION; PERMIT APPLICATION. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the owner or his agent shall make application on a special form furnished by the Municipality. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent.

§3-226 BUILDING SEWER INSTALLATION; EXPENSE. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Municipality from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

§3-227 MUNICIPAL SEWER DEPARTMENT; INSTALLATION EXPENSE. The customer, upon approval of his application for sewer service, shall pay to the Utilities Superintendent a tap fee which compensates the Municipality for the expense of processing his application and tapping the sewer main. The Utilities Superintendent, in his discretion, may direct the customer to hire a licensed plumber to tap the main. The customer shall then be required to pay the expense of procuring the materials required as well as the services of a licensed plumber and shall pay all other costs of installation.

§3-228 MUNICIPAL SEWER SYSTEM; REPAIRS AND REPLACEMENT. The Municipal Sewer Department may require the owner of any property which is within the Municipality and connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon the public property or easements up to and including the point of junction with the public main.

The Administrative Clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within thirty (30) days of mailing such notice the property owner fails or neglects to cause such repairs or replacements to be made, the Utilities Superintendent may cause such work to be done and assess the cost upon the property served by such connection. *(Ref. 18-1748 RS Neb.)*

§3-229 BUILDING SEWER INSTALLATION; SINGLE PREMISE. A separate and independent building sewer shall be provided for every building; except where one (1) building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer, but the Municipality does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connections aforementioned.

§3-230 BUILDING SEWER INSTALLATION; USE OF EXISTING SEWERS. Old buildings sewers may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this Article.

§3-231 BUILDING SEWER INSTALLATION; CONSTRUCTION CODES. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Municipality. In the absence of code provisions or in amplification thereof, the material and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building owner.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes or other applicable rules and regulations of the Municipality, or the procedures set forth in appropriate specifications of the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing. Any deviation from the prescribed procedures and material must be approved by the Superintendent before installation.

§3-232 BUILDING SEWER INSTALLATION; UNLAWFUL CONNECTION. No person shall make connection of roof downspouts, interior and exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superintendent for purposes of disposal of polluted surface drainage; provided, that if responsibility can be determined, the party responsible for disposal of polluted surface drainage into the public sanitary sewer shall pay a user charge equivalent to the cost of treating the polluted drainage.

§3-233 BUILDING SEWER INSTALLATION; INSPECTIONS. The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Superintendent or his representative.

§3-234 BUILDING SEWER INSTALLATION; EXCAVATIONS. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Municipality.

§3-235 MUNICIPAL SEWER DEPARTMENT; INSTALLATION PROCEDURE. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and prove for adequate drainage. No person shall eave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After the house sewer is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property is left open or unfinished for a period of twenty-four (24) hours or more, the Utilities Superintendent shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the owner, occupant, or lessee of the property. All installations or repairs of pipes require one (1) inspection by the Utilities Superintendent. The inspection shall be made when connections or repairs are complete and before the pipe is covered. It is the customer's responsibility to notify the Utilities Superintendent at the time the work is ready for the inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications for such installation prescribed by the Utilities Superintendent; provided, that the said rules, regulations, and specifications have been reviewed and approved by the Governing Body.

§3-236 PROHIBITED DISCHARGES; STORMWATER, SURFACE WATER, GROUND WATER, COOLING WATER AND PROCESS WATER. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, including interior and exterior foundation drains, uncontaminated cooling water, or unpolluted industrial waters to any sanitary sewer.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the Superintendent. Industrial cooling water or unpolluted process water may be discharged, on approval of the Superintendent, to a storm sewer, combined sewer, or natural outlet. The contributor of any identifiable discharge of polluted water to the sanitary sewer system shall be held responsible for reimbursing the Municipality for such costs. The costs shall be determined by the Superintendent with the approval of the Governing Body.

§3-237 HAZARDOUS AND PROHIBITED DISCHARGES; FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES; PRELIMINARY TREATMENT. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
2. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly of by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the wastewater treatment plant.

3. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair, and fleshings, entrails and paper dishes, cups, milk containers, etc. wither whole of ground by garbage grinders.
5. Any water or wastes having:

    a) a five (5) day BOD greater than 300 parts per million by weight or,
    b) containing more than 350 parts per million by weight of suspended solids, or
    c) having an average daily flow greater than two percent (2%) of the average sewage flow of the Municipality, or
    d) a chlorine requirement greater than demanded by normal sewage as evaluated by the Municipality's consulting engineer shall be subject to the review of the Superintendent.

Where necessary in the opinion of the Superintendent, the owner shall provide, at his expense, such preliminary treatment as may be necessary to:

a) reduce the biochemical oxygen demand to 300 parts per million by weight, or
b) reduce the suspended solids to 350 parts per million by weight, or
c) control the quantities and rates of discharge of such waters or wastes, or
d) reduce the chlorine requirement to conform with normal sewage.

Plans, specifications, and other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and no construction of such facilities shall be commences until said approvals are obtained in writing.

§3-238 HAZARDOUS AND PROHIBITED DISCHARGES; SPECIFIC PROHIBITIONS AS DETERMINED BY SUPERINTENDENT. No person shall discharge or cause to be discharged the following described substances, material, waters, or wastes if it appears likely in the opinion of the Superintendent that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Superintendent will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, and other pertinent factors. The substances prohibited are:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees (150E) Fahrenheit (65E degrees C).

2. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred (100) mg/1 or containing substances which may solidify or become viscous at temperatures between thirty-two degrees (32E) and one hundred fifty degrees (150E) F (0 and 65E C).
3. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the Supervisor.
4. Any waters or wastes containing strong acid iron pickling wastes, or concentrated plating solutions whether neutralized or not.
5. Any water or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Superintendent for such materials.
6. Any waters or wastes containing phenols or other taste- or odor-producing substances, in such concentrations exceeding limits which may be established by the Superintendent as necessary, after treatment of the composite sewage, to meet requirements of State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
7. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State and Federal regulations.
8. Any water of wastes having a pH in excess of [9.5].
9. Materials which exert or cause:
    1. Unusual concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids, (such as but not limited to, sodium chloride or sodium sulfate).
    2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
    3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
    4. Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
10. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

§3-239 DISCHARGE OF HAZARDOUS AND PROHIBITED SUBSTANCES; REJECTION, PRETREATMENT, CONTROL OF DISCHARGE RATE USE FEE SURCHARGE. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in section 3-238, and which in the judgment of the Superintendent, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Superintendent may:

1. Reject the wastes.
2. Require pretreatment to an acceptable condition for discharge to the public sewers.
3. Require control over the quantities and rates or discharge, and/or

4. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges under the provisions of section 3-245.

If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of all applicable codes, ordinances, and laws.

§3-240 GREASE, OIL AND SAND INTERCEPTORS; WHEN REQUIRED. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates, and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner(s)' personnel must be performed by currently licensed waste disposal firms.

§3-241 PRELIMINARY TREATMENT OR FLOW EQUALIZING FACILITIES; MAINTENANCE BY OWNER. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§3-242 CONTROL MANHOLES / SAMPLING STATIONS; WHEN REQUIRED; INSTALLATION AND MAINTENANCE. When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

§3-243 CONTROL MANHOLES/SAMPLING STATIONS; METHOD. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Article, shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls whereas pH's are determined from

periodic grab samples.)

§3-244 HAZARDOUS AND PROHIBITED SUBSTANCES; SPECIAL EXCEPTIONS PERMITTED; USE FEE SURCHARGE. No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Municipality and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Municipality for treatment, subject to payment thereof, by the industrial concern.

§3-245 COMPLIANCE WITH ARTICLE; INSPECTIONS GENERALLY. The Superintendent and other duly authorized employees of the Municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing system in accordance with the provisions of this Article. The Superintendent or his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§3-246 COMPLIANCE WITH ARTICLE; INSPECTIONS; INJURY LIABILITY. While performing the necessary work on private properties referred to in section 3-245 above, the Superintendent or duly authorized employees of the Municipality shall observe all safety rules applicable to the premises established by the company and the company shall be held harmless for injury or death to the Municipal Employees and the Municipality shall indemnify the company against loss or damage to its property by Municipal employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in section 3-242.

§3-247 COMPLIANCE WITH ARTICLE; INSPECTIONS; EASEMENTS. The Superintendent and other duly authorized employees of the Municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the Municipality holds a duly negotiated easement for the purposes of , but not limited to, inspection, observation, measurement, sampling, repair, and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

§3-248 VIOLATION; NOTICE AND LIABILITY. Any person found to be violating any provision of this Article except section 3-244 shall be served by the Municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person violating any of the provisions of this Article shall become liable to the Municipality for any expense, loss, or damage occasioned the Municipality by reason of such violation.

§3-249 MUNICIPAL SEWER DEPARTMENT; MUNICIPAL POWERS. The Municipality has the legal authority to enforce its system of user charges, industrial cost recovery charge, and sewer use regulations on all existing for future users of the system whether located inside or outside the Municipal

limits.

§3-250 SEVERABILITY CLAUSE. The invalidity of any section, clause, sentence, or provision of this Article shall not affect the validity of any other part of this Article which can be given effect without such invalid part or parts.

§3-251 PENAL PROVISION; VIOLATION. Any person who shall continue any violation beyond the time limit provided in section 3-249, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding five hundred dollar ($500.00) for each violation. Each twenty-four (24) hour period in which any such violation shall continue shall be deemed a separate offense

§3-301 UTILITIES GENERALLY; DISCONTINUANCE OF SERVICE, NOTICE PROCEDURE. (1) The Municipality shall not discontinue service to any domestic subscriber for nonpayment of any past-due amount unless the Municipality first gives written notice by mail to any subscriber whose service is proposed to be terminated at least seven (7) days prior to termination, weekends and holidays excluded. As to any subscriber who has previously been identified as a welfare recipient to the Municipality by the Department of Health and Human Services, such notice shall be sent by certified mail and notice of such proposed termination shall be given to the Department of Health and Human Services.

(2) Prior to the discontinuance of service to any domestic subscriber by the Municipality, the domestic subscriber, upon request, shall provide a conference with the Governing Body. The Governing Body has established procedures to resolve utility bills when a conference is requested by a domestic subscriber. These procedures, three (3) copies of which are on file in the office of the Municipal Clerk, are hereby incorporated by reference in addition to any amendments thereto and are made a part of this section as though set out in full. A copy of such procedures shall be furnished upon the request of any domestic subscriber. The Governing Body shall notify the domestic subscriber of the time, place, and date scheduled for such conference.

(3) This section shall not apply to any disconnections or interruptions of services made necessary by the Municipality for reasons of repair or maintenance or to protect the health or safety of the domestic subscriber or of the general public. *(Ref. 70-1603, 70-1604 RS Neb.)*

§3-302 UTILITIES GENERALLY; DIVERSION OF SERVICES; PENALTY. The Municipality may bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts (a) bypassing, (b) tampering, or (c) unauthorized metering when such act results in damages to a Municipal Utility. Municipality may bring a civil action for damages pursuant to this section against any person receiving the benefit of utility service through means of bypassing, tampering, or unauthorized metering.

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

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

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

In addition to damage or loss under subdivision A or B of this section the Municipality may recover all reasonable expenses and costs incurred on account of the bypassing, tampering or unauthorized metering including, but not limited to, disconnection, reconnection, service calls, equipment, costs of the suit, and reasonable attorney's fees in cases within the scope of section 25-1801 Reissue Revised Statutes of Nebraska 1843.

There shall be a rebuttable presumption that a tenant or occupant at any premises where bypassing, tampering, or unauthorized metering is proven to exist caused or had knowledge of such bypassing, tampering, or unauthorized metering if the tenant or occupant (a) had access to the part
of the utility supply system on the premises where the bypassing, tampering, or unauthorized metering is proven to exist and (b) was responsible or partially responsible for payment either directly or indirectly,

to the utility or to any other person for utility services to the premises.

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

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

§3-303 UTILITIES GENERALLY; LIEN. In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for utilities service furnished, such amount due, together with any rents and charges in arrears shall be considered a delinquent utility rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The Administrative Clerk shall notify in writing or cause to be notified in writing, all owners or premises or their agents whenever their tenants or lessees are sixty (60) days or more delinquent in the payment of the utilities rent. It shall be the duty of the Administrative Clerk to report to the Governing Body a list of all unpaid accounts due for utilities service together with a description of the premises served. The report shall be examined, and if approved by the Governing Body, shall be certified by the Administrative Clerk to the County Clerk to be collected as a special tax in the manner provided by law. *(Ref. 17-538, 17-925.01, 18-503 RS Neb.)*

§3-304 UTILITIES GENERALLY; DIVERSION OF SERVICES, METER TAMPERING, UNAUTHORIZED RECONNECTION, PROHIBITED; EVIDENCE. (1) Any person who connects any pipe or conduit supplying water, without the knowledge and consent of the Municipality, in such manner that any portion thereof may be supplied to any instrument by or at which water may be consumed without passing through the meter provided for measuring or registering the amount or quantity passing through it, and any person who knowingly uses or knowingly permits the use of water obtained in the above mentioned unauthorized ways, shall be deemed guilty of an offense.

(2) Any person who willfully injures, alters, or by any instrument, device, or contrivance in any manner interfaces with or obstructs the action or operation of any meter made or provided for measuring or registering the amount or quantity of water passing through it, without knowledge and consent of the Municipality shall be deemed guilty of an offense.

(3) When water service has been disconnected pursuant to sections 70-1601 to 70-1615 RS Neb., or section 3-301 of this Code, any person who reconnects such service without the knowledge and consent of the Municipality shall be deemed guilty of an offense.

(4) Proof of the existence of any pipe or conduit connection or reconnection or of any injury, alteration, or obstruction of a meter, as provided in this section, shall be taken as prima facie evidence of the guilt of the person in possession of the premises where such connection, reconnection, injury, alteration, or obstruction is proved to exist. *(Ref. 86-329 through 86-331 RS Neb.)*

Article 4. Fire Department

§3-401 MUNICIPAL FIRE DEPARTMENT; OPERATION AND FUNDING. The Municipality operates the Municipal Fire Department through the Municipal Fire Chief and Firemen. The Governing Body, for the purpose of defraying the cost of the management, maintenance, and improving the Fire Department may each year levy a tax not exceeding the maximum limits prescribed by State law, in the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from the said tax shall be known as the Fire Department Fund. The Fund shall be at all times in the possession of the Municipal Treasurer. *(Ref. 17-718, 17-953 RS Neb.)*

§3-402 MUNICIPAL FIRE DEPARTMENT; FIRE CHIEF. The Fire Chief shall manage the Fire Department and it shall be his duty to inform the Governing Body when any of the fire engines, hose, ladders, or other apparatus needs repair. Upon the written consent and directive of the Governing Body, the Fire Chief shall cause the repair, improvement, or maintenance of the said equipment and shall personally supervise and approve of the same. It shall be the duty of the Fire Chief to come before the Governing Body at the regular meeting in January of each year to give an annual report to the Governing Body of the general condition and the proposed additions or improvements recommended by him.

§3-403 MUNICIPAL FIRE DEPARTMENT; MEMBERSHIP. The Fire chief shall appoint no more than twenty-five (25) members for each Fire Department Company subject to the review and approval of the Governing Body. All vacancies shall be filled in this manner. Said members shall be considered to be employees of the Municipality for the purpose of providing them with workman's compensation and other benefits. Each member shall be entitled to a term life insurance policy in the amount of at least five thousand ($5,000.00) dollars for death from any cause to age sixty-five (65) and such policy shall, at the option of the individual fireman, be convertible to a permanent form of life insurance at age sixty-five (65); provided, that the firemen covered are actively and faithfully performing the duties of their position. The Fire department shall consist of so many members as may be decided by the Governing Body. The members may organize themselves in any way they may decide, subject to the review of the governing Body. They may hold meetings and engage in social activities with the approval of the Governing Body. The secretary shall upon request keep a record of all meetings and shall make a report to the Governing Body of all meetings and activities of the Fire Department. The Governing Body may, for services rendered, compensate or reward any member or members of the Fire Department in an amount set by resolution. All members of the Fire Department shall, during the time of a fire or great public danger, have and exercise the powers and duties of policemen and shall have the full power and authority to arrest all persons guilty of any violation of the Municipal Code, or the laws of the State of Nebraska.

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

§3-404 MUNICIPAL FIRE DEPARTMENT; RECORDS. The Fire Chief shall keep or cause to be kept a record of all meetings of the Fire Department, the attendance record of all members, a record of all fires, and shall make a full report of such records to the Administrative Clerk during the last week in April each year. The record of any fire shall include the cause, origin, circumstances, property involved, and whether criminal conduct may have been involved. In the event of sizable property damage, he shall

include the information of whether such losses were covered by insurance, and if so, in what amount. All records shall be available to the public at any reasonable time.

§3-405 MUNICIPAL FIRE DEPARTMENT; FIRES. It shall be the duty of the Fire Department to use all proper means for extinguishment of fires; to protect property within the Municipality; and to secure the observance of all ordinances, laws, and other rules and regulations with respect to fires and fire prevention.

§3-406 MUNICIPAL FIRE DEPARTMENT; DISTANT FIRES. Upon the permission of the Village Chairman or Fire Chief or pursuant to any agreement with a Rural Fire District for mutual aid and protection, such fire equipment of the Municipality as may be designated by the Governing Body as rural equipment may be used beyond the corporate limits to extinguish a reported fire.

§3-407 MUNICIPAL FIRE DEPARTMENT; FIGHTING DISTANT FIRES. The firefighters of the Municipality shall be considered as acting in the performance and within the scope of their duties in fighting fire or saving property or life outside the corporate limits of the Municipality when directed to do so by the Chairman or Chief of the Fire Department or some person authorized to act for such Chief and in so doing, may take such fire equipment of the Municipality as may be designated by the Governing Body.

§3-408 MUNICIPAL FIRE DEPARTMENT; HOSE TESTED. All fire hose shall be pressure tested at least two (2) times each year.

§3-409 MUNICIPAL FIRE DEPARTMENT; DRILLS. The Municipal Fire Department shall hold departmental fire drills at least six (6) times per year at such times as the members of the Fire Department shall decide.

§3-410 MUNICIPAL FIRE DEPARTMENT; INSPECTIONS. It shall be the duty of the Fire Chief, when directed to do so by the Governing Body, to inspect or cause to be inspected by the Fire Department officers, members, or some other official as often as may be necessary, but not less than two (2) times a year in outlying districts and four (4) times a year within the fire limits, all buildings, premises and public thoroughfares, except the interiors of private dwellings, for the purpose of ascertaining and causing to be corrected any condition liable to create a fire hazard. The inspection shall be of the storage, sale, and use of flammable liquids, combustibles, and explosives; electric wiring and heating; and the means and adequacy of exits, in case of fire in schools, churches, hotels, halls, theaters, factories, hospitals, and all other buildings in which numbers of persons congregate from time to time for any purpose whether publicly or privately owned; the design, construction, location, installation, and operation of equipment for storing, handling, and utilizing of liquefied petroleum gases, specifying the odorization of said gases and the degree thereof; and chemicals, procyclin plastics, nitrocellulose films, or any other hazardous material that may now or hereafter exist. *(Ref. 81-512 RS Neb.)*

§3-411 MUNICIPAL FIRE DEPARTMENT; NOTICE OF VIOLATION. Upon the finding that the Municipal Code has been violated, the Fire Chief shall notify, or cause to be notified, the owner, occupant, or manager of the premise where a violation has occurred. Notice may be made personally or by delivering

a copy to the premise and affixing it to the door of the main entrance of the said premise. Whenever it may be necessary to serve such an order upon the owner, such order may be served personally, or by mailing a copy to the owner's last known post office address if the said owner is absent from the jurisdiction. Any such order shall be immediately complied with by the owner, occupant, or manager of the premise or building. The owner, occupant, or manager may, within five (5) days after such order by the Chief of the Fire Department or his agent, appeal the order with the Governing Body requesting a review and it shall be the duty of the Governing Body to hear the same within not less than five (5) days nor more than ten (10) days from the time when the request was filed in writing with the Administrative Clerk. The Governing Body shall then affirm, modify, or rescind the said order as safety and justice may require and the decision shall then be final, subject only to any remedy which the aggrieved person may have at law or equity. The said order shall be modified or rescinded only where it is evident that reasonable safety exists and that conditions necessitate a variance due to the probable hardship in complying literally with the order of the Fire Chief. A copy of any decision so made shall be sent to both the Fire Chief and the owner, occupant, or manager making the appeal.

§3-412 MUNICIPAL FIRE DEPARTMENT; POWER OF ARREST. The Municipal Fire Chief or the assistant Fire Chief shall have the power during the time of a fire and for a period of thirty-six (36) hours after its extinguishment, to arrest any suspected arsonist, or any other person hindering or resisting the firefighting effort, or any person who conducts himself in a noisy or disorderly manner. The said officials shall be severally vested with the usual powers and authority of the Municipal Policemen to command all persons to assist them in the performance of their duties.

§3-413 MUNICIPAL FIRE DEPARTMENT; FIRE INVESTIGATION. It shall be the duty of the Fire Department to investigate or cause to be investigated, the cause, origin, and circumstances of every fire occurring in the Municipality in which property has been destroyed or damaged. All fires of unknown origin shall be reported, and such officers shall especially make an investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall be begun within two (2) days of the occurrence of such fire and the State Fire Marshal shall have the right to supervise and direct the investigation whenever he deems it expedient or necessary. The officer making the investigation of fires occurring within the Municipality shall immediately notify the State Fire Marshal and shall, within one (1) week of the occurrence of the fire, furnish him with a written statement of all the facts relating to the cause and origin of the fire, and such further information as he may call for. *(Ref. 81-506 RS Neb.)*

§3-414 MUNICIPAL FIRE DEPARTMENT; PRESERVATION OF PROPERTY. Any official of the Municipal Fire Department shall have the power during the time of a fire to cause the removal of any private or public property whenever it shall become necessary to do so for the preservation of such property from fire, to prevent the spreading of fire, or to protect adjoining property. The said officials may direct the Municipal firefighters to remove any building, structure, or fence for the purpose of checking the progress of any fire, and the official in charge of the firefighting effort shall have the power to blow up, or cause to be blown up, with powder or otherwise, any building or erection during the progress of a fire for the purpose of extinguishing or checking the same.

Article 5. Police Department

§3-501 POLICE DEPARTMENT; DUTIES. The Police Department shall consist of the Chief of Police and such further number of regular policeman as may be duly ordered by resolution of the Council. The Chief of Police shall, subject to the direction of the Chairman, have control and management of all matters relating to the police Department, its officers and members, and shall have the custody and control of all property and books belonging to the department. He shall devote his whole time to the municipal affairs, interests of the Municipality, and to the preservation of peace, order, safety and cleanliness thereof. The Department shall execute and enforce all laws and also the orders of the Chairman. It shall be the duty of the Department to protect the rights of persons and property. There shall be a proper police force at all fires. The Department shall take notice of all nuisances, impediments, obstructions, and defects in the streets, avenues, alleys, business places, and residences of the Municipality. The Department shall execute, or cause to be executed, the processes issued and shall cause all persons arrested to be brought before the proper court for trial as speedily as possible. The Chief of Police and all regular and special policemen shall become thoroughly conversant with the laws of the Municipality, and shall see that the same are strictly enforced and shall make sworn complaints against any person or persons for violation of the same.

§3-502 POLICE DEPARTMENT; ARREST JURISDICTION. (1) The Village Police Chief or any other Municipal police officer shall have the power and authority to enforce the laws of this state and the Village or otherwise perform the functions of that office anywhere within his or her primary jurisdiction. Primary jurisdiction shall mean the geographic area within territorial limits of the Village of Shelton.

(2) The Village Police Chief and any other Municipal police officer who is within this state but beyond the territorial limits of his or her primary jurisdiction, shall have the power and authority to enforce the laws of this state or any legal ordinance of the Village or otherwise perform the functions of his or her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within the territorial limits of his or her primary jurisdiction in the following cases:

(a) The Village Police Chief or any other Municipal police officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow such person into any other jurisdiction in this state and there arrest and detain such person and return such person to the officer's primary jurisdiction;

(b) The Village Police Chief or any other Municipal police officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow such person anywhere in an area within twenty-five (25) miles of the boundaries of the officer's primary jurisdiction and there arrest and detain such person and return such person to the officer's primary jurisdiction;

(c) The Village Police Chief or any other Municipal police officer shall have such enforcement and arrest and detention authority when responding to a call in which local, state, or federal law enforcement officer is in need of assistance. A law enforcement officer in need of assistance shall mean (i) a law enforcement officer whose life is in danger or (ii) a law enforcement officer whose life who needs assistance in making an arrest and the suspect (A) will not be apprehended unless immediately arrested, (B) may cause injury to himself or herself or others or damage to property unless immediately arrested, or (C) may destroy or conceal evidence of the commission of a crime; and

(d) If the Village, under the provisions of the Interlocal Cooperation Act, enters into a contract with any other municipality or county for law enforcement services or joint law enforcement

authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, the Village shall provide liability insurance coverage for its own law enforcement personnel as provided in section 13-1802 RS Neb. *(Ref. 29-215 RS Neb.)*

§3-503 POLICE DEPARTMENT; POLICE OFFICERS; DISCIPLINE OR REMOVAL FROM DUTY; NOTICE AND HEARING DETERMINATION. (1) No police officer, including the Village Police Chief, shall be disciplined, suspended, demoted, removed, or discharged except upon written notice stating the reasons for such disciplinary action, suspension, demotion, removal, or discharge. Such notice shall also contain a statement informing the police officer of his or her right to a hearing before the Board of Trustees.

(2) Any police officer so disciplined, suspended, demoted, removed, or discharged may, within ten (10) days after being notified of such disciplinary action, suspension, demotion, removal, or discharge, file with the Municipal Clerk a written demand for a hearing before the Board of Trustees. The Board of Trustees shall set the matter for hearing not less than ten (10) nor more than twenty (20) days after the filing of the written demand for a hearing. The Board of Trustees shall give the police officer written notice of the hearing not less than seven (7) nor more than fourteen (14) days prior to the hearing.

(3) At the hearing, the police officer shall have the right to: (a) respond in person to the charges and to present witnesses and documentary evidence; (b) confront and cross-examine available adverse witnesses; and (c) to be represented by counsel.

(4) Not later than thirty days following the adjournment of the meeting at which the hearing was held, the Board of Trustees shall vote to uphold, reverse, or modify the disciplinary action, suspension, demotion, removal, or discharge. The failure of the Board of Trustees to act within thirty (30) days or the failure of a majority of the elected Board members to vote to reverse or modify the disciplinary action, suspension, demotion, removal, or discharge shall be construed as a vote to uphold disciplinary action, suspension, demotion, removal, or discharge. The decision of the Board of Trustees shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged disciplinary action, suspension, demotion, removal, or discharge was necessary for the proper management and the effective operation of the Police Department in the performance of its duties under the state statutes.

(5) Nothing in this section shall be construed to prevent the peremptory suspension or immediate removal from duty of an officer, pending the hearing authorized by this section, in cases of gross misconduct, neglect of duty, or disobedience of orders.

(6) If the initial decision to discipline, suspend, demote, remove, or discharge a police officer is made by the Chairperson of the Board of Trustees, the Chairperson shall not be considered a member of the Board of Trustees for purposes of the appeal from his or her decision. *(Ref. 17-208 RS Neb.)*

Article 6. Parks Department

§3-601 MUNICIPAL PARKS; OPERATION AND FUNDING. The Municipality owns and operates the Municipal Parks and other recreational area. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Park may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Park Fund and shall remain in the custody of the Municipal Treasurer. The Board shall have the authority to adopt rules and regulations for the efficient management of the Municipal Parks and other recreational areas of the Municipality. The Board shall not enter into a contract of any nature which involves an expenditure of funds, except for ordinary operating expenses, unless the has been approved by resolution of the majority of the members of the Governing Body prior to the contractual agreement. *(Ref. 17-948 through 17-952 RS Neb.)*

§3-602 MUNICIPAL PARKS; INJURY TO PROPERTY. It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub. It shall be unlawful for any person to injure or destroy any sodded or planted area, or injure or destroy any building, structure, equipment, fence, bench, table, or any other property of the Municipal Parks and recreational areas. No person shall commit any waste on or litter the Municipal Parks or other public grounds.

§3-603 MUNICIPAL PARKS; VETERANS MEMORIAL PARK; DESIGNATION OF BALL FIELD. The ball field located within the Veterans Memorial Park, Shelton, Nebraska, shall henceforth and hereafter be named, designated and referred to as the FLOYD R. CONROY BALL FIELD.

Article 7. Swimming Pool

§3-701 MUNICIPAL SWIMMING POOL; OPERATION AND FUNDING. The Municipality owns and manages the Municipal Swimming Pool. The Governing Body, 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 Municipality 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 Municipal Treasurer. The Governing Body shall have the power and authority to hire and supervise the Swimming Pool Manager and such employees as they 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. *(Ref. 17-948, 17-951, 17-952 RS Neb.)*

§3-702 MUNICIPAL SWIMMING POOL; ADMISSION CHARGE. The Governing Body may, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the Swimming Pool, make a reasonable admission charge for the use by any person of the Municipal Swimming Pool. The said charges shall be on file at the office of the Administrative Clerk and shall also be posted in a conspicuous place at the Municipal Swimming Pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; Provided, that 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. *(Ref. 17-949 RS Neb.)*

§3-703 MUNICIPAL SWIMMING POOL; RENTALS. The Pool Manager shall have the authority to rent the Municipal Swimming Pool to such organizations and other persons as they may in their discretion see fit, subject to the review of the Governing Body. The Board shall prescribe rules and regulations for such rentals and shall require an appropriate number of qualified lifeguards to be in attendance during the rental period. Such fees and other costs shall be on file at the office of the Administrative Clerk and posted in a conspicuous place at the Municipal Swimming Pool. *(Ref. 17-949 RS Neb.)*

§3-704 MUNICIPAL SWIMMING POOL; RULES AND REGULATIONS. The Governing Body shall have the power and authority to enact bylaws, rules, and regulations for the protection of those using the Swimming Pool and for the efficient management thereof. They may provide suitable penalties for the violation of such bylaws, rules, and regulations subject to the review and supervision of the Governing Body. *(Ref. 17-949 RS Neb.)*

Article 8. Cemetery Administration

§ 3-801 CEMETERY; DEFINED; DEFINITIONS. The Village Cemetery shall consist of those tracts of land to include Lots and Plots known as the Shelton Cemetery to include those tracts of land identified in the transfer agreement between the Village of Shelton and the Shelton Cemetery Association dated 2014. A plot is a tract of land designed for burial of one casket of two burial urns. A lot shall consist of twelve plots.

§ 3-802 ADMINISTRATION. The Village Superintendent shall be responsible for the general care, management and supervision of the Village Cemetery. The Governing Body shall have power and authority to adopt such rules and regulations as may be required therefore, and may repeal or amend the same at its pleasure. Such rules and regulations shall become effective upon adoption and filing with the Village Clerk.

§ 3-803 RECORDS; DUTIES OF VILLAGE CLERK. All records, plats and papers, except as otherwise provided in this chapter, in regard to the Cemetery shall be kept in the Village Clerks office, and the Village Clerk shall perform such duties in regard to the Cemetery as maybe prescribed by this chapter or under any rules and regulations adopted by the Village Board regarding the Cemetery. The Village Clerk shall collect all fees and charges provided for by this chapter.

§3-804 FUNDS; OPERATIONAL AND PERPETUAL CARE. All fees and charges except those associated with the sale or transfer of any lot within the Cemetery together with the amount provided with tax levies for Cemetery purposes shall constitute the "Cemetery Fund" of the Village. All funds collected from the sale of lots (burial spaces) or for transfer of the same from one party to another shall become part of the "Perpetual Care Fund" of the Village.

A) The Cemetery fund established herein shall be used to defray the expenses arising from the purchase, layout, improvement, ornamentation and care of the Village Cemetery and the payment of any liabilities and charges that maybe incurred in carrying out the provisions of this chapter in accordance with the rules and regulation of the Cemetery and for no other purpose whatsoever.

B) The "Perpetual Care Fund" shall be used for the limited purposes of providing for the care of the Cemetery plots (burial spaces) for all time to come through the income generated by such fund, by providing a maintenance fund necessary in the judgment of the Village to keep the plots in a neat and presentable condition. No lot, plots, or parts of lots shall be sold without payment for Perpetual care.

§ 3-805 APPLICATION. An application to bury or disinter a body at the Village Cemetery shall be made at the office of the Village Clerk. Application for burial of a body, or for burial of ashes of a cremated body, must be accompanied by proper information to complete a burial permit. An application for disinterment must be accompanied by a proper of certificate of authority. Upon proper application, the Village Clerk shall issue a burial permit, which permit shall indicate the lot upon which the burial or disinterment is done, and the Village Clerk shall, at the same time, collect the fees as adopted by resolution by the Village of Shelton Board.

For the opening and preparation of a grave prior to internment, the Village shall be given a minimum of 72 hours' notice in summer and 72 hours' notice in winter when the ground is frozen. Also, a minimum of 72 hours shall be given for any Saturday or day preceding a legal Village holiday.

The lot owner or funeral home representative shall designate the location of the grave on the lot to the Cemetery and any change of location made after the opening of the grave has begun shall not be at the expense of the Village. When definite information for locating a grave is not available in ample time for grave preparation as requested above, the Village will exercise its best judgment in order to meet the requested interment time. The Village assumes no responsibility for any error in such location and additional charges will be made for any change requested in accordance with Village fee schedule as adopted by resolution.

§3-806 BURIAL AND DISINTERMENT; STONE SETTING; FEES. The fee for opening graves shall in accordance with the fee schedule adopted by resolution by the Village of Shelton. A fee for setting of grave stones or monuments shall be charged in accordance with the fee schedule adopted by the Village of Shelton.

§3-807 BURIAL; LIMITATIONS; SURFACE VAULTS; MAUSOLEUMS. No burial of other than a human body or parts thereof shall be made in the Village Cemetery. No person shall construct any surface burial vault upon any burial plot in the Village Cemetery unless an adjacent plot maintained by a family member is so constructed, but nothing herein contained shall be construed to prevent the use of cement or concrete burial vaults which shall be completed covered with earth at the required depth below the surface of the ground.

No mausoleum shall be constructed in the Village Cemetery until an application therefore has first been presented to and approved by the Cemetery Board and the Village Board regarding the structural integrity of such mausoleum. Such application shall be accompanied by detailed plans and specifications of the proposed mausoleum and shall designate the kind of nature stone to be used in the construction thereof. Any mausoleum hereafter erected shall be constructed above the ground and shall be properly ventilated.

§3-808 TOMBSTONES, MONUMENTS, COPINGS, ETC. No tombstone, monument, grave marker or vases shall be erected in the Village Cemetery except those that meet the approval of the Utility Superintendent, placed in accordance with Cemetery policy and the following provisions:

(1) No stone or monument shall extend beyond the property boundary of the plot owner.

(2) No plot or grave coping, curbs, or above ground cornerstones shall be constructed within the Cemetery.

(3) No new footstones.

(4) Permanent vases shall not be allowed in alleys in front of stones or monuments, nor shall they be allowed on the grave site of an individual marker. Permanent vases shall only be allowed on the end of stones or monuments.

(5) It shall be the responsibility of the plot owner to reset any stones, monuments or vases removed by the Cemetery to allow for room for burial on the plot in question.

§3-809 TREES, SHRUBBERY AND FENCES. No trees or shrubbery shall be planted and no fences shall be erected upon any plot or upon any part of a plot, nor upon or along any street, avenue, or alley in

the Village Cemetery, by any private party or plot owner, except such planting and fences shall be made or approved in advance by the Cemetery Board and Village Board.

CEMETERY PLOTS AND LOTS

§ 3-810 LOTS AND PLOTS; CONVEYANCES, TRANSFERS, AND TITLES. The Village Clerk is hereby authorized to convey plots and lots in the Village Cemetery, by certificate, signed by the Chairman and attested by the Village Clerk, specifying that the person to whom the same is issued be the owner of the lot or plot described therein by number as laid down on the plat adopted by the Village Board, for the purpose of interment of human bodies and the ashes of cremated human bodies, and such certificate shall vest in the purchaser, and purchaser's heirs or assigns, a right to such lot, plot or plots, for sole purpose of such interment, under the rules and regulations governing such Cemetery, and for no other purpose. Transfers of such lot, plot or plots shall be made by surrendering such certificate thereof to the Village Clerk, who shall cancel the same, and note such cancellation on the permanent Cemetery records, and issue a new certificate to the assignee in lieu thereof. For each new certificate and services of the Clerk, the Village shall receive for use of the City a fee in accordance with a fee schedule as adopted by resolution.

3-811 LOT OWNERSHIP; RESTRICTIONS. Burial plots in the Village Cemetery shall not be held or used for purposes of speculation, and no individual following the adoption hereof, shall be permitted to hold more than two plots at any one time, and no plot owner shall permit interment for compensation in or upon any plot owned. After January 1, 2015, acquisition of more than two plots may be permitted upon application and approval of the Village Board.

3-812 LOTS AND PLOTS; ABANDONMENT. The ownership or right in or to an unoccupied Cemetery lot, part of a lot, or plot, in the Village Cemetery shall, upon abandonment, revert to the Village. The continued failure to maintain or pay the necessary permanent care for a Cemetery lot, part of lot, or plot, in the Village Cemetery for a period of ten years shall create and establish a presumption that the same has been abandoned. Reversion shall not occur of any plots acquired prior to January 1, 2015.

Abandonment shall not be deemed complete unless, after such ten-year period, there shall have been given by the Village to the record owner, owners, or if the owner be deceased or whereabouts unknown, to the heirs of such deceased person, notice declaring the lot, part of a lot, lots, or parts of lots to be abandoned. The notice maybe served personally upon the owner or heirs or be served by mailing of the notice by registered or certified mail to the owner or heirs as the case maybe to their last known address. In the event that the address of neither the owner nor the owner's heirs can be established, then notice of such abandonment shall be given by publishing the same one time in a legal newspaper published in and of general circulation in the County.

If, within one year from the time of serving or publishing such notice, the record owner or heirs shall give notice in writing to the Village that in fact there has been no such abandonment, then a presumption of abandonment shall no longer exist. In case abandonment has been complete as hereinbefore provided, the Village may sell and convey title to any such abandon lot, part of lot, lots, or parts of lots. Any funds realized from the sale of such lot, part of a lot, lots, parts of lots, shall be handled as provided in this chapter.

3-813 LOTS, CERTIFICATE OF OWNERSHIP. The prices of a lot, portion thereof, or a plot in the Village Cemetery shall be fixed by the Village Board, and a schedule of prices shall at all times be made available in the office of the Village Clerk giving the prices in full, and no certificate of ownership for any lot shall be issued until the price for each lot selected shall be paid in full to the Village Clerk. Any purchase of a fraction of a lot or partial lot in the Village Cemetery shall be at the same proportional price as per lot based upon the number of square feet contained in such fractional or partial lot

Article 9. Penal Provision

§3-901 VIOLATIONS; PENALTY. (1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred ($500.00) dollars. A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

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

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. *(Ref. 17-207, 17-505, 18-1720, 18-1722 RS Neb.)*

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CHAPTER 4

HEALTH AND SANITATION

Article 1. General Provisions

§4-101 HEALTH; REGULATION. For the purpose of promoting the health and safety of the residents of the municipality, the Board of Health shall, from time to time, adopt rules and regulations relative thereto, and shall make such inspections, prescribe such penalties, and make such reports as may be necessary toward that purpose. *(Ref. 17-208 RS Neb.)*

§4-102 HEALTH; ENFORCEMENT OFFICIAL. The Municipal Police Chief, as the Quarantine Officer, shall be the chief health officer of the Municipality. It shall be his duty to notify the Governing Body and the Board of Health of health nuisances and of every case of contagious, infectious, or malignant disease within the municipality and its zoning jurisdiction.

§4-103 HEALTH; COUNTY HEALTH BOARD. It shall be the duty of the Board of Health to work closely with the County Health Board in protecting the health and welfare of the residents of the Municipality.

Article 2. Solid Waste Disposal

§4-201 SOLID WASTE DISPOSAL. The Municipality does not own, operate, or maintain a solid waste disposal facility, and the Governing Body of the Municipality, by appropriate resolution, is authorized and empowered to contract with a solid waste disposal facility duly licensed by the NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY for the disposal of solid waste collected from within the Municipality Solid Waste Jurisdiction Area.

§4-201 SOLID WASTE; DEFINITIONS. For purposes of this Article, the following definitions shall apply:

1. "Construction and demolition waste: shall mean waste which typically results from construction or demolition projects and includes all materials which are the byproducts of construction work or which result from demolition of buildings and other structures, including, but not limited to brick, concrete rubble, masonry materials, paper, gypsum board, wood rubber and plastics. Construction and demolition waste does not include friable asbestos-containing materials; liquid waste, hazardous waste, putrescible waste or furnishings from demolished structures.

2. "Garbage" shall mean rejected food wastes, including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storing of meat, fish, fowl, fruit or vegetable.

3. "Hazardous waste" shall mean any waste designated or defined as a hazardous waste by N.A.C. Title 128 - Rules and Regulations Governing Hazardous Waste Management in Nebraska, which for purposes of general definition is a solid waste which, because of its quality, concentration, or physical, chemical, or infectious characteristics may:

a. Cause, or significantly contribute to, an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or

b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

4. "Junk" shall mean materials which will not be utilized if not collected and processed for reuse or recycling, including but not limited to mean: old scrap; copper; brass; iron; steel; rope; wire; glass; rags; batteries; paper trash; rubber; debris; demolition waste; abandoned mobile homes; dismantled or wrecked; untaxed; untitled or unlicensed vehicles or parts thereof; and other old or scrap ferrous or nonferrous material.

5. "Licensed Hauler: shall mean any refuse hauler for hire who is duly licensed by the Municipality to collect and transport garbage, refuse, and Municipal solid waste from within the Municipal Solid Waste Jurisdiction Area for disposal at a solid waste disposal facility duly licensed by the Nebraska Department of Environmental Quality.

6. "Municipal solid waste" shall mean household waste and/or the combination of household waste with industrial or commercial solid wastes.

7. "Municipal Solid Waste Jurisdiction Area" shall mean all the incorporated areas of the Municipality and all areas adjacent to the Municipality served by Municipal Utility Services.

8. "Municipality" shall mean the Village of Shelton, Nebraska.

9. "Person" shall mean any individual, partnership, association, public or private corporation, trustee, receiver, assignee, agent, municipality or other governmental subdivision, public agency, officer or governing or managing body of any municipality, governmental subdivision or public agency, or any

other legal entity.

10. "Refuse" shall mean putrescible and non-putrescible solid wastes, except body wastes, and includes garbage, rubbish, ashes, incinerator ash, incinerator residue, street cleanings, industrial wastes, and other such wastes.

11. "Rubbish" shall mean non-putrescible solid wastes, excluding ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery litter of any kind that will be a detriment to the public health and safety.

12. "Solid waste" shall mean any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, and mining operations, and from community activities.

13. The term "yard waste" shall mean grass and leaves. *(Ref. 13-2016.01 RS Neb.)*

Any other term as may be used and not otherwise defined herein shall have the meaning given such term in TITLE 132, Chapter 1, Nebraska Department of Environmental Quality and all references herein to Title 132 shall mean TITLE 132 - RULES AND REGULATIONS PERTAINING TO WASTE MANAGEMENT of the Nebraska Department of Environmental Quality.

§4-203 SOLID WASTE; MANDATORY DISPOSAL. It shall be unlawful for any person to keep in or about any dwelling, building, or premises, or any other place in the Village, garbage, refuse or waste of any kind that may be injurious to the public health or offensive to residents of the Village, unless the same is kept in approved receptacles awaiting collection and disposal. It shall be unlawful to throw or seep into the streets, alleys, parks or other public grounds any dirt, paper, nails, pieces of glass, refuse, yard waste, garbage, trash or waste of any kind.

§4-204 SOLID WASTE; VILLAGE COLLECTION. The Village shall contract with a vendor to gather and dispose of garbage, refuse and waste generated by the residents of the Village. The contract vendor shall collect all garbage, refuse and waste from the approved receptacles at each collection stop not less frequently than weekly. In case of weather, road condition, disaster or other acts of God which made scheduled collections impossible or impractical, collection will be made as soon thereafter as the impediment can reasonably be overcome. Each collection stop shall have approved receptacles available to the contract vendor for the purpose of accumulation of garbage, refuse and waste awaiting collection. All residents of the Village shall make the approved receptacles available to the contract vendor by 5:30 A.M. on the scheduled collection date by placing the approved receptacles at the designated areas as determined by the contract vendor.

§4-205 SOLID WASTE; COLLECTION FEES. The Board of Trustees shall, from time to time, fix such rates for waste collection charges as they deem appropriate. Such rates shall be established by resolution and such resolution shall be available for public inspection at all times during normal business hours. The owner or occupant of such collection stop utilizing the Village refuse service shall be liable for the garbage collection charge. The Village Clerk shall bill such fee monthly as part of the utility bills collected monthly.

§4-206 SOLID WASTE; YARD WASTE PROHIBITED. It shall be unlawful for any person to place yard waste into an approved receptacle for collection by the contract vendor. Yard waste shall be disposed of by the owner of the premises upon which such yard waste is grown and produced by mulching, composting or hauling away to an approved waste disposal or landfill site at the expense of the owner of said premises.

§4-207 SOLID WASTE; COMMERCIAL ENTERPRISES. Any business, firm or commercial enterprise conducting business in the Village shall be required to properly dispose of its garbage, refuse, and waste in accordance with this Article; provided, however, that such business, firm or commercial enterprise shall make arrangements directly with the contract vendor or any other person for the removal and disposal of such garbage, refuse and waste. Any fees charged by the contract vendor or any other person for the removal and disposal of such garbage, refuse, and waste shall be paid directly to the contract vendor or any other person by the business, firm or commercial enterprise.

§4-208 SOLID WASTE; DEAD ANIMALS. All dead animals, or parts thereof, shall be removed and buried, or otherwise disposed of in a manner that will not endanger the health of any resident of the Village, by the owner of such animals within twelve (12) hours after death occurs. If the owner of such animals does not take appropriate measures with the required time, the Village may, at the direction of the chairman of the Board of Health, dispose of the animal, in which case the owner of the animal shall be liable for the costs of removal and disposal. When disposal is accomplished by burying, the owner of the real estate must approve such burial, and the animal shall be buried at least two (2) feet deep. It shall be unlawful for the dead animal or any animal slaughtered under the provisions of Sec. 10-407 to be placed in an approved receptacle or disposed of in the Village landfill.

§4-209 SOLID WASTE; DISPOSAL OF SOLID WASTE. No person shall hereafter dispose of any refuse, garbage, rubbish or Municipal solid waste generated, caused, originated, created, or accumulated from within the Municipal Solid Waste Jurisdiction Area except at a solid waste disposal facility duly licensed by the NEBRASKA DEPARTMENT OF ENVIRONMENTAL QUALITY or at a solid waste disposal facility otherwise permitted or allowed by the Nebraska Department of Environmental Quality to accept, receive and dispose of refuse, garbage, rubbish, or Municipal solid waste.

§4-210 SOLID WASTE; DISPOSAL OR HAZARDOUS WASTE OR WASTE REQUIRING SPECIAL HANDLING. Any person, firm or corporation within the Solid Waste Jurisdiction Area of the Municipality who generates or creates hazardous waste or waste requiring special handling or disposal shall be responsible for the transportation and disposal of the same. All such handling and disposal shall in all respects comply with state and federal laws and regulations pertaining to the specific type of waste generated.

§4-211 SOLID WASTE; HAULER LICENSE REQUIRED. No person, firm, or corporation shall operate or conduct a business for collection, removal, and disposal of refuse, rubbish, junk, or Municipal solid waste within the Municipal Solid Waste Jurisdictional Area or shall collect, remove, and dispose of refuse, rubbish, junk or Municipal solid waste for hire from within the Municipal Solid Waste Jurisdiction Area without first obtaining a license therefor from the Municipality. Such license shall be issued for one year from the date of issue, shall expire one year from date of issue unless renewed, and shall be revocable

for cause.

§4-212 SOLID WASTE; APPLICATION FOR HAULER LICENSE. All applications for Hauler Licenses shall be made to the Municipality for approval of the Governing Body on forms furnished by it and available at the office of the Village Clerk. It shall be a condition to the issuance and maintenance of such Hauler License that the hauler shall:

A. File and keep continuously current a listing of all collection and transport vehicles by description, license number, and title ownership in the office of the Village Clerk. Solid waste shall be collected only in vehicles maintained in safe operating condition and equipped with a completely enclosed trash bed constructed of substantial metal material.

B. File and keep continuously current a schedule of collection routes and days of collection for each route with the Village Clerk. Hauler shall offer and provide solid waste collection services to all persons within the Municipal Solid Waste Jurisdiction Area so requesting such services at least once weekly, or as often as the Governing Body of the Municipality may deem necessary to protect the health and safety of all residents within the Municipal Solid Waste Jurisdiction Area.

C. Dispose of all refuse, rubbish, junk or Municipal solid waste collected from within the Municipal Solid Waste Jurisdiction Area at a solid waste disposal facility licensed by the Nebraska Department of Environmental Quality and under contract with the Municipality for receipt and disposal of its Municipal solid wastes or at a solid waste facility otherwise approved by the Governing Body of the Municipality.

D. Comply with, and adhere to, such additional rules and regulations governing and regulating the collection, removal, and disposal of refuse, rubbish, trash, junk, and Municipal solid waste from within the Municipal Solid Waste Jurisdiction Area as the Governing Body of the Municipality may, from time to time, make, issue, or adopt by resolution to promote the efficient, safe, and proper management and control of such collection, removal, and disposal and to protect the environment and the health, safety, and welfare of all persons within the Municipal Solid Waste Jurisdiction Area.

§4-213 SOLID WASTE; GARBAGE, TRASH AND WASTE; COLLECTION; NOTICE; REMOVAL; NUISANCE; LIEN ADDITIONAL REGULATIONS. It shall be un-lawful for any person to keep in, on, or about any dwelling, building, or premises, or any other place in the Municipality, decayed vegetable or animal substance, garbage, or refuse matter of any kind that may be injurious to the public health or offensive to the residents of the Municipality unless the same is kept in receptacles with a minimum of thirty (30) gallon capacity and as nearly airtight as may be practical. It shall be unlawful to throw or sweep into the streets, alleys, parks, or other public grounds any dirt, paper, nails, pieces of glass, refuse, waste, or rubbish of any kind. No person may permit garbage, rubbish, waste, or refuse to collect and all persons shall remove the same from their property within twenty-four (24) hours after being notified to do so by the Municipal Police Chief who shall represent the Board of Health. Any person having garbage, rubbish, waste, or refuse that is subject to decay or fermentation within a short period of time shall be required to place the same in a standard garbage can with a tight cover, or a durable plastic container that is securely tied at its opening. All persons shall have the contents of their garbage cans removed at least once a week.

The Governing Body of the Village may provide for the collection and removal of garbage or refuse found upon any lot or land within its corporate limits or upon any roads or alleys abutting such lot or land which constitutes a public nuisance. The Municipality may require the owner, duly authorized

agent, or tenant of such lot or land to remove the garbage or refuse from such lot or land and streets, roads, or alleys. Notice for the removal of such garbage or refuse shall be given to each owner or owner's duly authorized agents and to the tenant, if any. Such notice shall be provided by personal service or certified mail. If such garbage or refuse is not removed from such lot or land within five (5) days of the giving of such notice, the Village, through its proper offices, may, in addition to other proper remedies, remove the garbage or refuse, or cause it to be removed from such lot or land and streets, roads, or alleys. If the Chairman of the Governing Body of the Village declares that the accumulation of such garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the Village may remove such garbage or refuse, or cause it to be removed, from such lot or land within forty-eight (48) hours after notice by personal service or mailing by certified mail if such garbage has not been removed. Whenever the Village removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this Article, it shall, after a hearing conducted by the Governing Body of the Village, assess the cost of the removal against such lot or land.

The governing Body of the Municipality may, from time to time, make and adopt by resolution such additional rules and regulations governing the use, operation and control of the solid waste collection and the regulation of the collection, removal, or disposal of Municipal solid waste within the Municipal Solid Waste Jurisdiction Area as it may deem necessary to promote the efficient operation and management of the system and to protect the environment and the health, safety, and welfare of all persons within the Municipal Solid Waste Jurisdiction Area.

§4-214 SOLID WASTE; VIOLATION. Complaints regarding the violation by any licensed hauler of any provision of the Municipal Code of Shelton, Nebraska, or of any regulations issued by the Governing Body concerning the collection, transport, or disposal of refuse, trash, junk, or Municipal solid waste shall be directed to the Municipality in writing and the licensed hauler shall have such time as may be set by the Governing Body within which to correct said violations. If violations are not corrected within the specified time, the Governing Body may vote to revoke the license of such licensed hauler at a regular or special Village Board meeting that licensed hauler has been given notice of by certified mail at least seven (7) days prior to such meeting. Revocation of said licensed hauler, certified mail, stating the date that service is to be terminated, after the Governing Body has voted for revocation.

No property owner or person in lawful possession of property shall allow the accumulation of junk or Municipal solid waste on such property to the extent that such accumulation is a potential hazard to public health or safety. Each day such Municipal solid waste or junk is allowed to accumulate on such property shall constitute a separate violation and shall be punishable by a fine of one hundred dollars ($100.00) for each violation.

§4-215 SOLID WASTE; LIABILITY FOR CHARGES. The Governing Body has separately established charges to be paid to it by each person whose premises are served by the municipal solid waste collection system. For purposes of such charges, a person's premises are deemed to be served by the municipal solid waste collection system and the owner and occupant of the premises shall be deemed served and therefore liable for the charges unless the owner or occupant proves to the Governing Body that the premises are unoccupied.

Article 3. Nuisances

§4-301 NUISANCES; GENERALLY DEFINED. A nuisance consists in doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

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

(Ref. 18-1720 RS Neb.)

§4-302 NUISANCES; SPECIFICALLY DEFINED. The maintaining, using, placing, de-positing, leaving, or permitting of any of the following specific acts, omissions, places, conditions, and things are hereby declared to be nuisances:

1. Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish, or fowl.
2. Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous.
3. Filthy, littered or trash-covered cellars, house yards, barnyards, stable-yards, factory-yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises.
4. Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the Municipality.
5. Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; Provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the Municipality, nor the dumping of non-putrefying waste in a place and manner approved by the health officer.
6. Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.
7. Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, old automobiles or parts thereof, or any other waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.
8. Any unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof.

9. All places used or maintained as junk yards, or dumping grounds, or for the wrecking and dissembling of automobiles, trucks, tractors, or machinery of any kind, or for storing or leaving of warn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof.
10. Stagnant water permitted or maintained on any lot or piece of ground.
11. Stockyards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowl of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when said places in which said animals are confined, or said premises on which said vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom, to the annoyance of inhabitants of the Municipality, or are maintained and kept in such a manner as to be injurious to the public health.
12. All other things specifically designated as nuisances elsewhere in this Code. *(Ref. 18-1720 RS Neb.)*

§4-303 NUISANCES, ABATEMENT PROCEDURE. Any law enforcement officer for the Village shall enforce the provisions of this chapter against all nuisances within the Village.

§4-304 NUISANCES; JURISDICTION. The Chairman and Chief of Police of the Municipality are directed to enforce this Municipal Code against all nuisances. The jurisdiction of the Chairman, Chief of Police, and court shall extend to, and the territorial application of this Chapter shall include, all territory adjacent to the limits of the Municipality within one (1) mile thereof and all territory within the corporate limits. *(Ref. 18-1720 RS Neb.)*

§4-305 NUISANCES; ADJOINING LAND OWNERS; INTERVENTION BEFORE TRIAL. In cases of appeal from an action of the Governing Body condemning real property as a nuisance or as dangerous under the police powers of the Municipality, the owners of the adjoining property may intervene in the action at any time before trial. *(Ref. 19-710 RS Neb.)*

§4-306 NUISANCES; DEAD OR DISEASED TREES. (1) It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits of the Municipality.

(2) 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 corporate limits of the Municipality. For the purpose of carrying out the provisions of this section, the Municipal Police shall have the authority to enter upon private property to inspect the trees thereon.

(3) Notice to abate and remove such nuisance and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within thirty (30) days after the receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance, the Municipality may have such work done and may levy

and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefitted in the same manner as other special taxes for improvements are levied or assessed. *(Ref. 17-555, 18-1720, 28-1321 RS Neb.)*

§4-307 NUISANCES; PROHIBITED. It shall be the duty of every owner, lessee, tenant or occupant of any lot or parcel of ground with Village or within its extraterritorial jurisdiction to keep said premises owned, leased or occupied by such person free from any nuisance and it shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

§4-308 NUISANCES; NOTICE TO ABATE. Whenever a nuisance is found to exist within the Village or within the Villages' extraterritorial jurisdiction, the Village Clerk or his duly designated office of the Village shall give written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

§4-309 NUISANCES; CONTENTS OR NOTICE. The notice to abate a nuisance issued under the provisions of this Chapter shall contain:

(1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances,

(2) The location of the nuisance, if the same is necessary,

(3) A description of what constitutes the nuisance,

(4) A statement of acts necessary to abate the nuisance,

(5) A Statement that is the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the Village will abate such nuisance and assess the cost thereof against such property.

§4-310 NUISANCE; SERVICE OF NOTICE. The notice to abate a nuisance shall be served either in person, by mailing such notice by certified or registered mail or by publication. Any publication of notice shall be in a newspaper of general circulation in the Village which is published at least weekly; such notice shall be for two (2) consecutive weeks; and all time periods shall run from the date of the last publication.

§4-311 NUISANCES; ABATEMENT BY VILLAGE. Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this Chapter to abate same and upon direction of the Board, after five (5) days' notice by personal service, mailing notice by certified or registered mail, or publication in the manner provided in section 4-308 above, the Village or other duly designated officer of the Village shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

§4-312 NUISANCES; VILLAGE'S COST DECLARED LIEN. Any and all cost incurred by the Village in the abatement of a nuisance under the provisions of this chapter shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proved and collected as provided by law. Such shall be notice to all persons from the time of its recording, and shall bear interest at the legal rate thereafter until satisfied.

§4-313 NUISANCES; ALTERNATIVE METHODS OF ENFORCEMENT. Whenever a nuisance exists, in addition to the procedure for summary abatement allowed, the Village may proceed by a suit in equity in the county district court to enjoin and abate the same, in the manner provided by law, or it may elect to enforce the provisions of this chapter by complaint and warrant in the county court; or it may proceed under both methods of enforcement.

Article 4. Junked Vehicles

§4-401 JUNKED VEHICLES; DEFINITIONS. (1) the following definitions are applicable to all code sections pertaining to junked or inoperable vehicles:

DISMANTLED VEHICLE. A vehicle lacking any part, the absence of which, if such a vehicle were operated on the streets or highways, could cause such a vehicle to be in violation of one or more state statutes or Village ordinances.

ENCLOSURE. A garage or other building with four walls and a roof erected in compliance with standard building codes.

INOPERABLE. Having one or more parts missing for the operation of a vehicle either not attached to such vehicle or in non-working condition, including but not limited to a fully charged battery and all tires fully inflated.

JUNKED VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved solely by human power or used exclusively upon stationary rails or tracks which may or may not be self-propelled in nature which:

a) Is not currently licensed, and which is inoperable or which is totally or partially wrecked or dismantled; or

b) Is currently licensed and has been inoperable or totally or partially wrecked or dismantled for a continuous period of not less than sixty (60) days.

SPECIAL INTEREST VEHICLE. Any vehicle which is designed for, or being used for, some purpose other than normal street use, including, but not limited to, antique autos, drag racers, show vehicles, and recreational vehicles.

STORAGE. Placement, maintenance or keeping for any length of time in excess of seventy-two (72) hours.

WRECKED VEHICLE. A vehicle that has been damaged to such an extent that such vehicle, if operated on the streets or highways, would be in violation of one or more state statute or Village ordinances.

§4-402 JUNKED VEHICLES; PUBLIC NUISANCES. The storage of any junked vehicle or any vehicle parts on any tract of land within the Village shall be deemed a public nuisance and it shall be unlawful for any owner, resident, or person in charge of such a tract to cause, maintain, or permit any such public nuisance to exist on said property, except in a manner as set forth below.

§4-403 JUNKED VEHICLES; STORAGE. (1) Junked vehicles and vehicle parts, whether junked, salvaged or new, may be stored:

(a) On any tract being used as a junked or auto salvage yard, which is in full compliance with all Village Code sections pertaining to such business; including zoning.

(b) On any tract being used for a business activity related to junked vehicles, such as an automotive body shop, so long as the junked vehicles and parts are stored in an area which is screened from adjoining property and the public right-of-way by a site-obscuring fence at least six (6) feet in height or such junked vehicles and junked parts are removed from the premises within fourteen (14) days of becoming junked; provided, the junked vehicles being displayed for sale as whole units by a licensed automobile dealer are not subject to this screening requirement.

(c) On any tract, so long as such junked vehicles and vehicle parts are placed within an enclosure.

(2) Junked vehicles which are special interest vehicles may be stored on any tract so long as they are kept in any enclosure or are kept within outdoor storage areas and are maintained in such a way that they do not constitute a health hazard and which are screened from ordinary public view by means of a fence, hedge or other similar means.

§4-404 JUNKED VEHICLES; REMOVAL. (1) The Chief of Police may cause the removal of any junked vehicle or junked vehicle parts:

(a) From any public property in accordance with §6-317 of this Code; or

(b) From any private property with the permission of the owner or occupant thereof.

(2) Towing, impoundment or disposal of such vehicles will be assessed in accordance with the provisions of Chapter 6 of this Code.

§4-405 JUNKED VEHICLES; STORAGE OR DAMAGED VEHICLES. No automobile repair shop or automobile body shop may store any customer vehicles on the public right-of-way or streets but shall be required to store such vehicles on the business premises.

§4-406 JUNKED VEHICLES; PENALTY. Any person found to be in violation of this Article shall be penalized in accordance with §4-501 of this Code.

Article 5. Penal Provisions

§4-501 <u>VIOLATIONS; PENALTY</u>. (1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred ($500.00) dollars. A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

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

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as part of the judgment in the case. *(Ref. 17-2076, 17-505, 18-1720, 18-1722 RS Neb.)*

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CHAPTER 5

TRAFFIC REGULATIONS

Article 1. Definitions

§5-101 DEFINITIONS. The words and phrases used in this Chapter, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Chapter 60, Article 6 of the Revised Statutes of Nebraska, 1943, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning. *(Ref 60-606 through 60-676 RS Neb.) (Amended by Ord. No. 446, 12/1/94)*

Article 2. Municipal Traffic Regulations

§5-201 TRUCK ROUTES. The Governing Body may, by resolution, designate certain streets in the Municipality that trucks shall travel upon, and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise, and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through, or about the Municipality. The Governing Body shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes. *(Ref. 60-681 RS Neb.)*

§5-202 TRAFFIC LANES; DESIGNATION. The Governing Body may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable. *(Ref. 60-680 RS Neb.)*

§5-203 ARTERIAL STREETS; DESIGNATION. The Governing Body may, by resolution, designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when such street has been so designated. *(Ref. 60-680 RS Neb.)*

§5-204 TURNING; "U" TURNS. (1) A "U" turn is the turning of a vehicle upon the street so as to proceed in the opposite direction, whether accomplished by one continuous movement or not and shall include the movement of a vehicle to park in the opposite direction of current travel. It shall be unlawful for the driver of a vehicle to make a "U" turn:

(a) At any place where signs prohibiting such a turn have been erected;
(b) At any place on "C" Street from Highway #30 to First (1st) Street;
(c) At any place on "C" Street from Highway #30 to third (3rd) Street.

(2) "U" turns may be made at all other roadways within the Village; provided, the operator of the vehicle exercises proper care in yielding to any other traffic upon said roadway.

§5-205 CROSSWALKS. The Governing Body may, by resolution, establish and maintain, by appropriate devices, markers, or lines upon the street, crosswalks, at intersections where there is particular danger to pedestrians crossing the street, and at such other places as they may deem necessary. *(Ref. 60-680 RS Neb.)*

§5-206 SIGNS, SIGNALS. The Governing Body may, by resolution, provide for the placing of stop signs, or other signs, signals, standards, or mechanical devices in any street or alley under the Municipality's jurisdiction for the purpose of regulating, or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be places; and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect, or refuse to comply with such regulation, or prohibition. *(Ref. 60-6,119 through 60-6,121, 60-680 RS Neb.)*

§5-301 EMERGENCY REGULATIONS. The Chief of Police is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. *(Ref. 81-2005 RS Neb.)*

§5-302 POLICE; REFUSAL TO OBEY. It shall be unlawful for any person to refuse, or fail to comply with, any lawful order, signal, or direction of a police officer. *(Ref. 60-680 RS Neb.)*

§5-303 DRIVING IN SIDEWALK SPACE. No vehicle shall be driven within any sidewalk space, except a permanent or temporary driveway.

§5-304 PARK, STREETS, SIDEWALKS, HIGHWAY 30; BICYCLES, MINIBIKES, MOTOR DRIVEN VEHICLES, SKATEBOARDS; SCOOTERS; DEFINITIONS; UNLAWFUL OPERATION. No minibikes, or motor driven vehicles to include electric vehicles are permitted at any time in any municipal park, except on driveways, unless given permission by Park Authorities. No bicycles shall be permitted at any time in any municipal park, except the operator thereof may walk his or her bicycle to a place of parking.

It shall be unlawful for any person to operate or allow to be operated any non licensed electrically propelled vehicle upon the public streets, road, public ways, parks or other areas of public access within the Village of Shelton, Nebraska; except wheel chairs or other vehicles used by the handicapped.

It shall be unlawful for any person to use, operate or maneuver a skateboard on or within the following described areas or boundaries within the Village of Shelton, Nebraska:

(A) In all parks; and
(B) All that part of Nebraska State Highway No. 30 within the corporate limits of the Village of Shelton, Nebraska; and
(C) All sidewalks within the business district of the Village of Shelton, Nebraska, being adjacent to "C" Street and extending from First Street on the north to Third Street on the south.

No person shall use, operate, or maneuver a skateboard on any other Municipal property or public sidewalks in the Village of Shelton, Nebraska, not expressly designated as a prohibited area herein in such a manner or way as to endanger the life, limb, or property of any other person.

As used in this Article, unless the context otherwise requires:

A skateboard shall mean any device, other than a bicycle or scooter, propelled solely by human power, upon which any person may ride and which consists of a board, platform, or frame with small rollers or wheels less than fourteen inches (14") in diameter attached.

A scooter shall mean any device other than a bicycle or skateboard consisting of handlebars attached by a long rod to a footboard platform on two wheel to four wheels or rollers.

Article 4. Parking

§5-401 PARKING; GENERALLY. No person shall park any vehicle, or approach the curb with a vehicle, except when headed in the direction of the traffic. Vehicles, when parked, shall stand parallel with and adjacent to the curb or edge of the roadway, in such manner as to have both right wheels within twelve inches (12") of the curb or edge of the roadway, and so as to leave at least four feet (4') between vehicles so parked and any other parked vehicles, except where the Governing Body designates that vehicles shall be parked at an angle so as to have the front wheel at the curb or edge of the roadway. Where stalls are designated either on the curb or pavement, vehicles shall be parked within such stalls. No vehicle shall be parked upon a roadway when there is a shoulder adjacent to the roadway which is available for parking. *(Ref. 60-680, 60-6,167 RS Neb.)*

§5-402 PARKING; DESIGNATION. The Governing Body may, by resolution, designate any street, or portion thereof, where vehicles shall be parked parallel with the road and adjacent to the curb or at an angle so as to have the right front wheel at the curb. *(Ref. 60-6,167, 60-680 RS Neb.)*

§5-403 PARKING; AREAS. The Governing Body may, by resolution, set aside any street, alley, public way, or portion thereof where the parking of a particular kind or class of vehicle shall be prohibited, or where the parking of any vehicle shall be prohibited. No vehicle prohibited from parking thereon shall stand or be parked adjacent to the curb of said street, alley, public way, or portion thereof, longer than a period of time necessary to load and unload freight or passengers. *(Ref. 60-680 RS Neb.)*

§5-404 PARKING; OBSTRUCTING ALLEY. No vehicle, while parked shall have any portion thereof projecting into any alley entrance. *(Ref. 60-680 RS Neb.)*

§5-405 PARKING; ALLEYS. No vehicle shall be parked in any alley, except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of one half (½) hour. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley. *(Ref. 60-680 RS Neb.)*

§5-406 PARKING; BUSINESS DISTRICT UNLOADING. It shall be unlawful for the operator of any truck, truck-trailer, semi-trailer, van, bus, or automobile with trailer or attached or detached car, regardless of over-all length, except in the course of loading or unloading, to park or leave such conveyance standing stationary for any period of time whatsoever on either side of C Street from First (1st) Street to State Highway thirty (30). Vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload. It shall be unlawful for the operator of any truck, regardless of length, to park said vehicle within a street intersection, on a crosswalk, in front of a private driveway, or on a sidewalk. The Governing Body may, by resolution, provide truck parking areas adjoining, or adjacent to, the business district, and when such parking areas are provided, it shall be the duty of all truck operators to use such parking areas for all parking purposes. (Ref. 60-680 RS Neb.)

§5-407 PARKING; OBSTRUCTING TRAFFIC. No person shall, except in case of an accident or emergency, stop any vehicle in any location where such stopping will obstruct any street, intersection, or entrance to any alley or public or private drive. *(Ref. 60-680 RS Neb.)*

§5-408 PARKING; CURBS, PAINTED. It shall be the duty of the Utilities Superintendent to cause the curb space to be painted and keep the same painted as provided in this Article. No person, firm, or corporation shall paint the curb of any street, or in any manner set aside, or attempt to prevent the parking of vehicles in any street, or part thereof, except at such places where the parking of vehicles is prohibited by the provision of this Article. The marking or designating of portions of streets or alleys where the parking of vehicles is prohibited or limited shall be done only by the Municipality through its proper officers, at the direction of the Governing Body. *(Ref. 60-680 RS Neb.)*

§5-409 PARKING; DISPLAY OR REPAIR. It shall be unlawful for any person to park upon any street, alley, or public place within this Municipality any vehicle displayed for sale. No person shall adjust or repair any automobile or motorcycle, or race the motor of same, while standing on the public streets or alleys of this Municipality, excepting in case of breakdown or other emergency requiring same. No person or employee connected with a garage or repair shop shall use sidewalks, streets, or alleys in the vicinity of such garage or shop for the purpose of working on automobiles or vehicles of any description. *(Ref. 60-680 RS Neb.)*

§5-410 PARKING; TIME LIMIT. The Governing Body may, by resolution, entirely prohibit, or fix a time limit for, the parking and stopping of vehicles on any street, streets, or district designated by such resolution, and the parking, or stopping, of any vehicle in any such street, streets, or district, for a period of time longer than fixed in such resolution shall constitute a violation of this Article. *(Ref. 60-680 RS Neb.)*

§5-411 PARKING, SNOW REMOVAL. In the event of a forecasted snow storm, which includes the Village of Shelton, all cars parked on streets that run in an east-west direction shall be parked along the south curb for the first day after the cessation of the snow storm. On the second day all cars shall be parked along the north curb. For streets that run in a north-south direction, all cars shall be parked along the east curb for the first day after the cessation of the snowstorm. On the second day all cars shall be parked along the west curb.

The following streets are hereby declared designated snow routes:

1. Second Street
2. Railroad Street
3. “C” Street
4. “D” street
5. Coady Street
6. Lincoln Ave.

The Utilities Superintendent may order any street or alley, or portion thereof, vacated for weather emergencies or street maintenance. Such order shall be enforced by the Municipal Police by personally notifying the owner or operator of a vehicle parked on such street or alley, or by posting appropriate signs along such streets or alleys. Such signs shall be posted not less than four (4) hours prior to the time that the vacation order is to be effective. Any person parking a vehicle in violation of this section shall be subject to the penalties provided in this Chapter, and such vehicle may be removed and parked, under the supervision of the Municipal Police, to a suitable nearby location without further notice to the owner or operator has been issued there shall be no parking in the Main business District after ten o’clock P.M.

(10:00 P.M.). *(Ref. 170-557 RS Neb.)*

§5-412 PARKING; RESTRICTED PARKING ON HIGHWAY. Passenger automobiles only shall be permitted to park parallel to the curb for a period not exceed one hour in length within the following limited areas on the North Side of Highway #30 between B Street and D Street:

Within an area commencing at the East Side of the alley between C and B Streets, thence extending East to a point 25 feet West of the West curb line of B Street.

Within an area commencing at a point 35 feet West of the West boundary of the alley between C and D Streets, thence extending West to a point 50 feet East of the East curb line of D Street.

No vehicles shall be permitted to park on the North side of Highway 30 commencing at the West side of the alley between C and D Streets and extending 35 feet West therefrom, except vehicles may stop or stand for a period of time not to exceed what is reasonably necessary to load or unload but in no event may such vehicles stop or stand for a period exceeding 30 minutes.

It shall be unlawful to park any vehicle on the South side of Highway 30 between C and B Streets and between C and D Streets.

All areas designated as "no parking' in the Village of Shelton shall be marked by painting the curb adjacent thereto yellow.

§5-413 PARKING; TRUCK PARKING. (1)It shall be unlawful to park any semi-tractor and/or trailer truck or any farm truck on the paved portion of city right-of -way for more than three hours in any residential zone within the corporate limits of the Village. This restriction does not apply to such vehicles parked within the public right-of-way but not on the paved portion thereof.

(2) Contrary to the provisions of Sub-Section hereof, no such truck parking shall be allowed at anytime on the public right-of-way to include the paved and unpaved portion of "C" Street within the Village of Shelton.

(3) The provisions of Sec. 5-401 shall not apply to any vehicle identified in subsection 1 hereof which may be parked on the unpaved portion of public right-of-way.

§5-414 PARKING AND STORING RECREATIONAL VEHICLES. Any owner, lessee or bailee of a recreational vehicle as hereinafter defined, may park or store such recreational vehicle on a single lot in a residential district, subject to the following:

1. Such recreational vehicle shall be maintained in a clean, sanitary state so as not to attract pests or vermin of any nature.
2. If such recreational vehicle is equipped with liquified petroleum gas containers, such containers shall meet the standards of the Interstate Commerce Commissions or the Federal Department of

Transportation or the American Society of Mechanical Engineers as such standards existed as of September 23, 1975, and thereafter amended. Further, the valves of such liquified petroleum gas containers must be closed when the recreational vehicle is not being readied for immediate use, and in the event that leakage is detected from such liquified petroleum gas containers, immediate corrective action must be taken.

3. At no time shall parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes except as provided in subsection 4 of this Section.
4. It shall be unlawful for only nonpaying guests at a residence in a residential district to occupy one recreation vehicle parked or stored, subject to the provisions of this chapter, for sleeping purposes only for a period not exceeding one week. The total number of days during which the recreational vehicle may be occupied under this subsection shall not exceed thirty (30) days in any calendar year.
5. Such recreational vehicle may be parked or stored in the following manner:

A. Parking is permitted inside any closed structure which structure otherwise conforms to the zoning requirements of the particular zone where located;
B. Parking is permitted outside in the side yards or in the rear yard behind a required front yard;
C. Parking is permitted outside within the required front yard area on a driveway or a hard surface pad adjacent to the driveway for one recreational vehicle provided:

i) The recreational vehicle is parked perpendicular to the front curb;

ii) The recreational vehicle must be at least ten (10) feet in back of the front curbing or street line;

iii) The sides of the recreational vehicle do not exceed sixty-five (65) feet in length, eight (8) feet in width, or twelve (12) feet in height. For the purpose of determining external measurements:

1. Truck campers and recreational vehicles shall be measured in conjunction with their pairing vehicles, with the whole being considered as one unit for measuring purposes; and

2. As to other recreational vehicles, the length restriction shall apply to the body measurements only.

The Village Board shall have the power to grant relief from any of the foregoing provisions and such elected instances as it may deem appropriate under the circumstances.

EXCEPTION. Nothing in this Section shall prohibit the temporary parking of any recreational vehicle on a driveway within the front yard or upon streets; provided, said temporary parking shall be for a period not to exceed 24 hours. Further, no recreational vehicle shall be parked in a driveway more than 24 hours in a weekly period.

DEFINITIONS: A recreational vehicle is hereby defined to include the following:

A. Motor Home. A Vehicular unit built on, or as part of a self-propelled motor vehicle chassis,

primarily designed to provide temporary living quarters for quarters for recreational camping or traveling use, and which is eligible to be licensed or registered and insured for highway use;

B. Travel Trailer. A rigid vehicular structure, without its own motor power designed as a temporary dwelling for travel, camping, recreational or vacation use, and eligible to be licensed or registered and insured for highway use and which when equipped for the road and has a body width of not more than eight (8) feet.

C. Truck Camper. A portable structure, without its own motor power, designed to be transported on a powered vehicle as a temporary dwelling for travel, camping, recreational or vacation use, and which in combination with the carrying vehicle, is eligible to be licensed or registered and insured for highway use.

§5-415 PARKING; IN FRONT YARDS PROHIBITED. It shall be unlawful for anyone to park a motor vehicle or any vehicle requiring registration on any unimproved area of a front yard of any property in the Village of Shelton. For the purpose of this section, "Unimproved area" shall mean any area that has not been improved with concrete, asphalt, brick, stone, gravel, or crushed rock. The term "motor vehicle" shall mean every self-propelled land vehicle, not operated on rails, except mopeds or self-propelled invalid chairs. A vehicle" requiring registration" shall include all trailers or other non-motorized vehicles requiring registration and license plates. No front yard shall be improved for parking unless it meets the requirements for ingress and egress pertaining to driveways, culverts and other restrictions for drainage as required by the Village of Shelton.

§5-416 PARKING; COMPLIANCE WITH DESIGNATED METHOD REQUIRED.
It shall be unlawful to park any motor vehicle or vehicles requiring registration or license plates upon the streets in any manner or position other than that indicated by appropriate signs or markings, or as directed by an Officer or authorized representative of the Village.

§5-417 PARKING; ON STREETS; LIMITATION. It shall be unlawful for any person to park any vehicle or to permit such vehicle to stand at one location upon the streets for a period longer than seventy-two (72) hours.

Article 5. Off-road Vehicle

§5-501 ALL-TERRAIN VEHICLES, DEFINED; UTILITY TYPE VEHICLES, DEFINED; GOLF CAR, DEFINED. (A) As used in this Article, unless the context otherwise requires, all-terrain vehicle shall mean any motorized off-highway vehicle which (1) is fifty (50") inches or less in width, (2) has a dry weight of twelve hundred (1200) pounds or less, (3) travels on three (3) or more low-pressure tires, (4) is designed for operator use only with no passengers or is specifically designed by the original manufacturer for the operator and one passenger.

(B) (i) Utility-type vehicle means any motorized off-highway vehicle which (1) is seventy-four inches in width or less, (2) is not more than one hundred eighty inches, including the bumper, in length, (3) has a dry weight of two thousand pounds or less, (D) travels on four or more nonhighway tires.

(ii) Utility-type vehicle does not include all-terrain vehicles, golf cart vehicles, or low-speed vehicles.

(C) Golf cart vehicle means a vehicle that has at least four wheels, has a maximum level ground speed of less than twenty miles per hour, has a maximum payload capacity of one thousand two hundred pounds, has a maximum gross vehicle weight of two thousand five hundred pounds, has a maximum passenger capacity of not more than four persons, and is designed and manufactured for operation on a golf course for sporting and recreational purposes. (*R.R.S. Neb. § 60-501)*

All-terrain vehicles and utility-type vehicles which have been modified or retrofitted with after-market parts to include additional equipment not required by sections 60-6,357 R.R. S. Neb., and 60-6,358 R.R.S. Neb. shall not be registered under the Motor Vehicle Registration Act, nor shall such modified or retrofitted vehicles be eligible for registration in any other category of vehicle defined in the act. 355 *(Ref. 60-6,355 RS Neb.; 60-501 RS Neb.)*

§5-502 OFF-ROAD VEHICLES; OPERATION and EQUIPMENT:

1. ATVs and UTVs may be operated upon the Village streets and highways within the corporate limits of the Village only if the operator and vehicle are in compliance with the following provisions in addition to the Nebraska Rules of the Road and Municipal Codes:
    a. ATVs and UTVs must be registered with the Village Clerk as herein provided, unless said vehicle is owned by the Village.
    b. ATVs and UTVs may be operated only between the hours of sunrise and sunset and shall not be operated at a speed faster than twenty-five (25) miles per hour or the posted speed limit, whichever is less. When in operation the headlights and tail lights of the vehicle shall be on, and the vehicle shall be equipped with a safety flag which extends no less than five (5) feet above the ground when attached to the rear of such vehicle. The flag shall be day-glow in color, triangular in shape, and of a size with an area of not less than thirty (30) square inches.
2. Golf carts may be operated upon the Village streets and highways within the corporate limits of the Village only if the operator and vehicle are in compliance with the following provisions in addition to the Nebraska Rules of the Road and Municipal Codes:
    a. Golf Carts must be registered with the Village Clerk as provided in this article, unless the same is owned by the Village.
    b. Golf carts may be operated only between the hours of sunrise and sunset and shall not be operated at a speed faster than twenty-five (25) miles per hours or the posted speed

limit, which ever is less. When in operation, the headlights and taillights of the vehicle shall be on, and the vehicle shall be equipped with a safety flag which shall extend no less than five (5) feet above the ground when attached to the rear of such vehicle. The flag shall be day-glow in color, triangular in shape, and of a size of not less than thirty (30) square inched.

3. Any person operating ATVs, UTVs and/or golf carts as authorized by this Article shall:
    a. Be at least 21 years of age;
    b. Have a valid Class O operator's license;
    c. Have liability insurance coverage for the vehicle in question
    d. while in operation upon a street or highway and provide proof of said insurance coverage upon the demand of any law enforcement officer; such insurance shall comply with the coverage limits established by Sec. 60-509 R.R.S., as amended.
    e. If operating or riding on an ATV or UTV, wear a helmet as established for motorcycle use in accordance with Sec. 60-6,279 R.R.S. as amended.
    f. If operating or riding on a ATV, UTV or golf cart, utilize manufacturer installed seat belts, if any.

§5-503 CONTROLLED -ACCESS HIGHWAYS AND OFF-LIMIT STREETS. ATVs, UTVs and golf carts shall not be operated on any controlled-access highway with more than two (2) marked traffic lanes, and the crossing of any controlled-access highway with more than two (2) marked traffic lanes shall not be permitted unless engaged by the Village for municipal government purposes. Likewise such off-road vehicles shall not be operated anywhere upon Highway 30 or Highway 10D which may be within the corporate limits of the Village.

§5-504 CROSSING HIGHWAYS

For the purpose of this Article, the crossing of Highway 30 shall be permitted only if:

1. The crossing is made at an angle of approximately ninety (90) degrees perpendicular to the direction of travel made on such highway and at either the intersection of said Highway 30 and Coady Street or "C" Street.
2. The vehicle is brought to a complete stop before crossing the shoulder or roadway of said highway.
3. The operator yields the right of way to all traffic which constitutes an immediate or potential hazard.
4. Both headlights and taillights shall be on which the crossing is made.

§5-505 OFF-ROAD VEHICLES; EQUIPMENT, REQUIREMENT. Every off-road vehicles shall be equipped with:

1. A brake system maintained in good operating condition;
2. An adequate muffler system in good working condition; and
3. A United States Forest Service qualified spark arrester.

(Ref. 60-6,358 RS Neb.)

§5-506 OFF-ROAD VEHICLES; PROHIBITIONS. No person shall:
1. Equip the exhaust system of an off-road vehicle with a cutout, bypass, or similar device;
2. Operate an off-road vehicle with an exhaust system so modified; or
3. Operate an off-road vehicle with the spark arrester removed or modified except for use in closed-course competition events.
(Ref. 60-5,359 RS Neb.)

§5-507 OFF-ROAD VEHICLES; COMPETITION. Off-road vehicles participating in competitive events may be exempted from sections 5-503 to 5-504 of this Article at the discretion of the Director of Motor Vehicles. *(Ref. 60-6,360 RS Neb.)*

§5-508 OFF-ROAD VEHICLES; ACCIDENT REPORT. If an accident results in the death of any person or in the injury of any person which requires the treatment of the person by a physician, the operator of each off-road vehicle involved in the accident shall give notice of the accident in the same manner as provided in section 60-505. *(Ref. 60-6,361 RS Neb.)*

§5-509 OFF-ROAD VEHICLES; INSURANCE AND INSPECTION.
All off-road vehicles to be used within the corporate limits of the Village shall be inspected by an officer of the Village Police Department to include submission of proof of insurance prior to final registration.

§5-510 OFF-ROAD VEHICLES; REGISTRATION All off-road vehicles prior to operation upon the public right-of-ways of the Village of Shelton shall be required to have a permit issued annually from date of first registration by the Village following inspection as required herein. The cost of such permit shall be set by the Village Board by Resolution.

Only ATVs, UTVs and golf carts registered pursuant to this Article, or owned by the Village, shall be authorized for operation on the streets and highways with in the corporate limits of the Village. A registration sticker shall be issued by the Village upon the owner submitting the following:

1 A completed Application for Registration, including a sworn acknowledgment that the ATV, UTV or golf cart is in compliance with the equipment requirements set forth in this Article.
2 Proof of liability insurance for the vehicle specifically listing the referenced vehicle by serial number, year, make and model.

§5-511 OFF-ROAD VEHICLES; PENALTY. Any violation of sections 5-502 to 5-508 of this Article which is also a violation under Chapter 39 or Chapter 40 of RS Neb. may be punished under the penalty provisions of such Chapter. *(Ref. 60-6,362 RS Neb.)* In addition thereto a fine may be levied of not less than $100 nor more than $300 per violation. Pending conviction the privileges associated with this Article may be suspended at the recommendation of law enforcement and upon conviction such suspension may extend for a period of one year from the date of the incident. At the discretion of Chief of Police of the Village of Shelton, repeated offenses may result in the impoundment of any vehicle pending conviction of any and all existing violations of this Article.

§5-512 OFF-ROAD VEHICLES; ENFORCEMENT. Any peace officer of the State or of any political subdivision, including conservation officers of the Game and Parks Commission shall be charged with the enforcement of the provisions of sections 5-502 to 5-507 of this Article.

Article 6. Penal Provisions

§5-601 VIOLATIONS; PENALTY. (1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred ($500.00) dollars. A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

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

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. *(Ref. 17-207, 17-505, 18-1720, 18-1722 RS Neb.)*

(3) Any person who shall violate or refuse to comply with the enforcement of any of the provision of this Chapter regarding parking regulations as set forth in full length herein or incorporated by reference shall be deemed guilty of an infraction and upon issuance of a parking ticket shall pay a fine as follows:

(a) For violation of §5-401, Illegal Parking	$50.00
(b) For violation of §5-409, Obstructing Traffic	$50.00
(c) For violation of §5-412, Current License	$50.00

Said fines shall be paid to the Municipal Clerk at the City office within fifteen (15) days of the date of the traffic ticket. A new violation shall be deemed to have been committed every twenty-four (24) hours after issuance of any summons.

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Chapter 6

POLICE REGULATIONS

Article 1. Dogs

§6-101 DOGS; LICENSE. Any person who shall own, keep, or harbor a dog or other animal over the age of four (4) months within the Municipality shall within ten (10) days after acquisition of the said dog or other animal acquire a license for each such dog or animal annually thereafter by or before the first (1st) day of May of each year. The said tax shall be delinquent from and after May tenth (10^{th}) for annual renewals Licenses shall be issued by the Municipal Clerk upon the payment of a license fee. Said license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed animal. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his name and address and the name, breed, color, and sex of each dog owned and kept by him. A certificate that the animal has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. *(Ref. 17-526, 54-603, 71-4412 RS Neb.)*

§6-102 DOGS, LICENSE TAGS. Upon the payment of the license fee, the Municipal Clerk shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs so licenses and shall entitle the owner to keep or harbor the said dog until the thirtieth (30th) day of April following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the Municipal Clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee set by resolution of the Governing Body for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Municipal Clerk to issue tags of a suitable design that different in appearance each year. *(Ref. 17-526, 54-603 RS Neb.)*

§6-103 DOGS; WRONGFUL LICENSING. It shall be unlawful for the owner, keeper, or harborer of any dog to permit or allow such dog to wear any license, metallic tag or other Municipal identification than that issued by the Municipal Clerk for dogs. *(Ref. 17-526, 54-603 RS Neb.)*

§6-104 DOGS; OWNER DEFINED. Any person who shall harbor or permit any dog to be for ten (10) days or more in or about his or her house, store, or enclosure, or to remain to be fed, shall be deemed the owner and possessor of such dog and shall be deemed to be liable for all penalties herein prescribed.

§6-105 DOGS; PROCLAMATION. It shall be the duty of the Governing Body whenever in its opinion the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping, harboring any dog to muzzle the same or to confine it for a period of not less than thirty (30) days but not more than ninety (90) days form the date of such proclamation, or until such danger is passed. The dogs may be harbored by any good and sufficient means in a house, garage, or yard on the premise wherein the said owner may reside. Upon issuing the proclamation it shall be the duty of all persons owning, keeping, or harboring any dog to confine the same as herein provided. *(Ref. 17-526*

RS Neb.)

§6-106 DOGS; UNCOLLARED. All dogs found running at large upon the streets and public grounds of the Municipality without a collar or harness are hereby declared a public nuisance. Uncollared dogs found running at large shall have notification given to the owner by the Municipal Police. *(Ref. 54-605 RS Neb.)*

§6-107 DOGS; RUNNING AT LARGE. This ordinance is enacted to protect the health, safety, and welfare of the public by regulating the control of dogs within the municipality. It is intended to ensure responsible pet ownership and prevent nuisances caused by dogs running at large.

DEFINITIONS:

- **Dog at Large:** Any dog that is not confined within the property limits of its owner or not under the immediate control of a responsible person, either by leash or other means.
- **Owner:** Any person, firm, corporation, or organization owning, harboring, or having custody, care, or control of a dog.

PROHIBITED CONDUCT:

No owner shall permit or allow any dog to be at large within the municipality at any time, whether intentionally or through lack of proper confinement or control.

PENALTY:

Any dog found at large, as defined herein, is subject to the following penalties:

- First offense: A fine of $75 shall be imposed upon the owner.
- Subsequent offenses: A fine of $150 shall be imposed for each additional offense.
- Owners will have thirty (30) days to pay such fine at the Village of Shelton Office. If such fine is not paid within (30) days, charges will be forwarded to the Village of Shelton Attorney.

ENFORCEMENT:

This ordinance shall be enforced by authorized animal control officers or law enforcement personnel. Dogs found at large may be impounded in accordance with applicable municipal regulations. If impounded, owners may be subjected to additional fees charged by the impoundment facility.

§6-108 DOGS; CAPTURE IMPOSSIBLE. The municipal Police shall have the authority to kill any animal showing vicious tendencies, or characteristics of rabies which make capture impossible because of the danger involved. *(Ref. 54-605 RS Neb.)*

§6-109 DOGS; VICIOUS. It shall be unlawful for any person to own, keep, or harbor any dog of a dangerous or ferocious disposition that habitually snaps or manifests a disposition to bite, without the said dog being securely held by a chain. If a vicious or dangerous dog is allowed to run at large, the Municipal Police shall have the authority to put the dog to death. Upon a written complaint of two (2) or more affected persons from different households, filed with the Municipal Clerk's office, in any thirty (30) day period, that any dog owned by the person named in the complaint is committing injury to persons or

property, or is an annoyance, dangerous, offensive or unhealthy, the Chairman shall investigate the complaint and, if in his opinion the situation warrants, shall notify the owner to restrain such dog from running at large, and keep such dog upon the premise of the owner, even though the license has been paid.

§6-110 DOGS; INTERFERENCE WITH POLICE. It shall be unlawful for any person to hinder, delay, or interfere with any Municipal Policeman who is performing any duty enjoined upon him by the provisions of this Article, or to break open, or in any manner directly or indirectly aid, counsel, or advise the breaking open of the animal shelter, any ambulance wagon, or other vehicle used for the collecting or conveying of dogs. *(Ref. 28–9006 RS Neb.)*

§6-111 DOGS; KILLING AND POISONING. It shall be unlawful to kill, or to administer, or cause to be administered, poison of any sort to a dog, or in any manner to injure, maim, or destroy, or in any manner attempt to injure, maim, or destroy any dog that is the property of another person, or to place any poison or poisoned food where the same is accessible to a dog; provided, that this section shall not apply to Municipal Policemen acting within their power and duty. *(Ref. 28-1002 RS Neb.)*

§6-112 DOGS; BARKING AND OFFENSIVE. It shall be unlawful for any person to own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any neighborhood, person, or which habitually barks at or chases pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the Municipality. Upon the written complaint of two (2) or more affected persons from different households, filed within any thirty (30) day period with the Municipal Clerk, that any dog owned by the person named in the complaint is an annoyance or disturbance, or otherwise violates the provisions of this section the Municipal Police shall investigate the complaint and, if in their opinion the situation warrants, shall notify the owner to silence and restrain such dog. *(Ref. 17-526 RS Neb.)*

§6-113 DOGS; FEMALE IN SEASON. It is hereby declared unlawful for the owner, keeper, or harborer of a female dog to permit her to run at large within the Municipality while in season. Any such female dog found running at large in violation of this Section shall be declared to be a public nuisance and as such may be removed or killed according to the provisions herein. *(Ref. 17-526 RS Neb.)*

§6-114 DOGS; FIGHTING. It shall be unlawful for any person, by agreement or otherwise, to set dogs to fighting, or by any gesture or word to encourage the same to fight. *(Ref. 17-526 RS Neb.)*

§6-115 DOGS; LIABILITY OF OWNER. It shall be unlawful for any person to allow a dog owned, kept or harbored by him, or under his charge to control, to injure or destroy any real or personal property of any description belonging to another person The owner or possessor of any such dog, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained. *(Ref. 54-601, 54-602 RS Neb.)*

§6-116 DOGS; REMOVAL OF TAGS. It shall be unlawful for any person to remove or cause to removed, the collar, harness, or metallic tag from any licensed dog without the consent of the owner, keeper or possessor thereof. *(Ref. 17-526 RS Neb.)*

§6-117 <u>DOGS; RABIES SUSPECTED</u>. Any dog suspected of being afflicted with rabies, or any dog not vaccinated in accordance with the provisions of this Article which has bitten any person and cause an abrasion of the skin, shall be seized and impounded under the supervision of the Board of Health for a period of not less than ten (10) days. If upon examination by a veterinarian, the dog has no clinical signs of rabies at the end of such impoundment, it may be released to the owner, or, in the case of an unlicensed dog, it shall be disposed of in accordance with the provisions herein. If the owner of the said dog has proof of vaccination, it shall be confined by owner or some other responsible person for a period of at least ten (10) days, at which time the dog shall be examined by a licensed veterinarian. If no signs of rabies are observed, the dog may be released from confinement. (Ref. 71-4406 RS Neb.)

Article 2. Domestic Animals Generally

§6-201 DOMESTIC ANIMALS; DEFINED: Domestic animal as used in this Article shall mean any cattle or other bovine, horses, or other equine; sheep, goats, alpacas, llamas, and fowl specifically excluding dogs, cats, and other household pets.

§6-202 KEEPING OF DOMESTIC ANIMALS: It shall be unlawful to keep or maintain domestic livestock within the corporate limits of the Village except as set forth hereinafter:

Animal Type	Number of animals allowed in AG per 1.5 acres	Number of total animals allowed in all other Districts per 1.5 acres
Cattle and other Bovine	1	1
Horses and other Equine	2	2
Sheep, Goats, and Alpacas	3	3
Fowl*	10	10

*ROOSTERS ARE PROHIBITED

§6-203 DOMESTIC ANIMALS; FENCING REQUIREMENTS: All animals shall be always kept within a fenced enclosure when said animals are not leashed, haltered, or bridled under the direct control of the owner or an authorized agent of the owner of the animals. It shall be unlawful to keep or maintain such domestic animals in violation hereof.

§6-204 DOMESTIC ANIMALS; ALL OTHER REQUIRMENTS: Refer to Village of Shelton Zoning Ordinance 5.27

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§6-301 MISDEMEANORS; WEEDS; DUTY TO CUT; NOTICE TO CUT; NON-COMPLIANCE; COLLECTION PROCEDURE.

(1) It shall be unlawful and hereby declared a public nuisance for any owner, agent, occupant or person in possession, charge or control of any lot or piece of ground in the Village of Shelton, Nebraska, to allow or maintain any growth of twelve (12) inches or more in height of weeds, grasses or worthless vegetation, and, upon conviction, such owner, agent, occupant or person shall be penalized in accordance with the provisions of the Village Code. A separate and distinct offense shall be regarded as having been committed and each calendar day that such weeds, grasses, or worthless vegetation is permitted to remain on said premises.

(2) As use and applied in this section, weeds shall include, but not be limited to, bindweed, leafy spurge, Canada thistle, perennial grass, Russian knapweed, Johnson grass, knotting or musk thistle, Scotch thistle, morning glory, bur ragweed, quack grass, perennial sow thistle, horse nettle, bull thistle, buckthorn, hemp plant, ragweed, or any other economically useless plant or plants of unsightly appearance.

This section shall not include landscaping grasses as readily available throughout the community for purposes used in highlighting and landscaping.

(3) It shall be the duty of each owner, agent, occupant or person in possession, charge or control of any lot or piece of ground in the Village of Shelton, Nebraska, to cut and remove from such lost or piece of ground, together with the adjoining streets or alleys, all weeds, grasses or worthless vegetation as defined in sub-paragraph (1) above, which may have grown in excess of twelve (12) inches or more in height and the cuttings shall be removed from such real estate.

(4) Notice to abate and remove such nuisance shall be sent to each owner, or owner's duly authorized agent and the occupant, if any, by personal service or certified mail. Within five (5) days after the receipt of such notice, the owner may request a hearing to appeal the decision to abate or remove any such nuisance. A hearing shall be scheduled within fourteen days of receipt of such appeal and conducted by the Village Attorney as hearing officer. The hearing officer shall have five business days to render a decision.

(5) Within five days of receipt of said notice, and if such owner fails to appeal such decision as provided herein, or if such owner upon affirmation by the hearing officer of the decision by the Village Board to declare a public nuisance, and upon failure of the owner, agent, occupant or person in possession, charge or control of any piece of ground in the Village of Shelton to comply with the notice to comply with the cutting and removing of weeds, grasses, and other worthless vegetation as herein defined, the Village Board may have such work done and the real estate cleaned of refuse, debris or other obstructions to permit such work, if necessary. Upon such action by the Village Board, a bill for the expenses and costs as herein provided shall be provided to the owner, agent or person in possession, charge of control of such real estate within ten (10) days from the date of such bill.

(6) If the cost and expense of cutting and removing weeds, grasses or worthless vegetation as defined herein and the cost of removing any refuse, debris, or other obstructions to permit such cutting, is not paid within two months from the date such work was completed, the Village Board shall, and it is hereby empowered to, levy and assess the costs and expenses of such work upon the property so benefitted. The same shall be levied on all lots, tracts or parcels of land to the extent of the special benefits to such real estate by reason of such improvement, such benefits to be determined by the Village sitting as a Board of Equalization after publication in a newspaper having general circulation in the Village and personal notice at least ten (10) days prior thereto. The assessments so levied shall be a lien on the property on which levied from the date of levy and shall be due and payable to the Village Treasurer thirty (30) days after such levy and shall become delinquent fifty (50) day after such levy and shall bear interest at the rate of twelve percent (12%) per annum from and after the date they become delinquent and, at the same time of the next certification for general revenue purposes to the County Clerk, if not previously paid, the special taxes shall be certified to the County Clerk and by him/her be placed upon the tax list and be collected as other real estate taxes are collected and paid over to the Village Treasurer. In the alternative, the Village may recover a civil action the costs and expenses of the work done upon the lot or piece of ground. *(Ref. 17-563.01, 18-1719, 18-1720, 28-1321 RS Neb.)*

§6-302 CURFEW.

DEFINITIONS:

MINOR CHILDREN shall be defined as any person who is less than eighteen (18) years of age.

WEEK NIGHTS shall be defined as commencing at 11:00 p.m. and concluding at 6:00 a.m. Sunday through Friday.

WEEKEND NIGHTS shall be defined as commencing at 12:00 midnight and concluding at 6:00 a.m. Friday and Saturday.

CURFEW:

1. It shall be unlawful for a minor child to be upon any street, alley or any other public place within the Village weekday nights and weekend nights unless such person is accompanied by a parent, guardian or other person, not a minor who has custody of such minor.

2. A minor child traveling to, from or during lawful employment or a sponsored, organized activity shall be exempt from the provisions hereof; provided, he or she follows the most direct route to, from or during such travel.

DUTY OF A PARENT, GUARDIAN OR LEGAL CUSTODIAN:

1. It shall be the duty of any parent, guardian or legal custodian or a person having legal care, custody and control of a minor child to control the minor child so that he or she is not in violation of this section.

2. It shall be unlawful for any parent, guardian, legal custodian or any person having legal care, custody and control of a minor child to allow or permit such child to be upon any public street, alley or other public place in the Village in violation of this section.

§6-303 MISDEMEANORS; DISORDERLY CONDUCT.

(A) Definitions. For the purpose of this section, the following words and phrases shall have the following meanings:

(1) Public place shall mean any place to which the general public has access and a right to resort for business, entertainment or other lawful purposes, but does not necessarily mean a place devoted solely to the uses of the public. It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas, or parks.

(2) Riot shall mean a public disturbance involving an act or acts of violence by one (1) or more persons part of an assemblage of three (3) or more persons, which act or acts shall constitute a clear and present danger of or shall result in damage or injury to the property of any other person or to the person of any other individual; or a threat or threats of the commission of an act or acts of violence by one (1) or more persons part of an assemblage of three (3) or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of or would result in damage or injury to the property of any other person or to the person of any other individual.

(3) Incite a riot shall mean, but is not limited to, urging or instigating other persons to riot, but shall not be deemed to mean the mere oral or written advocacy of ideas or the expression of beliefs, not involving advocacy of any act or acts of violence or assertion of the rightness of or the right to commit any such act or acts.

(B) Disorderly Conduct Prohibited. A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder or nuisance or if his/her conduct is likely to cause public danger, alarm, disorder or nuisance, he/she willfully does any of the following acts in a public place:

(1) Commits an act in a violent and tumultuous manner toward another whereby that other is place in danger of his/her life, limb or health;

(2) Commits an act in a violent and tumultuous manner toward another whereby the property of another is placed in danger of being destroyed or damaged.

(3) Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;

(4) Interferes with another's pursuit of lawful occupation by acts of violence;

(5) Obstructs, either singly or together with other persons, the flow of vehicular traffic and refuses to clear such public way when ordered to do so by the City Police or other lawful authority know to be such;

(6) Resists or obstructs the performance of duties by police officer(s) or any other authorized official of the City, when known to be such official;

(7) Incites, attempts to incite or is involved in attempting to incite a riot;

(8) Damages, befouls or disturbs public property or the property of another so as to create a hazardous unhealthy or physically offensive condition;

(9) Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance to the annoyance of any other person nearby, or near to any public highway, road, street, lane, alley, park, square or common, whereby the public peace is broken or disturbed or the traveling public is annoyed;

(10) Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where on (1) or more persons are committing acts of disorderly conduct in the immediate vicinity and the

public health and safety is imminently threatened;
(C) Exemptions. This section shall not be construed to suppress the right of lawful assembly, picketing, public speaking or other lawful means of expressing public opinion not in contravention of other laws.
(D) Penalties. Any person who violates any of the provisions of this section shall be subject to fines and/or imprisonment as provided in section 6-401 of this Code. Any such violation shall constitute a separate offense on each successive days continued.

§6-304 MISDEMEANORS; OBSTRUCTION OF PUBLIC WAYS. It shall be unlawful for any person to erect, maintain, or suffer to remain on any street or public sidewalk, a stand, wagon, display, or other obstruction inconvenient to, or inconsistent with, the public sue of the same.

§6-305 MISDEMEANORS; OBSTRUCTING WATER FLOW. It shall be unlawful for any person to stop or obstruct the passage of water in a street gutter, culvert, water pipe, or hydrant.

§6-306 MISDEMEANORS; DISCHARGE OR FIREARMS. It shall be unlawful for any person, except an officer of the law in the discharge of his official duty, to fire or discharge any gun, pistol, or other fowling piece within the Municipality; provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Governing Body..

§6-307 MISDEMEANORS; ABANDONED AUTOMOBILES.

(1) (a) No person shall cause any vehicle to be abandoned vehicle as described in subsection (2) (a), (b), (c), or (d) of this section. *(Ref. 60-10-7 RS Neb.)*

(b) No person other than one authorized by the Municipality or appropriate state agency shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. *(Ref. 60-1908 RS Neb.)*

(2) A motor vehicle is an abandoned vehicle:

(a) If left unattended, with no license plates for more than six (6) hours on any public property;

(b) If left unattended for more than twenty-four (24) hours on any public property, except a portion thereof on which parking is legally permitted;

(c) If left unattended for more than forty-eight (48) hours after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

(d) If left unattended for more than seven (7) days on private property if left initially without permission of the owner, or after permission of the owner is terminated; or

(e) If left for more than thirty (30) days in the custody of a law enforcement agency after the agency has sent a letter to the last-registered owner under subsection (5) of this section.

No motor vehicle subject to forfeiture under section 28-431 RS Neb. shall be an abandoned vehicle under this subsection. *(Ref. 60-1901 RS Neb.)*

(3) If an abandoned vehicle, at the time of abandonment, has no license plates of the current year affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of two hundred fifty ($250.00) dollars or less, title shall immediately vest in the Municipality. *(Ref. 60-1902 RS Neb.)*

(4) (a) Except for vehicles governed by inspection (3) of this section, the Municipality shall make an inquiry concerning the last registered owner of an abandoned vehicle as follows:

1. Abandoned vehicle with license plates affixed, to the jurisdiction which issued such

license plates; or

2. Abandoned vehicle with no license plates affixed to the Department of Motor Vehicles.

(b) The Municipality shall notify the last-registered owner, if any, that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either:

1. It will be sold or will be offered at public auction after five (5) days from the date such notice was mailed; or

2. Title will vest in the Municipality thirty (30) days after the date such notice was mailed.

(c) If the Municipality is notified that a lien or mortgage exists, the notice described in subsection (4)(b) of this section shall also be sent to the lien holder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

(d) Title to an abandoned vehicle, if unclaimed, shall vest in the Municipality;

1. Five (5) days after the date the notice is mailed if the vehicle will be sold or offered at public auction under subsection (4)(b)1, of this section;

2. Thirty (30) days after the date of the notice is mailed if the Municipality will retain the vehicle; or

3. If the last-registered owner cannot be ascertained, when notice of such fact is received.

(e) After title to the abandoned vehicle vests pursuant to subsection (4)(d) of this section, the Municipality may retain for use, sell, or auction the abandoned vehicle. If the Municipality has determined that the vehicle should be retained for use, the Municipality shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the Municipality intends to retain the abandoned vehicle for its use and that title will vest in the Municipality thirty (30) days after publication. *(Ref. 60-1903 RS Neb.)*

(5) (a) If the municipal law enforcement agency has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody, it shall send a certified letter to each of the last-registered owners stating that the vehicle is in the custody of the agency, that the vehicle is no longer needed for law enforcement purposes, and that after thirty (30) days the agency will dispose of the vehicle.

(b) This section shall not apply to motor vehicles subject to forfeiture under section 28-431 RS Neb.

(c) No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this subsection unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees. *(Ref. 60-1903.01 RS Neb.)*

(6) Any proceeds from the sale of an abandoned vehicle, less any expenses incurred by the Municipality, shall be held by the Municipality without interest, for the benefit of the owner or lien holders of such vehicle for a period of two (2) years. If not claimed within such two-year period, the proceeds shall be paid into the general fund of the Municipality. *(Ref. 60-1905 RS Neb.)*

(7) Neither the owner, lessee, nor occupant of the premises from which any abandoned vehicle is removed, nor the Municipality, shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the Municipality or its contractual agent or as a result of any subsequent disposition. *(Ref. 60-1906 RS Neb.)*

(8) The last-registered owner of an abandoned vehicle shall be liable to the Municipality for the cost

of removal and storage of such vehicle. *(Ref. 60-1909 RS Neb.)*

(9) For purposes of this section, PUBLIC PROPERTY means any public right-of-way, street, highway, alley or park or other state, county, or municipality owned property; PRIVATE PROPERTY means any privately owned property which is not included within the definition of public property. *(Ref 600-1901 RS Neb.)*

(10) Any person who violates the provisions of this section is guilty of an offense.

§6-308 MISDEMEANORS; PARK USE. No person will be permitted to any park, or in any driveway in or adjacent thereto, between the hours of eleven (12:00) o'clock A.M. and eight (6:00) o'clock A.M. except for public activities, including swimming, baseball, and other similar events, under authorized adult supervision, Permission may be obtained from the Board of Park Commissioners or its employees who are in charge of the park. No charcoal burners or ice cream freezers shall be permitted in any park.

§6-309 MISDEMEANORS; COLLECTION OR TAXES, REAL ESTATE, BONDED INDEBTEDNESS, DESTRUCTION OR REMOVAL OF BUILDINGS. Except in any Municipality which has adopted a building code with provisions for demolition of unsafe buildings or structures, it shall be unlawful for any person to tear down or remove any building situated on any real estate while there are any delinquent taxes unpaid thereon, or to remove any building situated within the corporate limits of any Municipality which has an unpaid bonded indebtedness, to a point outside of such Municipality, without paying to the County Treasurer, to be deposited by said Treasurer in the bond sinking fund of said Municipality, school district or Municipality and school district, as the case may be, an amount that bears the same proportion to the total outstanding bonded indebtedness of such Municipality, if such Municipality has such bonded indebtedness, as the assessed valuation for the preceding calendar year of the building sought to be removed bears to the total assessed valuation of all taxable property in such Municipality for the preceding calendar year or, if such school district has such outstanding bonded indebtedness, an amount which is a similar proportion of the assessed valuation of such building sought to be removed to the total outstanding bonded indebtedness of such school district, or both such amounts, as the case may be. Any person so offending shall be guilty of a Class 5 misdemeanor, and shall moreover be liable to the County, to re recovered in a civil action, for the amount of all delinquent taxes on such real estate and to such Municipality for the amount of said proportion of any outstanding bonded indebtedness of such Municipality to be removed in the name of such Municipality and also to such school district for the amount of said proportion of any outstanding bonded indebtedness of such school district to be covered in the name of such school district; provided, such action may be brought in the name of such County, Municipality or school district for such delinquent taxes and also for such proportion or proportions, if the one bringing such action has an interest in any of such taxes or amounts, for the benefit of all those interested in the same. Such proportion of such indebtedness, in either or all of such cases is hereby made and shall be a lien upon such building so removed from such Municipality and said lien and the lien of such taxes shall follow and adhere to such building or the materials thereof wherever situated, or into whatever form the same may be converted. *(Ref. 77-1725 RS Neb.)*

§6-310 MISDEMEANORS; REMOVAL AND POSSESSION OF HIGHWAY SIGNS, MARKERS OR NOTICES. It shall be unlawful for any person, other than authorized to do so, to remove any sign,

traffic control or traffic surveillance device placed along a public street, road or highway for traffic control, warning or informational purposes. Moreover, it shall be unlawful for any person to possess such a sign or device which has been removed in violation of this section.

§6-311 MISDEMEANORS; LOUD MUSIC.

(1) It shall be unlawful for any person to play any music through a CD player or boom box or any AM/FM radio or any other type of entertainment device that emits a loud sound that can be heard from a distance of more than fifty (50) feet whether this be from any motor vehicle.

(2) Any violation of this section is subject to a fine of one hundred dollars ($100.00) for the first offense and one hundred fifty dollars ($150.00) for the second offense and subsequent offenses.

§6-312 MISDEMEANORS; USE OF ENGINE BRAKES WITHIN THE MUNICIPALITY. It shall be unlawful for any person to use engine brakes, commonly known as "Jake Brakes", on trucks within the Municipality.

Article 4. Penal Provisions

§6-401 <u>VIOLATIONS; PENALTY</u>. (1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred ($500.00) dollars. A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

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

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. *(Ref. 17-207, 17-505, 18-1720, 18-1722 RS Neb.)*

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CHAPTER 7

FIRE REGULATIONS

Article 1. Fires

§7-101 FIRES; PRESERVATION OF PROPERTY. The Fire Chief, or any officer in charge of the Fire Department, shall have the authority and power to cause the removal of property whenever it shall become necessary for the preservation of more valuable property, the protection of human life, or to prevent the spreading of fire to adjoining property. The Fire Chief may direct the Municipal Firefighters to remove any building, structure, or fence for the purpose of checking the progress of any fire. The Fire Chief shall have the authority to blow up, or cause to be blown up, with explosives any building or structure during the progress of a fire for the purpose of checking the progress of the same.

§7-102 FIRES; DISORDERLY SPECTATOR. Refer to state statute.

§7-103 FIRES; EQUIPMENT. Refer to state statute.

§7-104 FIRES; INTERFERENCE. Refer to state statute.

§7-105 FIRES; OBSTRUCTION. Refer to state statute.

§7-106 FIRES; ASSISTANCE. Refer to state statute.

§7-107 FIRES; DRIVING OVER HOSE. Refer to state statute.

§7-108 FIRES; TRAFFIC. Refer to state statute.

§7-109 FIRES, FALSE ALARM. Refer to state statute.

§7-110 FIRES; PEDESTRIANS. Refer to state statute.

Article 2. Fire Prevention

§7-201 FIRE PREVENTION; LAWFUL ENTRY. It shall be the duty of the owner, lessee or occupant of any building or structure, except the interiors of private dwellings, to allow the Fire Chief to inspect, or cause to be inspected, as often as necessary the said structure for the purpose of ascertaining and enumerating all conditions therein that are likely to cause fire, or any other violations of the provisions of the Municipal ordinances affecting the hazard of fire. *(Ref. 81-512 RS Neb.)*

§7-202 FIRE PREVENTION; VIOLATION NOTICE. It shall be the duty of the owner, lessee, or occupant of any building or structure that was lawfully inspected as hereinbefore prescribed, and who received written or verbal notice of a violation of any of the provisions of the Municipal ordinances to correct the condition that violates the said ordinance or ordinances within five (5) days from the date of receipt of such notice.

§7-203 FIRE PREVENTION; FIRE LIMITS DEFINED. The following described territory in the Municipality shall be and constitute the fire limits (area within which construction must be of incombustible material):

All of Blocks Two (2), Three (3), Five (5), and Six (6) in the Original Town; all of Block One (1), the west one half (½) of Block Two (2), the west one half (½) of block Five (5), and the east one half (½) of Block Six (6) in the First Addition to the Village; and an area comprising that part of the Union Pacific Railroad right-of-way commencing at a point where the west line of Oliver Avenue intersects the south line of North Railroad Street, thence west along the south line of North Railroad Street to the east line of Walsh Avenue, thence south to the north line of South Railroad Street, thence east along the north line of South Railroad Street to the west line of Oliver Avenue, and thence north to the point of beginning, all in the Village of Shelton, Buffalo County, Nebraska.*(Ref. 17-550 RS Neb.)*

§7-204 FIRE PREVENTION; FIRE LIMITS BUILDING PERMIT. Prior to the moving or construction of any building in the fire limits, application must be made to the Governing Body. Construction shall include the enlarging or alteration of any building in the fire limits. Such application shall be furnished by the Administrative Clerk and shall require such information as the Governing Body deems necessary to determine whether or not to grant a building permit. *(Ref. 17-550 RS Neb.)*

§7-205 FIRE PREVENTION; PERMITTED REPAIRS. It shall be unlawful for any person to repair, alter, or add to any building in the fire limits where the repair is less than fifty (50%) percent of the building unless the said person shall first submit an application to the Administrative Clerk to make such repairs, alterations, or to add to any building and shall state on the application that the material used will be non-combustible and approved by the Fire Chief. Repairs in the form of patching and other minor repairs shall not require a permit. In the event that repairs, alteration, or addition is to involve more than fifty (50%) percent of the building, the owner shall be required to apply for a new building permit which shall state that the building, when completed, shall be fireproof and made of noncombustible materials. *(Ref. 17-550 RS Neb.)*

§7-206 FIRE PREVENTION; REMOVAL REQUIRED. In the event that any wooden or combustible building or structure, or any non-combustible building which stands within the fire limits is damaged to the extent of fifty (50%) percent or more of its value, exclusive of the foundation, It shall not be repaired or rebuilt, but shall be taken down and removed within sixty (60) days from the date of such fire or other casualty. *(Ref. 17-550 RS Neb.)*

§7-207 FIRE PREVENTION; REMOVAL OR REPAIR REQUIRED. In the event that a building within the fire limits becomes damaged by fire, wind, flood, vandalism or any other cause, to the extent of less than fifty (50%) percent of its value, exclusive of the foundation, it shall be the duty of the owner, lessee, or occupant to remove or repair the said building in accordance with the provisions of this Article. It shall be unlawful for any person to allow a building to stand in such damaged or decayed condition. Any such building shall be removed or repaired within thirty (30) days after receiving notice to do so by the Governing Body. *(Ref. 17-550 RS Neb.)*

§7-208 FIRE PREVENTION; FIRE PROHIBITED. It shall be unlawful for any person to set out a fire except as hereinafter provided. *(Ref. 17-556 RS Neb.)*

§7-209 FIRE PREVENTION; OUTDOOR FIREPLACES. The term "outdoor fireplaces" shall include fire pits, portable fire pits, and chimineas. These residential outdoor fireplaces use wood as a fuel and are used for contained recreational fires located as a private residents for the purpose of outdoor cooking and personal enjoyment. Outdoor fireplaces do not include bar-b-que grills that use propane or charcoal as a fuel and used primarily for outdoor cooking. Portable fire pits are defined as being commercially designed and intended to confine and control outdoor wood fires. Chimineas are defined as an outdoor patio fireplace, usually made from clay, intended to confine and control outdoor wood fires. Fire pits are usually constructed of steel, concrete and/or stones and constructed above ground with a heavy steel screen cover. All outdoor fireplaces shall meet the following requirements:

A. **CLEARANCES.** A minimum 10-foot clearance shall be maintained between the outdoor fireplace and combustible walls, roofs, fences, decks and other combustible material.

B. **CONSTRUCTION.** Outdoor fireplaces shall be constructed of concrete or approved non-combustible materials. The fuel area and openings shall be completely enclosed by steel screening or approved non-combustible screening material with openings in screening not larger than one half inch square. Vents, stacks and chimneys shall have a steel screen cover made of heavy wire mesh or other non-combustible material with openings not larger than one half inch square or as approved by the Fire Chief. Fire areas for fire pits shall be covered with a steel screen cover made of heavy wire mesh or other non-combustible material with openings not larger than a half inch square. Not permitted are barrels, half barrels, drums or similarly constructed devices.

C. **SIZE.** The fuel area of a fire pit shall not be larger than three feet in diameter and a height of more than two feet.

D. **LOCATION.** Outdoor fireplaces shall be placed on a stable non-combustible surface such as a concrete pad. Outdoor fireplaces shall not be located on combustible balconies or on any balcony

above the first floor that are attached to multiple family dwelling of three or more living units located above the other. Outdoor fireplaces shall not be located under any combustible balcony or any overhanging part of a structure attached to a multiple family dwelling of three or more living units.

E. **TYPE OF MATERIALS BEING BURNT.** Burn untreated wood. Petroleum products, rubbish, grass, leaves, cardboard, plastics, rubber or any material that may flow out of the containment or cause excessive heat, smoke, or offensive smell shall not be permitted.

F. **AMOUNT OF MATERIAL BEING BURNT.** Limit the amount of material being burnt to insure that flames are confined inside the fuel area of the outdoor fireplace and the flames do not extend into the chimney or above the pit. Follow the manufactures recommendation on the maximum amount of fuel to be used at one time.

G. **SUPERVISION.** Outdoor fireplaces shall be under constant supervision by at least one responsible person of age eighteen or older from the ignition of the fire until the fire is completely extinguished and embers are cool and the fire will not rekindle.

H. **PROVISIONS FOR PROTECTION.** A garden hose connected to a water supply or other approved fire extinguishing equipment shall be readily available for use.

I. **WIND AND WEATHER CONDITIONS.** Outdoor fireplaces shall not be operated when winds or blowing over 10 mph and wind direction will cause smoke, embers or other burning materials to be carrier by the wind toward any building or other combustible materials. Outdoor fireplaces shall not operate when weather conditions are extremely dry.

J. **MAINTENANCE.** The owner is responsible to insure proper maintenance and care is accomplished in accordance with manufacturer's instructions. At the minimum the outdoor fireplace will be checked regularly for the appearance of cracks and other physical deterioration or loose parts.

K. **DISCONTINUANCE.** Smoke from outdoor fireplaces shall not create a nuisance for neighboring property owners. The fire shall be extinguished immediately upon the complaint the neighboring property owner or of any smoke nuisance. The Fire Chief is authorized to require outdoor fireplace use to be immediately discontinued if the use of the outdoor fireplace is determined by the Chief to constitute a hazardous condition to occupants of surrounding property.

L. **PERMIT.** A site plan showing the location of the fire pit on the property and a detailed drawing of the construction of the fire pit shall be submitted to the Fire Department for review. Approved plans will serve as the permit. A permit will not be required for portable fire pits or chimineas provided they are commercially designed and have been approved by an independent testing laboratory*(Ref. 17-549, 17-556, 81-520.01 RS Neb.)*

§7-210 FIRE PREVENTION; OPEN FIRES, WHEN ALLOWED.

(1) For purposes of this section, "open fire" shall mean burning under such conditions that the products of combustion are emitted directly in the ambient air and are not conducted through a stack, chimney, duct or pipe.

(2) No person shall cause or permit any open fire within the limits of the Village.

(3) Exceptions:

(a) fires set solely for the outdoor cooking of food for human consumption on other than commercial premises using outdoor fireplaces or bar-b-que grills;

(b) Fires set with the permission of the Fire Chief of the Village of Shelton or designated representative; (i.) For the purpose of training public or industrial firefighting personnel; (ii) For essential agricultural operation in the growing of crops where no nuisance or hazard is created; (iii) for purposes of destroying dangerous materials or diseased trees; (iv) For the purpose of clearing land for roads or other construction activity; (v) For the purposes of burning leaves or brush where no nuisance or hazard is created. Permits for open burning of leaves and brush shall only be issued for fires to be set during a two-week period to be designated by the Fire Chief which two-week period shall be continuous two-week period set sometime between March 15th through April 15th of each year. Another burning period will be allowed for a two-week period to be set between the dates of November 1st and November 31st of each year. Said Fire Chief may rescind the rights to open fires pursuant to this section if inclement weather dictates for safety purposes that no open fires be set.

(c) Fires used in outdoor fireplaces as set forth in Section 7-209.

(4) Open fires shall be constantly attending by a competent person until the fire is extinguished. The person so attending shall have a water supply or other fire extinguishing equipment readily available for use, and no such fire shall be abandoned until it has been completely extinguished.

(5) The Fire Chief for the Village of Shelton may prohibit any and all burning when the atmospheric conditions or local circumstances make such fires hazardous

§7-211 FIRE PREVENTION; OPEN FIRES; PERMIT. Permits to burn leaves and brush shall only be issued to the owner or occupant of private residential property fire locations. Permits may be issued during each open burning period and the week prior thereto. A separate permit shall be required for each open burning period and shall be maintained in the possession of a person tending the fire at all times. Said permits may be issued by the Fire Chief upon written application for the same stating where the fire will be located and who will be tending it.

§7-212 FIRE PREVENTION; OPEN FIRE; FIRE LOCATIONS. Fire locations for leaf and brush piles greater than three (3.0') feet in diameter or two (2.0') feet in height must be at least fifty (50.0') feet away from any structure or other combustible material. Fire locations for leaf and brush piles less than three (3.0') feet in diameter and two (2.0') feet in height must be at least twenty-five (25.0') feet from any structure or other combustible material unless the fire is contained within an approved burning appliance or barrel with one (1") inch wire mesh screen covering the entire opening and such container or barrel is

located not less than fifteen (15.0') feet from any structure or other combustible material.

§7-213 FIRE PREVENTION; OPEN FIRE; HOURS OF BURNING. Leaf and brush fires may only be burned between the hours of 4:00 p.m. and 8:00 p.m. burning period.

Article 3. Fireworks

§7-301 FIREWORKS. DEFINED. Refer to Nebraska State Statute 28-1241

§7-302 FIREWORKS; SALE. Refer to Nebraska State Statute 28-1246

§7-303 DISCHARGE OF FIREWORKS; HOURS. Permissible fireworks may be discharged, exploded or used within the Village limits of Shelton on June 24th through July 4th and on December 31st of each year; provided that on such days the discharge and explosion of fireworks shall be permitted only during the following times:

June 24th through July 3rd, Sun. Thru Thurs- 8:00 a.m. to 11:00 p.m.
June 24th through July 3rd, Fri. & Sat. - 8:00 a.m. to 12:00 midnight
July 4th, 8:00 a.m. to 1:00 a.m. the 5th of July.
December 31st, 6:00 p.m. to 1:00 a.m. January 1st.

The discharge or exploding of fireworks within the Village of Shelton on any dates or other times other than as set forth in this Ordinance and Section shall be unlawful.

§7-304 FIREWORKS; DISPOSAL OR RESIDUE. Upon the discharge or explosion of any fireworks used within the Village of Shelton, the user of such fireworks shall have 24 hours to dispose of and clean up the residue remaining from such explosion or discharge.

The failure to cleanup or dispose of fireworks residue following their discharge or explosion as set forth in this Ordinance and Section shall be deemed unlawful.

Article 4. Poisonous and Flammable Gases

§7-401 POISONOUS AND FLAMMABLE GASES AND EXPLOSIVES; STORAGE REGISTRATION. Refer to state statute.

§7-402 DEFINITIONS.

1. Liquified Petroleum Gas (LP-Gas). A material which is composed predominantly of the following hydrocarbons, or mixtures of them; Propane, Propylene, Butane (normal Butane or Isobutane) and Butylene.
2. NFPA Code shall refer to such Code as most recently adopted nationally.

§7-403 USE OF LP GAS CONTAINERS. Portable LP containers, as defined i NFPA 38, shall not be used in buildings except as follows:

1. Construction and temporary heating. Portable containers are allowed to be used in buildings or area of buildings undergoing construction or for temporary heating therein.

2. For use in research and experimentation in duly licensed and authorized industrial facilities property zones within the Village limits but not in class rooms.

3. For demonstrations and pubic exhibitions in which case such containers shall not exceed a water capacity of 12 lbs.

4. To supply approved self-contained torch assemblies or similar appliances not to exceed a water capacity of 2.5 lbs.

§7-404 PLACEMENT AND INSTALLATION. Equipment and piping shall not be installed in locations where such equipment and piping is prohibited by the Internal Fuel Gas Code.

§7-405 LOCATION OF CONTAINERS. The storage and handling of LP Gas and the installation and maintenance of related equipment shall comply with NFPA 38 and be subject to the approval of the fire code of official except as provided in this Chapter. Within the limits established by law restricting the storage of liquified petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons. Residential areas shall be limited to storage containers not to exceed a water capacity of 500 gallons. In particular installations, this capacity limit shall be determined by the fire code official after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed containers, degree of fire protection to be provided and capabilities of the local fire department.

Containers shall be located with respect to buildings, public ways and lot lines of adjoining property that can be built upon in accordance with Table 7-405 attached hereto and incorporated herein by reference.

Containers shall also be located with respect to special hazards such as above ground flammable or combustible liquid tanks, oxygen or gaseous hydrogen containers.

Multiple container installation within the Village limits is hereby prohibited except for industrial purposes in accordance with NFPA 38.

§7-406 PROHIBITED USE OF LP GAS. Liquified Petroleum Gas shall not be used for the purpose of operating devices or equipment unless such device or equipment is approved for use with LP gas.

Liquified Petroleum Gas shall not be released in the atmosphere, except through an approved liquid level gauge or other approved device.

§7-407 DISPENSING AND OVER FILING. Dispensing of LP gas shall be performed by a qualified attendant. Liquified Petroleum Gas containers shall be overfilled or maintained with LP gas in excess of either the volume determined using the fixed liquid level gauge installed by the manufacturer or the weight determined by the required percentage of the water capacity marked on the container.

§7-408 SAFETY PRECAUTIONS AND DEVICES.

1. Safety devices on LP gas containers, equipment and systems shall not be tampered with or made in effective.
2. No smoking signs shall be posted when required by the fire code official. Smoking within 25 feet of a point of transfer while filling operations are in progress at containers or vehicles shall be prohibited.
3. Weeds, grass, brush, trash and other combustible materials shall be kept a minimum of 10 feet from LP gas tanks or containers.
4. Where containers or piping are exposed to possible vehicular damage due to proximity to alleys, driveways or parking areas, LP gas containers, regulators and piping shall be protected by means of appropriate barriers or supports.

Article 5. Penal Provision

§7-501 <u>VIOLATIONS; PENALTY</u>. (1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred ($500.00) dollars. A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

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

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. *(Ref. 17-207, 17-505, 18-1720, 18-1722 RS Neb.)*

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CHAPTER 8

PUBLIC WAYS AND PROPERTY

Article 1. Municipal Property

§8-101 DEFINITIONS. The following definitions shall be applied throughout this Chapter. When no definition is specified, the normal dictionary usage of the word shall apply.

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

§8-102 MUNICIPAL PROPERTY; MAINTENANCE AND CONTROL. The Governing Body shall have the care, supervision, and control of all public highways, bridges, streets, alleys, public squares, and commons within the municipality, and shall cause the same to be kept open and in repair, and free from nuisances. *(Ref. 17-567 RS Neb.)*

§8-103 MUNICIPAL PROPERTY; OBSTRUCTIONS; DECLARATION OF NUISANCE; ABATEMENT; AND ASSESSMENT OF COST. Trees and shrubs, growing upon, or near, the lot line, or upon public ground located between the streets and property line of an abutting property owner which interfere with the use, or construction of any public improvements or which are dead or diseased which could result in damage to property or injury to persons within the public right-of-way are hereby declared a nuisance. Any owner to property abutting a public street upon which said tree or shrub is located shall be given notice to abate and remove such nuisance and of notice to the right of a hearing before the Board by certified mail. Within thirty (30) days after the receipt of such notice, if the owner, or occupant of the lot or piece of ground does not request a hearing, or fails to comply with the order to abate and remove the nuisance, the Village may have such work done and may levy and assess all or any portion of the cost and expenses of the work upon the lot or piece of ground so benefitted in the same manner as other special taxes for improvements are levied and assessed within the Village.

Furthermore, it shall be unlawful for any person, persons, firm, or corporation to obstruct, or encumber, by fences, gates, buildings, structures or otherwise, any of the streets, alleys or sidewalks of the Village.

Nothing contained herein shall be deemed to limit the authority of the Village under Section 8-107 of the Village Code. Said section shall be read in conjunction with this section to provide flexible enforcement to protect the needs of the general public.

§8-104 MUNICIPAL PROPERTY; SALE AND CONVEYANCE. Refer to state statute.

§8-105 MUNICIPAL PROPERTY; PERMITTED OBSTRUCTIONS. Persons engaged in the erection, construction, reconstruction, wrecking, or repairing of any building, or the construction, or repair, of a sidewalk along any street, may occupy the public street space with such building material and equipment as long as is necessary is such persons shall make application to and receive a permit in writing

from the Municipal official in charge of Municipal streets to do so; provided, no permit for the occupancy of the sidewalk space, and more than one-third (1/3) of the roadway of the public space adjacent to the real estate on which said building is to be constructed, erected, reconstructed, wrecked, or repaired shall be granted; and provided further, a suitable passageway for pedestrians shall be maintained within the public space included in the permit which shall be protected and lighted in the manner required by the official issuing the permit.

§8-106 MUNICIPAL PROPERTY; WEEDS. It is hereby the duty of the Utilities Supervisor or his duly authorized agent to view and inspect the sidewalk space within the corporate limits for growing weeds during the growing season, and if rank and noxious weeds are found growing thereon, he shall notify the owner or occupant thereof, to cut down such weeds as close to the ground as can be practicably done and keep the weeds cut thereon in like manner during the growing season for weeds; provided, any weeds growing in excess of six (6") inches on any sidewalk space shall be considered a violation of this section. In the event that the owner of the lot or parcel of land abutting said sidewalk space within the Municipality is a nonresident of the Municipality or cannot be found therein the notice may be given to any person having the care, custody or control of such lot or parcel of land. In the event that there can be found no one within the Municipality to whom notice can be given, it shall be the duty of the Utilities Supervisor or his agent to post a copy of the notice on the premise and then to cut or cause the weeds thereon to be cut as therein provided and report the cost thereof in writing to the Governing Body. The cost shall then be audited and paid by the Municipality and the amount thereof shall be assessed against the lot or parcel of land as a special tax thereon and shall be collected as are other taxes of the Municipality or may be recovered by civil suit brought by the Municipality against the owner of the parcel of land. In the event the property owner is a nonresident of the county in which the property lies, the Municipality shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested to the last known address of the nonresident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.

§8-107 MUNICIPAL PROPERTY; OVERHANGING BRANCHES. Refer to state statute.

§8-108 MUNICIPAL PROPERTY; IMPROVEMENT DISTRICT; LAND ADJACENT
Refer to state statute.

§8-109 MUNICIPAL PROPERTY; SPECIAL IMPROVEMENT DISTRICT; ASSESSMENT AND CREATION PROCEDURE. Refer to state statute.

§8-110 MUNICIPAL PROPERTY; ACQUISITION OF PROPERTY; CONSTRUCTION; ELECTIONS WHEN REQUIRED. Refer to state statute.

§8-111 MUNICIPAL PROPERTY; ACQUISITION OF REAL PROPERTY. Refer to state statute.

§8-112 MUNICIPAL PROPERTY; ACQUISITION OF PROPERTY APPRAISAL. Refer to state statute.

§8-113 MUNICIPAL PROPERTY; PUBLIC WORKS INVOLVING ARCHITECTURE OR ENGINEERING REQUIREMENTS. Refer to state statute.

Article 2. Sidewalks

§8-201 SIDEWALKS; KEPT CLEAN. It shall be unlawful for the occupant of any lot or the owner of any vacant lot or lots within the corporate limits to allow snow, sleet, mud, ice, or other substance to accumulate on the sidewalks or to permit any snow, sleet, ice, mud, or other substance to remain upon said sidewalk. All sidewalks within the business district shall be cleaned within five (5) hours after the cessation of a storm, unless the storm or fall of snow shall have taken place during the night, in which case the sidewalk shall be cleaned before nine (9:00) o'clock A.M. the following day; Provided, sidewalks within the residential areas of the Municipality shall be cleaned within twenty-four (24) hours after the cessation of the storm.

§8-202 SIDEWALKS; BENEATH. No person shall be allowed to keep or use the space beneath the sidewalk lying between lot line and curb line unless a permit therefor shall have been obtained from the Governing Body. Before any permit shall be granted, the applicant for said permit shall submit plans and specifications of any present or proposed construction to the Utilities Supervisor. Should such plan or specifications be disapproved by him, no permit shall be granted therefor. All permits hereafter granted shall continue only upon the condition that the party receiving the same shall build, maintain, and keep in repair a sidewalk over such space used or constructed to be used and pay all damages that may be sustained by any person by reason of such use or by reason of said sidewalk being defective or in a dangerous condition. As a condition precedent to the issuance or continuance of any permit for the use of any space underneath the Municipal sidewalks as herein contemplated, the Governing Body may require applicant to furnish a bond to the Municipality as obligee for the benefit of any person or persons who may suffer any damage or damages by reason of such use. The bond shall be in such sum as the Governing Body, in its discretion, may designate.

§8-203 SIDEWALKS; MAINTENANCE. Refer to state statute.

§8-204 SIDEWALKS; REPAIR. The Municipal official in charge of sidewalks may require sidewalks of the Municipality to be repaired. Notice to the owners of property upon which such sidewalks in disrepair are located shall require within forty-eight (48) hours from issuance of notice said owners to make arrangements to have the sidewalk repaired. Said repairs shall be completed within twenty-one (21) days after issuance of said notice. No special assessment shall be levied against the property unless said owner shall neglect or refuse to repair within the time prescribed and in the event that such owner fails to repair, the Municipality shall cause the repairs to be made and assess the property owner the expense of such repairs. In the event the property owner is a non-resident of the county in which the property lies, the Municipality shall, before levying any special assessment against said property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested to the last known address of the non-resident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.

§8-205 SIDEWALKS; CONSTRUCTION BY OWNER. Any person desiring to construct, or cause to be constructed, any sidewalk shall do so only as herein provided. It shall be unlawful for any person to construct any sidewalk without first having obtained a permit.

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

§8-206 SIDEWALKS; MUNICIPAL CONSTRUCTION. Refer to state statute.

§8-207 SIDEWALKS; CONSTRUCTION BIDS. Whenever the Municipality shall construct, widen, replace, or reconstruct any sidewalk, notice prepared by the Municipal Attorney, specifying the work to be done and calling for bids for doing such work and supplying the necessary materials and labor shall be published in at least one (1) issue of a legal newspaper of general circulation in the Municipality; Provided, bids so invited shall be filed in the office of the Administrative Clerk within ten (10) days after the date of publication. Bids shall be opened at the next regular or special meeting of the Governing Body, and the Governing Body shall then award the work to the lowest responsible bidder. Upon approval of the work, the Governing Body may require the contractor to accept payment in certificates issued to him by the Administrative Clerk entitling him to all assessments or special taxes, against such real estate whenever such assessments or special taxes, shall be collected together with the interest or penalty collected thereon. Each certificate shall give the legal description of the lot, lots, or parcel of ground against which the assessments or special taxes are assessed. Such certificate or certificates may be assigned and transferred, entitling the holder to the same rights as if held by the original contractor. The County Treasurer shall pay over to such contractor or other holder of the certificate or certificates all assessments or special taxes against such real estate together with the interest and penalty thereon, at any time upon presentation of such certificate or certificates after said assessments or special taxes against such real estate together with interest or penalty thereon shall have been collected.

Article 3. Streets

§8-301 STREETS; NAMES AND NUMBERS. The Governing Body may at any time, by ordinance, rename any street or provide a name for any new street. Buildings used for residence or business purposes and located along such streets shall retain such numbers as the Governing Body may require. It shall be the duty of the Municipal official in charge of streets, upon the erection of any new building or buildings to assign the proper numbers to said building or buildings and give notice to the owner or owners and occupant or occupants of the same.

§8-302 STREETS; CROSSINGS. The Governing Body may order and cause to be constructed, under the supervision of the Municipal official in charge of streets, such street, avenue, and alley crossings as the Governing Body shall deem necessary. When a petition for the construction of any such crossings is filed by an interested resident in the office of the Administrative Clerk, said Administrative Clerk shall refer such application to the chief street official who shall investigate and make his recommendation to the Governing Body. Action by the Governing Body on such application, whether the application is approved or rejected, shall be considered final.

§8-303 STREETS; WIDENING OR OPENING. Refer to state statute.

§8-304 STREETS; EXCAVATION. Refer to state statute.

§8-305 STREETS; DRIVING STAKES. It shall be unlawful for any person to drive any peg or stake of any kind into the pavement in any street or alley without first procuring the written consent of the chief Municipal Street official.

§8-306 STREETS; MIXING CONCRETE. It shall be unlawful for any person to mix any concrete or plastering material directly on the street pavement for any reason whatsoever.

§8-307 STREETS; HARMFUL LIQUIDS. It shall be unlawful for any person to place or permit to leak in the gutter of any street, waste gasoline, kerosene, of high lubricating oils, which damage or act as a solvent upon said streets.

§8-308 STREETS, EAVE AND GUTTER SPOUTS. It is hereby declared unlawful for any person to erect or maintain any dwelling house or business building within the limits of the Municipality where the said dwelling or building abuts on any sidewalk or street without providing proper guttering and eave spouts to receive the waste waters that collect on the said sidewalks and streets. All eave spouts erected on any dwelling house or business building shall be constructed to drain into the alleys, or shall be buried beneath the sidewalks and drain into the streets where it is found to be impossible to drain said eave spouts into the alley.

§8-309 STREETS; HEAVY EQUIPMENT. It shall hereafter be unlawful for any person or person to move or operate heavy equipment across any curb, gutter, bridge, culvert, sidewalk, crosswalk, or crossing on any unpaved street without first having protected such curb, gutter, bridge, culvert, sidewalk, crosswalk, or crossing with heavy plank sufficient in strength to warrant against the breaking or damaging

of such curb, gutter, bridge, culvert, sidewalk, crosswalk, or crossing. Hereafter, it shall be unlawful to run, drive, move operate, or convey over or across any paved street a vehicle, machine, or implement which sharp discs or sharp wheels that bear upon said pavement; with wheels having cutting edges; with wheels having lugs, any protruding parts, or bolts thereon that extend beyond a plain tire so as to cut, mark, mar, indent, or otherwise injure or damage any pavement, gutter, or curb; Provided, where heavy vehicles, structures, and machines move along paved or unpaved streets the Municipal Police are hereby authorized and empowered to choose the route over which the moving of such vehicles, structures, or machines will be permitted and allowed. It shall be permissible to use a rubber tired crane with a fixed load when such vehicle will be transported on a state highway or on any road within the corporate limits of the Municipality, the Municipality in which the crane is intended to be transported has authorized a one-day (1) permit for the transportation of the crane and specified the route to be used and the hours during which the crane can be transported, such vehicle is escorted by another vehicle or vehicles assigned by the Municipality, and such vehicle's gross weight does not exceed the limits set out in §39-6,180(10) RS Neb. and it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice, or other condition tending to cause a vehicle to slide or skid. *(Ref. 39-6.131 RS Neb.)*

§8-310 STREETS; CONSTRUCTION NOTICE. The chief street official shall notify the owners of real estate abutting a street, alley or a part thereof which is to be put under contract for paving or repaving. Note shall also be given to all gas, electric service, and telephone companies. Notices shall also be given to all consumers of gas, water and sewer services which will be discontinued during such construction. Said notices shall be published one (1) time in a legal newspaper at least twenty (20) days prior to the beginning of such construction by the party undertaking such construction and said notice shall state at what date connections must be made and excavation completed. All gas, water, sewer, and underground connections must be made prior to the paving or repaving of the street under construction, After expiration of such time, permits for excavation will not be issued, nor will excavation be allowed, until after the completion of the pavement in said street or alley, and the formal final acceptance thereof by the proper officials of the Municipality.

§8-311 STREETS; PIPE LINES AND WIRES. Poles, wires, gas mains, pipe lines, and other appurtenances of public service companies shall be located, or erected over, upon, or under the streets, alleys, and common grounds of the Municipality. Application for location of the above shall be made to the Governing Body in writing. Approval by the body shall be issued in writing. Any public service company granted a right-of-way for the erection and maintenance of poles, conduits, gas mains, pipe lines, and wires shall at all times erect and locate their poles, wires, gas main, pipe lines, and other appurtenances at such places and in such manner as shall be designated by the Governing Body. Such poles, wires, gas mains, pipe lines, and other appurtenances, shall be removed or relocated by said companies at their own expense when requested to do so by the Governing Body. Any such relocation shall be ordered by resolution of the Governing Body and the Administrative Clerk shall notify any and all companies affected. Said companies shall, within twenty-four (24) hours after receiving notice, at their own expense, cause the poles, wires, gas mains, pipe lines, or other appurtenances to be removed. The Governing Body shall designate another location as closely as possible where said poles, wires, gas mains, pipe lines, or other appurtenances, may be reset or placed. All poles, wires, gas mains, pipe lines, or other appurtenances, shall be reset, placed or erected in such a manner that they will not interfere with the water

system; sewage system; poles, wires, and mains of any public utility; adjacent buildings; or with travel on the public ways and property. Whenever possible, all pole lines, wires, gas mains, pipe lines, or appurtenances shall be confined to the alleys of the Municipality.

§8-312 STREETS; CONSTRUCTION ASSESSMENT. Refer to state statute.

§8-313 STREETS; PETITION FOR IMPROVEMENTS. Refer to state statute.

§8-314 STREETS; IMPROVEMENT DISTRICTS; OBJECTIONS. Refer to state statute.

§8-315 STREETS; IMPROVEMENT OF STREETS ON CORPORATE LIMITS.
Refer to state statute.

§8-316 STREETS; IMPROVEMENT OF MAIN THOROUGHFARES. Refer to state statute.

§8-317 STREETS; DEFERRAL FROM SPECIAL ASSESSMENTS. Refer to state statute.

§8-318 STREETS; VACATING PUBLIC WAYS; DEFINITIONS AND ASCERTAINING DAMAGES. Refer to state statute.

§8-319 STREETS; VACATING PUBLIC WAYS; PROCEDURE. Refer to state statute.

§8-320 STREETS; TEMPORARY CLOSING; AND PASSING BARRICADE PROHIBITED. Whenever the Village board through its representative Utilities Superintendent, deems a road or part of a road is impassable or unusually dangerous to travel due to construction or maintenance work to all or part of such road and the closing thereof temporarily would be for the public safety or for the safety of the workers thereon, the maintenance supervisor shall notify the public of such closure by the placement of suitable barricades, fences, or other enclosures and shall post signs warning the public that the road is closed by the authority of the Village. It shall be unlawful for any person to disregard such closure and notification except for purposes of obtaining access to their immediate residence within the closed boundaries. No operator of a vehicle shall relocate any such barricades or bypass such barricades for purposes of continuing through traffic.

Article 4. Curb and Gutter

§8-401 CURB AND GUTTER; CUTTING CURB. Refer to state statute.

Article 5. Penal Provision

§8-501 VIOLATIONS; PENALTY. (1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof, shall be fined in any sum not exceeding five hundred ($500.00) dollars. A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

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

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. *(Ref. 17-207, 17-505, 18-1720, 18-1722 RS Neb.)*

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Chapter 9

BUILDING REGULATIONS

Article 1. Zoning Compliance Permits

§9-101 ZONING COMPLIANCE PERMITS. (1) Any person desiring to commence or proceed to erect , construct, repair, enlarge, demolish or relocate any building or dwelling or cause the same to be done within the corporate limits of the Village and within one (1) mile of such corporate limits, shall file with the Village Clerk an application for a zoning compliance permit. The application shall be in writing on a form to be furnished by the Village Clerk for that purpose. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, a description of the construction or work to be done with plans and specifications for such construction or work, the estimated cost, the names of the owner, architect, and contractor, the starting date and completion date of such construction, and such other information as may be requested thereon. The application shall be accompanied by a Zoning Compliance Permit Fee as defined in the Fee Schedule.

(2) In addition, for all construction a surety bond or cash shall be deposited with the Village Clerk in the amount prescribed below for which each Zoning Compliance Permit is to be issued, conditioned that in the event such construction is not completed according to the application and attached plans and specifications this deposit will be used to bring the construction to a state of completion which will comply with the application and attached plans and specifications.

Cost of Construction	**Deposit Required**
Up to $4,999	10% of Construction Cost
$5,000 - $49,999	5% of Construction Cost
$50,000 and up	1% of Construction Cost

(3) The application, plans, and specifications so filed with the Village Clerk shall be reviewed by the Zoning Compliance officer, and if found to be conformity with the requirements of Shelton's Zoning Ordinance and all other Municipal ordinances and regulations, the Zoning Compliance Officer shall notify the Village Clerk, in writing, to such effect. Whereupon, the Village Clerk may issue the said applicant a Zoning Compliance Permit.

(4) Appeals from any requirements of this Article may be made by any person to the Board of Adjustment of the Village, and such Board shall have the authority to waive any such adjustment in the case of unnecessary or undue hardship. *(Ref. 17-550, 17-1001 RS Neb.)*

§9-102 ZONING COMPLIANCE PERMIT; LIMITATIONS. If the work for which a permit has been issued shall not have begun within twelve (12) months of the date thereof, or if the construction shall be discontinued for a period of six (6) months, or does not follow the date line outlined on the Zoning Compliance Permit application, the permit shall be void. Before work can be resumed, a new permit shall be obtained in the same manner and form as an original permit.

§9-103 <u>ZONING COMPLIANCE PERMITS; DUPLICATE TO COUNTY ASSESSOR</u>.
Whenever a zoning compliance permit is issued for the erection, alteration or repair, of any building within the Municipality's jurisdiction, and the improvement is one thousand ($1,000.00) dollars or more, a duplicate of such permit shall be issued to the County Assessor. *(Ref. `8-1743 RS Neb.)*

Article 2. Building Moving

§9-201 BUILDING MOVING; REGULATIONS. It shall be unlawful for any person, form, or corporation to move any building, mobile home, or structure within the Municipality without a written permit to do so. Application may be made to the Administrative Clerk, and shall include the present and future location of the building, mobile home, or structure to be moved, the proposed route, the equipment to be used, and such other information as the Governing Body may require. The application shall be accompanied by a certificate issued by the County Treasurer to the effect that all the provisions regulating the moving of buildings, mobile homes, or structures have been complied with on the part of the owner of the real estate upon which the said building, mobile home or structure is presently located. The Administrative Clerk shall refer the said application to the Municipal Police for approval of the proposed route over which the said building, mobile home or structure is to be moved. Upon approval of the Utility Superintendent, the Administrative Clerk shall then issue the said permit; Provided, that a good and sufficient corporate surety bond, check or cash in an amount set by the Utility Superintendent and conditioned upon moving said building, mobile home or structure without doing damage to any private or Municipal property is filed with the Administrative Clerk prior to the granting of any permit. No moving permit shall be required to move a building, mobile home or structure that is ten (10') feet wide, or less, and twenty (20') feet long, or less, and when in a position to move, fifteen (15') feet high, or less. In the event it will be necessary for any licensed building, mobile home or structure mover to interfere with the telephone or telegraph poles and wires, or a gas line, the company or companies owning, using, or operating the said poles, wires or line shall upon proper notice of at least twenty-four (24) hours, be present and assist by disconnecting the said poles, wires, or line relative to the building, mobile home or structure moving operation. All expenses of the said disconnections, removal, or related work shall be paid in advance by the licensee unless such disconnection or company's franchise. Whenever the moving of any building, mobile home or structure necessitates interference with a water main, sewer main, pipes, or wire belonging to the Municipality, a notice in writing of time and route of the said building, mobile home or structure moving operation shall be given to the various Municipal officials in charge of the Municipal utility departments who shall proceed in behalf of the Municipality and at the expense of the mover to make such disconnections and do such work as is necessary. *(Ref. 39-6,177 to 39-6,180, 39-6,184, 77-1725 RS Neb.)*

§9-202 BUILDING MOVING; DEPOSITS. (1) The owner or mover of a building to be moved into or within the Village's Zone of jurisdiction shall post with the Village Clerk a good and sufficient corporate surety bond or certified check in the amount of ten percent (10%) of the value of the building to be moved as determined by the Municipal Utilities Superintendent, but in no event less than Five Thousand Dollars ($5,000.00) in amount conditioned upon moving said building without doing damage to any private or Municipal Properties and according to the terms and conditions of the Application and of the Moving Permit.

(2) At such time as the building moving has been completed, the Municipal Police and the Municipal Utilities Superintendent shall inspect the premises and report to the Village Clerk as to the extent of damages, if any, resulting from the said relocation, whether the terms of the Moving Permit have been fully complied with, and whether any Municipal laws or ordinances have been violated during the said operation. Upon a satisfactory report from the said officials, the Village Clerk shall return the corporate surety bond or certified check deposited by the applicant. In the event the basement, foundation, or portion

thereof is not properly filled, covered, or in a clean and sanitary condition, or if damage has occurred to private or Municipal property, or if damages have otherwise occurred as a result of violation of Municipal laws or the terms of the Moving Permit, the Village Clerk may apply the money deposited for the purpose of defraying the expense of correcting the same conditions. If the expense of correcting the said condition is greater than the amount of the deposit held by the Village Clerk, the Governing Body may recover such excess expense by civil suit or otherwise as prescribed by law.

(3) Appeals from any requirements of this Article may be made by any person to the Board of Trustees of the Village and such Board shall have the authority to waive any such requirement in case of unnecessary or undue hardship.

Article 3. Unsafe Buildings

§9-301 UNSAFE BUILDINGS; DEFINITION. Refer to state statute.

§9-302 UNSAFE BUILDINGS; PROHIBITION. Refer to state statute.

§9-303 UNSAFE BUILDINGS; DETERMINATION AND NOTICE. Refer to state statute.

§9-304 UNSAFE BUILDINGS; HEARING AND APPEAL. Refer to state statute.

§9-305 UNSAFE BUILDINGS; EMERGENCY. Refer to state statute.

§9-306 UNSAFE BUILDINGS; SPECIAL ASSESSMENTS. Refer to state statute.

Article 4. Building Inspector

§9-401 BUILDING INSPECTOR; PLANS, PLATS, AND THE LIKE; MUNICIPAL OFFICIALS; DUTY. Refer to state statute.

Article 5. Penal Provision

§9-501 VIOLATIONS; PENALTY. (1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fines in any sum not exceeding five hundred ($500.00) dollars. A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

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

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. *(Ref. 17-207, 17-505, 18-1720, 18-1722 RS Neb.)*

Article 6. Vacant Property Registration

§9-601: **FINDINGS**. The Village of Shelton finds and declares that:

(1) Vacant properties have the potential to create a host of problems for the Village, including a propensity to foster criminal activity, create public health problems, and otherwise diminish quality of life;

(2) Vacant properties have the potential to reduce the value of area properties, increase the risk of property damage through arson and vandalism, and discourage neighborhood stability;

(3) Vacant properties represent unrealized economic growth in the Village;

(4) A vacant property registration ordinance will allow the Village to discourage property vacancy, maintain unoccupied buildings, provide a data base of vacant properties and their owners, and assess fees for the increased public costs associated with vacant properties;

(5) Fees imposed under a vacant property registration ordinance have the potential to benefit the owners of vacant properties by helping to finance additional government services to protect the value and security of such properties; and

(6) Enactment of this vacant property registration ordinance is a proper exercise of the Village's authority to protect the public health, safety, and welfare of community residents and a valid regulatory scheme.

§9-602: PURPOSES. The purposes of this Article are to promote the health, safety, and welfare of the Village of Shelton residents by providing authority for enacting vacant property registration requirements. This Article will allow the Village of Shelton to identify and register vacant properties, collect fees to compensate for the public costs of vacant properties, plan for the rehabilitation of vacant properties, and encourage the occupancy of vacant properties.

§9-603: DEFINITIONS. For purposes of this Vacant Property Registration Ordinance:

(1) "Commercial Building" means any building or structure located on a property that is not a Residential Building;

(2) "Evidence of Vacancy" means any condition or circumstance that on its own or in combination with other conditions or circumstances would lead a reasonable person to believe that a residential building or commercial building is vacant. Such conditions or circumstances may include, but are not limited to:

(a) any unoccupied or empty building or structure on the property;

(b) lack of active utility service accounts;

(c) overgrown or dead vegetation, including grass, shrubbery, and other plantings;

(d) visible deterioration or lack of maintenance of any building or structure on the property;

(e) graffiti or other defacement of any building or structure on the property; or

(f) any other condition or circumstance reasonably indicating that the property is not occupied for residential purposes nor being used for the operation of a lawful business;

(3) "Owner" means the person or persons shown to be the owner or owners of record in the records of the County Register of Deeds;

(4) "Program Administrator" means the individual(s) designated by resolution of the Village to administer and enforce this Vacant Property Registration Ordinance, or such individual's authorized

designee.

(5) "Residential Building" means a house, a condominium, a townhouse, an apartment unit or building, or a trailer house;

(6) "Vacant" means that a Residential Building or Commercial Building exhibits evidence of vacancy.

§9-604: APPLICATIONS. The Village hereby adopts this Article which applies to any type of either residential or commercial buildings, located within the corporate limits of the Village, except that this Article shall not apply to property owned by the federal government, the State of Nebraska, or any political subdivision thereof. This Article shall create a Village-wide vacant property registration data base which shall be administered by a Program Administrator appointed by the Village.

§9-605: REQUIREMENTS. (1) An Owner of vacant property subject to this Article shall be required to register such property with the Program Administrator, on forms provided by the Program Administrator, if the property has been vacant for one hundred eighty days or longer. If the Program Administrator is aware of a property that has been vacant for one hundred eighty days or longer, which has not been registered by the Owner, the Program Administrator shall notify the Owner of the Owner's obligation to register the property within fifteen days. If after fifteen days, the Owner has failed to register the vacant property, the Program Administrator is authorized to register the vacant property for the Owner by completing the registration form on behalf of the Owner.

(2) A vacant property registration form shall be in either paper or electronic form, and the following information shall be required:

(a) The name, street address, mailing address, telephone number, and, if applicable, the facsimile number and email address of the Owner and his or her agent;

(b) The street address and parcel identification number of the vacant property;

(c) The transfer date of the instrument conveying the property to the owner; and

(d) The date on which the property became vacant.

(3) One hundred eighty days after initial registration of the vacant property pursuant to this section or three hundred sixty days after the property becomes vacant, whichever is sooner, the Owner shall be required to pay an initial registration fee. The Owner shall also be required to pay supplemental registration fees at intervals every six months thereafter for as long as the property remains on the vacant property registration data base.

(a) The initial registration fees shall be as follows:

(i) $250.00 for a residential property, and

(ii) $1,000.00 for a commercial property.

(b) The supplemental registration fee shall be double the amount of the previous fee and shall be paid six months after the date the initial registration fee is due. The supplemental registration fee shall automatically double at intervals every six months thereafter until reaching a maximum supplemental registration fee of ten times the initial registration fee amount.

(c) The Program Administrator shall give notice to the vacant property Owner of a schedule of maximum supplemental registration fees should the property remain on the registry.

§9-606: EXEMPTIONS. (1) Vacant properties that are advertised in good faith for sale or lease shall be exempt from the requirements of this Article.

(2) Vacant properties meeting the following conditions may be exempt from this Article, at the sole discretion of the Village:

(a) only considered to be a seasonal residence;

(b) damaged by fire, weather, an act of God, or vandalism;

(c) under construction or renovation;

(d) where the owner is temporarily absent, but who has demonstrated his or her intent to return; or

(e) which is subject to divorce, probate, or estate proceedings.

(3) All requests for exemption under this Section shall be submitted in writing to the Program Administrator and shall include sufficient information and documentation to demonstrate eligibility for the requested exemption. The Program Administrator may approve exemptions for vacancies lasting less than one calendar year upon review of the written application and supporting documentation. Exemptions for vacancies lasting one calendar year, or more, may be granted only upon the affirmative vote of three-quarters (3/4) of the Village Board of Trustees. Any such exemption shall be granted for a period not to exceed one calendar year at a time, and may be renewed upon subsequent application and approval in accordance with this Section.

(4) For purposes of this Section, the following definitions shall apply:

(a) "Advertised in good faith" means the property is actively marketed for sale or lease through customary commercial means, including but not limited to listing with a licensed real estate broker, online listing services, signage on the property, or other reasonable marketing efforts, and is offered at a price not exceeding one hundred twenty-five percent (125%) of the current assessed value as determined by the Buffalo County Assessor.

(b) "Seasonal residence" means a dwelling unit that is designated and actually used for occupancy during a defined, recurring season of the year (such as summer, winter, or a specific recreational or agricultural season), where such occupancy is predictable, recurring, and tied to that season on an annual basis. A property shall not be considered a seasonal residence if:

(i) occupancy is sporadic, occasional, or irregular, including intermittent weekend or holiday use that is not part of a consistent seasonal pattern;

(ii) the property is otherwise vacant for extended or indefinite periods and only used for convenience, travel, or infrequent personal stays; or

(iii) the property is not reasonably identifiable as a seasonal-use dwelling based on historical, utility, or occupancy patterns.

§9-607: ADDITIONAL REQUIREMENTS; PROGRAM ADMINISTRATOR POWERS. (1) A subsequent Owner of any property subject to the ordinance will assume the obligations of the previous Owner.

(2) Property shall be removed from the vacant property registration database only when the property is no longer vacant.

(3) The Owner of registered property shall submit a plan for occupancy of the property.

(4) The Program Administrator, or his or her designee, may inspect the interior and exterior of the vacant property upon registration and at oneyear intervals thereafter, for so long as the property remains on the vacant property registration data base.

§9-608: <u>ADVERSE DECISIONS; RIGHT TO APPEAL.</u> (1) An Owner has the right to prior notice of any adverse decision and the right to request review and appeal as provided herein. Notice of adverse decisions shall be provided in writing. Such notice shall be mailed at least ten (10) days prior to the effective date of the adverse decision.

(2) An Owner may request review or appeal of an adverse decision by submitting a written request to the Program Administrator. The written request must be received or postmarked no later than fourteen (14) days after the date the notice of adverse decision is mailed. The written request shall include:

(a) the Owner's name and property address;

(b) a copy of the notice of adverse decision (if available);

(c) a statement explaining the basis for the appeal and the relief requested; and

(d) any supporting documentation the Owner wishes to be considered.

Failure to submit a timely written request for review or appeal shall constitute a waiver of the Owner's right to appeal, and the adverse decision shall become final.

(3) For purposes of this Section, an "adverse decision" means any written determination, notice, or action taken by the Program Administrator pursuant to this Article that imposes, confirms, or enforces an Owner's obligations outlined herein; or denies, limits, or revokes any benefit or exemption available herein. "Adverse decision shall include, but is not specifically limited to:

(a) a determination that a property is subject to registration, including a notice requiring registration;

(b) the automatic registration of a property by the Program Administrator due to the Owner's failure to timely register voluntarily;

(c) the assessment or imposition of registration fees, including the initial registration fee and any supplemental, renewal, or additional fees assessed at six-month intervals;

(d) the filing of a lien for unpaid fees, penalties, or other charges;

(e) any decision granting or denying a request for exemption, waiver, reduction, or modification of registration requirements or fees; and

(f) any decision issued following an appeal or request for review, including affirmance, modification, or reversal of a prior determination.

"Adverse decision" shall not include the commencement of any judicial enforcement proceeding by the Village, as such proceedings are governed by separate legal notice and procedural requirements under applicable law.

§9-609: <u>NOTICE.</u> (1) Unless otherwise expressly provided herein, any notice required in this Article shall be in writing and shall be deemed properly given if delivered by both of the following methods:

(a) certified mail, return receipt requested; and

(b) regular First-Class mail, addressed to the Owner at the Owner's address as shown in the records of the Buffalo County Assessor.

(2) Unless specifically provided a different address from the Owner in writing, the Village shall be entitled to rely on the address listed for the Owner in the records of the Buffalo County Assessor, and no additional effort to locate an alternative address shall be required.

(3) Notice shall be deemed given and effective on the date it is deposited in the United States mail with proper postage, regardless of whether the Owner actually receives the notice, refuses delivery, or the notice is returned as undeliverable.

(4) If a property has more than one Owner of record, notice to any one (1) Owner at the address

maintained by the Buffalo County Assessor shall constitute notice to all Owners for purposes of this Article, unless otherwise required by law.

§9-610: <u>ENFORCEMENT.</u> (1) Any person who violates, or otherwise fails to comply with the requirements of this Article, shall be deemed guilty of an offense and upon conviction thereof, shall be fined in the amount of $100.00 per violation. A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of this Article.

(2) The Village may enforce the collection of vacant property registration fees by civil action in any court of competent jurisdiction.

(3) Unpaid vacant property registration fees, and unpaid fines for any violation of a vacant property registration ordinance, shall become a lien Page 8 of 8 on the applicable property upon the recording of a notice of such lien in the office of the Buffalo County Register of Deeds. Any such lien actually filed shall be subordinate to all liens on the applicable property recorded prior to the time the notice of such lien under this Section is recorded.

§9-610: <u>APPLICABILITY</u>. The provisions of Article shall be supplemental to and in addition to the Vacant Property Registration Act (Neb. Rev. Stat. §19-5401 et seq.) and any other laws of the State of Nebraska, or the Municipal Code of Shelton, Nebraska, relating to vacant property.
(Updated May 14, 2026 – Ordinance 879)

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Chapter 10

BUSINESS REGULATIONS

Article 1. Alcoholic Beverages

§10-101 - §10-126 Refer to state statute.

Article 2. Peddlers and Hawkers

§10-201 PEDDLERS AND HAWKERS; DEFINITION. A transient merchant, or peddler and hawker is defined as any person, firm, or corporation, whether as owner, agent, consignee, or employee, and whether a resident of the Municipality or not, who engages temporarily within the Municipality in the business of selling and delivering goods, wares, and merchandise or taking orders for goods or merchandise, to or at homes, apartments, or other residential premises in the Municipality. *(Ref. 17-134, 75-323 RS Neb.)*

§10-202 PEDDLERS AND HAWKERS; REGULATION. To prevent the sale of fraudulent, dangerous, and unhealthful goods and services, and to protect the public by maintaining records of the products sold and the persons and companies responsible for such sales, all peddlers, and hawkers shall, before doing business within the Municipality, make applicant for, and be issued a permit. Application for said permit shall be made to the Administrative Clerk, and shall contain all the necessary information, and documents required for the protection of the residents of the Municipality. Any person or persons granted a peddler and hawker permit shall be subject to any fees, occupation taxes, and other rules and regulations which the Governing Body deems appropriate for the purposes stated herein. Such fees, occupation taxes, and other rules and regulations shall be on file in the office of the Administrative Clerk. Any permit so granted shall be subject to revocation for good and sufficient cause by the Municipal Police. *(Ref. 17-525 RS Neb.)*

§10-203 PEDDLERS AND HAWKERS; HOURS OF SOLICITATION. It shall be unlawful for any solicitor, salesman, or peddler to solicit any individual between the hours of five-thirty (5;30) o'clock P.M., and nine (9:00) o'clock A.M., unless they have a previous appointment with the resident, or residents, of the premise solicited. It shall be unlawful at any hour for a solicitor, salesman, or peddler, salesman, or peddler to solicit without a proper permit on his person at all times.

§10-204 PEDDLERS AND HAWKERS; EXCEPTIONS. Nothing herein shall be construed to apply to any person, or persons, selling produce raised within the county, or to wholesale salesman soliciting merchants directly, or to a representative of a non-profit or charity organization soliciting on behalf of that organization.

Article 3. Public Dance

§10-301 - §10-305 Refer to state statute.

Article 4. Business Enterprises

§10-401 <u>TRAILERS; LOCATION</u>. It shall be unlawful within the Municipality for any person to park any trailer on any street, alley, or highway or other public place or on any tract of land owned by any person occupied or unoccupied within the Municipality, except as provided in this Chapter.

Emergency or temporary stopping or parking is permitted on any street, alley, or highway for not longer than one (1) hour subject to any other and further prohibitions, regulations or ordinances imposed by the traffic and parking regulations or ordinances of the Municipality for that street, alley, or highway.

No person shall park or occupy any trailer on the premise of any occupied or unoccupied dwelling or on any lot which is not part of the premise of any occupied or unoccupied dwelling, either of which is situated outside an approved trailer camp; except that the parking of only one unoccupied trailer in an accessory private garbage building or in a rear yard in any district, is permitted; Provided, that no living quarters shall be maintained or any business practiced in such trailer where such trailer is so parked or stored; Provided, however, that any person who shall have parked an occupied trailer on private premises under license from local authority prior to the effective date of this Section may be permitted to maintain such trailer under the original license, until such original license expires.

§10-402 <u>TRAILERS; PERMANENT PLACEMENT OF MOBILE HOMES ON INDIVIDUAL LOTS; R-1 AREAS</u>. Refer to Zoning Ordinance.

§10-403 <u>TRAILERS; LICENSE REQUIRED</u>. It shall be unlawful for any person to establish, operate or maintain or permit to be established, operated of maintained upon any property, owned or controlled by him, a trailer camp within the Municipality without having first secured a license therefor from the Governing Body, such license to be granted and existing in compliance with the terms of this Chapter and any other applicable ordinance of the Municipality. Such license shall expire on the first (1st) day of May, following the date of its issuance, but may be renewed under the provisions of this Section for an additional period of one (1) year.

The application for such license or the renewal thereof shall be filed with the Administrative Clerk and shall be accompanied by a fee of twenty-five ($25.00) dollars for each camp and two ($2.00) dollars for each trailer space within such camp and a license bond in the sum of two thousand ($2,000.00) dollars to guarantee compliance with the terms of this Chapter. Applications for a renewal license shall be filed with the Administrative Clerk no later than the first (1st) day of April of each year. The application for a license or a renewal thereof shall include the name and address of the owner, the location of the tract and such a legal description of the premises upon which the trailer camp is or will be located as well readily identify and definitely locate the premise. If the fee is vested in some person other than the applicant, a

duly verified statement by the person in whom the fee is vested, that the applicant is authorized by him to construct or maintain the trailer camp and make the application for a license pursuant to this Section, shall also accompany the application. The application shall be accompanied by four (4) copies of the specifications and camp plan in scale, one
(1) copy of which shall be placed permanently on file in the office of the Administrative Clerk and shall show the following either existing or as proposed:

1. The extent and area used for camp purposes.
2. Roadways and driveways.
3. Location and number of sites or units for trailer coaches, of which there shall not be less than ten (10) such sites or units.
4. Location and number of sanitary conveniences, including toilets or washrooms and equipment thereof and utility rooms to be used by occupants or trailer coaches.
5. That there has been proper conformance with Municipal building, zoning, plumbing and other ordinances.
6. Method and plan or sewage disposal.
7. Method and plan of garbage removal.
8. Plan for water supply.
9. Plan for electric supply of units.

The provisions of this Section shall also apply to all renewal licenses.

§10-404 TRAILER, INSPECTION AND APPROVAL. Before a trailer camp license shall be issued in the Municipality there shall be a favorable recommendation by a majority of the Governing Body and Planning Commission; and the premise must be inspected and approved by the Chairman or his duly authorized representative or other Municipal officers as complying with all provisions of this Chapter and all other applicable ordinances of the Municipality, whereupon it shall be at the discretion of the Governing Body of issue the same.

§10-405 TRAILERS; LICENSE REVOCATION AND SUSPENSION. The Governing Body is hereby authorized to revoke any license issued pursuant to the terms of this Chapter if after due investigation, they determine that the hold thereof has violated any of the provisions of this Chapter or that any trailer or trailer camp is being maintained in an unsanitary or unsafe manner or is a nuisance.

§10-406 TRAILERS; ZONING REGULATIONS.

a) No trailer camp shall be located in any zone of the Municipality other than an Industrial, Commercial, or Agricultural zone.
b) No occupies trailer shall be located in any trail camp within the Municipality outside of the recognized set-back for the zoning district in which such camp is located and such trailer shall be no less than five (5) feet from any other building, vehicle or boundary line of the tract upon which it is located.

§10-407 SLAUGHTERHOUSE; DEFINED; UNLAWFUL OPERATION; RULES. Refer to state statues

Article 5. Occupation Taxes

§10-501 OCCUPATION TAX; AMOUNTS. For the purpose of raising revenue an occupation tax is hereby levied on the following businesses:

Cable Television	per year as provided in Village Cable Franchise Ordinance No. 444
Billiards or Pool Halls, per year	$ 20.00
Bowling Alleys, per year	$40.00
Electronic Companies, per year	refer to Franchise Agreement
Fire Insurance Companies, per year	$5.00
Tobacco, per year	$10.00

(Ref. 17-525 RS Neb.)

§10-502 OCCUPATION TAX; FIRE INSURANCE COMPANIES. For the use, support and maintenance of the Municipal Fire Department all revenue realized from the occupation tax on Fire Insurance Companies shall be appropriated to the Fire Department Fund. *(Ref. 35-106 RS Neb.)*

§10-503 OCCUPATION TAX; GAMES OF CHANCE AND/OR LOTTERIES.

A. DEFINITIONS. For the purposes of this section, the following definitions shall apply:
   1. The Phrase "games of chance and/or lotteries" shall mean all forms of games of chance or lotteries authorized by the Constitution of the State of Nebraska.
   2 . The term "Village " shall refer to the Village of Shelton, Nebraska.
   3. The term "person" shall include individual natural persons, partnerships, joint ventures, or corporations.
   4. The phrase "gambling device" shall mean any and all machines or devices used by a person engaged in the occupation or business of conducting games of chance and/or lotteries.
   5. The phrase "person engaged in the occupation of conducting games of chance and/or lotteries" shall mean any person who operates, owns or is the lessee of a place of business where any game of chance and/or lottery activity is conducted, whether or not any

other type of business is conducted on the premises; or, any person who either directly controls or manages the games of chance and/or lotteries, but does not sell, lease, or deliver possession or custody of such a device to other persons.

6. The word "distributor" shall mean any person who engages in the business of selling, leasing, or delivering possession or custody of gambling devices for consideration to a person engaged in the occupation of conducting games of chance and/or lotteries.

B. OCCUPATION TAX. An occupation tax is hereby imposed on each person engaged in the occupation or business of conducting games of chance and/or lottery activities within the Village. Every person conducting games of chance and/or lottery activities within the Village shall pay the occupation tax in the amount and manner specified in subsection C hereof. An occupation tax is hereby imposed on each person engaged in the occupation or business of distributing gambling devices to a person engaged in the occupation or business of conducting games of chance and /or lotteries within the Village. Every such distributor shall pay the tax in the amount and manner specified in subsection D hereof.

C. AMOUNT OF OCCUPATION TAX PERSONS ENGAGED IN THE OCCUPATION OF CONDUCTING GAMES OF CHANCE AND/OR LOTTERIES. The occupation tax for each person engaging in the occupation or business of conducting games of chance and/or lottery activities within the Village shall be five percent (5%) of the gross receipts received from such games of change or lotteries received by said person in each quarter of a calendar year and shall be payable to the Municipal Clerk on the fifteenth (15th) day of the month following each calendar quarter.

D. AMOUNT OF OCCUPATION TAX FOR DISTRIBUTOR. The occupation tax for engaging in the occupation or business of distributing gambling devices within the Village to a person engaged in the occupation of conducting games of chance and/or lotteries within the Village shall be five percent (5%) of the gross receipts received by a distributer from such games of chance or lotteries in each quarter of a calendar year and shall be payable to the Municipal Clerk on the fifteenth (15th) day of the month following each calendar quarter.

E. PROHIBITION. It shall be unlawful for any person to engage in the occupation or business or conducting games of chance and/or lottery activities within the Village without first obtaining a license from the Village to do so.

F. LICENSE APPLICATION. Every person desiring a license required by the provisions of this section shall make application to the Municipal Clerk of the Village. Accompanying each application shall be:

   A. A sworn statement by each person or authorized representative thereof that such person will be responsible for compliance with rules and regulations for each occupation of games of chance and/or lotteries which he operates, conducts, or supervises.

   B. A sworn statement by the person of authorized representative thereof designated as responsible for the proper utilization of gross receipts that no commission, fee, rent, seller profits, compensation, reward or recompense will be paid to any person or organization not sanctioned by the laws of the Constitution of the State of Nebraska and the Village; and that all profits will be spent for a lawful purpose.

1 DISPLAY OF LICENSE. Every License issued pursuant to the provisions thereof shall be conspicuously displayed at the place where the game of chance and/or lottery activity is conducted at all times during the conduct thereof.

2 LICENSE FEE. The license fee for engaging in the occupation of conducting games of chance and/or lotteries within the Village five dollars ($5.00) for each location wherein such activity is conducted.

3 ADDITIONAL RULES AND REGULATIONS. The Governing Body of the Village, by resolution, may promulgate such additional rules and regulations as may be necessary and convenient to enforce the provisions hereof or to provide for the efficient and timely collection of the occupation taxes herein imposed.

4 EXEMPTIONS. The provisions of this section shall not apply to or include any activity authorized or regulated under the Nebraska Bingo Act, the Nebraska Small Lottery and Raffle Act and the Nebraska Pickle Card Lottery Act or to any persons conducting activities authorized and regulated by such Acts, and the aforesaid businesses and occupations are expressly exempt from the provisions of this section and the occupation taxes herein imposed.

§10-504 OCCUPATION TAX; COLLECTION DATE; CERTIFICATES. All occupation taxes. Other than those imposed herein on games of chance and/or lotteries with collection dates otherwise set, shall be due and payable on the first (1st) day of June of each year, except in the event that the said tax is levied daily, and upon the payment thereof by any person or persons to the Municipal Clerk, the said Clerk shall give a receipt, properly dates, and specifying the person paying the said tax, and the amount paid; Provided, occupation taxes collected from Class C liquor licensees shall be due and payable on the first (1st) day of November. The revenue collected shall then be immediately deposited into the General Fund by the Municipal Treasurer. The Municipal Treasurer shall keep an accurate account of all revenue turned over to him or her. All forms and receipts herein mentioned shall be issued in duplicate. One (1) copy shall then be kept by each party in the transaction.

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

§10-505 OCCUPATION TAX; FAILURE TO PAY. If any person, company, or corporation fails, or neglects to pay the occupation taxes as provided herein on the day it becomes due, and payable, the Municipality shall then proceed by civil suit to collect the amount due. All delinquent taxes shall bear interest at the rate of one percent (1%) per month until paid. *(Ref. 17-525 RS Neb.)*

Article 6. Franchises

§10-601 FRANCHISE; ELECTRICITY. The Governing Body has granted to the Nebraska Public Power District the authority to maintain and operate the light and power system in the Municipality, and fixing the charges for such services. Actual details of the agreement and the percent electrical rates, charges, and fees are available at the Administrative Clerk's office. *(Ref. 17-528.03 RS Neb.)*

§10-602 FRANCHISE; CABLE TELEVISION. The Governing Body has granted to the TCI Corporation the authority to maintain, and operate a cable television station, and transmitting system in the Municipality. Actual details of the agreement and the charges, rates, and fees are available at the Administrative Clerk's office. *(Ref. 18-2201 et seq. RS Neb.)*

§10-603 FRANCHISE; NATURAL GAS. The Governing Body has granted to the Kansas-Nebraska natural Gas Company, Inc. the authority to construct, maintain, and operate a gas transmission, and distribution system within the Municipality. Actual details of the agreement and the charges, rates, and fees are available at the Administrative Clerk's office. *(Ref. 17-528.02 RS Neb.)*

Article 7. Adult Entertainment

"**§10-701 <u>ADULT ENTERTAINMENT ESTABLISHMENTS; DEFINITIONS.</u>**

(1) An adult entertainment establishment shall be defined as any commercial establishment open to the public which;

(a) Displays, distributes, issues, gives, provides, lends, delivers, transfers, transmits, circulates, disseminates, presents, exhibits, advertises, sells, rents, or leases a substantial or significant portion, as herein defined, of its stock in trade, <u>any material defined by the Neb. Rev. Stat. Sec. 28-808 as amended, or</u> characterized by depiction of "specified anatomical areas" or "specified sexual activities", as such are herein defined; or

(b) Utilizes a substantial or significant portion, as herein defined, of its display areas, including but not limited to, floor, shelf, rack, table, stand or case display areas, boxes, cabinet drawers, cartons, or any other storage area or apparatus, for any material as defined by the Neb. Rev. Stat. Sec. 28-807 et. seq. as amended, or characterized by the depiction of" specified anatomical areas" or specified sexual activities" as such are herein defined; or

(c) Exhibits for a substantial or significant portion, as herein defined, of the total presentation time any material defined by Neb. Rev. Stat. Sec. 28-808, et. seq. or characterized by the depiction of "specified anatomical areas" or "specified sexual activities", as such are herein defined; or involves employees or customers who engage in conduct which is distinguished or characterized by "specified sexual activities" or "specified anatomical areas", as herein defined.

(2) Adult Entertainment Establishments specifically identified and regulated by the provisions of this Article shall include, but are not necessarily limited to:

(a) Adult arcades, meaning any place to which the public is permitted or invited wherein coin-operated, slug- or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where images so displayed are distinguished or characterized by the depicting or describing of "specified anatomical areas" or "specified sexual activities", as herein defined;

(b) Adult bookstores, meaning, a commercial establishment which has devoted a substantial or significant portion of its business to the sale, rental or any form of consideration, of any one or more of the following:

i. Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, video cassettes, video tapes, digitally recorded devices, or other video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or

ii. Instruments, devices, or paraphernalia which depict "specified anatomical areas" or are designed for use in connection with" specified sexual activities".

(c) Adult Cabarets, meaning, a nightclub, bar, restaurant, juice bar, or similar commercial establishment which regularly features:

i. Person or persons who appear by the exposure of his, her, and/or their "specified anatomical areas"; or

ii. Live performances which are characterized by the exposure of "specified anatomical areas", or by "specified sexual activities", including topless or bottomless dancers, exotic dancers, or strippers; or

iii. Films, motion pictures, videos cassettes or tapes, DVD's, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or specified anatomical areas".

(d) Adult motion pictures theaters means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes or tapes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

(e) Adult theaters means, a theater, concert hail, auditorium, or similar commercial establishment which regularly features persons who appear in a state of exposure of "specified anatomical areas", or live performances that are characterized by the depiction or description of "specified sexual activities" or the exposure of "specified anatomical areas".

(f) Nude modeling studios means, any place where a person who displays any specified anatomical areas" that is provided to be observed, sketched, drawn. painted. sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

(3) "Specified anatomical areas" shall mean:

(a) Less than opaquely covered human genitals, pubic region or pubic hair; or

(b) Less than opaquely covered perineum, buttock, or anus; or

(c) Less than opaquely covered female breasts below a point immediately above the top of the areola: or

(d) human male genitals in a discernibly erect or turgid state, even if completely and opaquely covered.

(4) "Specified sexual activities" shall mean:

(a) Human genitals in a discernable state of sexual stimulation or arousal; or

(b) Acts or representations of human masturbation, sexual intercourse, sodomy, bestiality, excretory functions, sadism. masochism, lewd exhibit of genitals; or

(c) Fondling or other erotic touching of' human genitals, pubic region or pubic hair, perineum, buttock or anus, or female breasts.

(5) "Substantial, Significant, or Primary" shall mean, regardless of whether these words are used singly or in combination, the use of over fifty (50%) percent of stock in trade, display area, or presentation time, whichever may be applicable to the nature of the establishment. Stock in trade and material shall he measured in terms of titles or objects. Items with the same title or name shall he considered as separate titles or objects.

§10-702 ADULT ENTERTAINMENT ESTABLISHMENTS. RESTRICTIONS FOR USE.

1. An adult entertainment establishment may be located on property zoned in a Commercial District (C) of the official zoning map of the Village of Shelton, Nebraska provided that such adult entertainment establishment shall be subject to and comply with the rules and restitutions of the Flood Plain and zoning of the Village of Shelton as set forth in Section 11-210 hereof.

2. Adult entertainment establishment may be operated only between the hours of 10:00 a.m. to 1:00 a.m.

3. Where a conflict exists between the requirements established in this Article and the requirements of the zoning ordinances, flood plain ordinances or any applicable code section or ordinance of the Village of Shelton or the State of Nebraska, then the moral restrictive requirement shall apply.

§10-703 ADULT ENTERTAINMENT ESTABLISHMENT RESTRICTIONS ON OPERATION.

1. An adult entertainment establishment shall be located in a free-standing building, upon a single lot, containing no other uses or adult entertainment establishments.

2. Only persons eighteen years of age or older shall permitted on the premises of any adult entertainment establishment. For any adult entertainment establishment that serves alcoholic beverages on the premises, only persons 21 years of age or older shall be permitted on the premises.

3. An adult entertainment establishment shall post a sign at the entrance of the premises, which shall state the nature of the business and shall state that no one under the age of eighteen years or in the case of an establishment that serves alcoholic beverages, the age of 21 years, shall be allowed on the premises. Such signage shall be conspicuously displayed in the common area at the principle entrance to the premises, on which upper cased letters shall be at least two inches high. This provision shall not be construed to prohibit the owner of the business from establishing an older age limit for admission to premises.

4. All adult entertainment establishments, which its owners, managers, entertainers, and any other employee thereof shall permit any governmental official acting in their official capacity to inspect the premises and activities on the premises as necessary to insure the business is complying with all applicable regulations and laws.

§10-704 ADULT ENTERTAINMENT ESTABLISHMENT; RESTRICTIONS ON LOCATION.

1. An adult entertainment establishment:

(a) Shall be allowed only in the Commercial District (C) as delineated in the Official Zoning map of Village of Shelton, Nebraska.

(b) Shall not be located or expanded within four hundred feet of any residential or agricultural district;

(c) Shall not be located or expanded within 1000 feet of any other adult entertainment establishment;

(d) Shall not be located or expanded within 1000 feet or any church, synagogue, temple, hospital, public school, public park, day care center, or day care home.

All measurements as set forth herein shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises of an adult entertainment establishment to the nearest boundary line of any district restricted to any residential or agricultural use as delineated in the zoning map of the Village of Shelton; to the nearest

portion of the building or structure used as part of the premises of any other adult entertainment establishment; or to the nearest property line of the premises of a church, synagogue, temple, hospital, public school, public park, day care center, or day care home.

§ 10-705 ADULT ENTERTAINMENT ESTABLISHMENT; SIGNAGE.

(a) Exterior signs located on the building or premises shall not advertise, either graphically or verbally, either by explicit or literal expression, connotation, or implied reference, any "specified sexual activity" or "specified anatomical area".

(b) Number of signs. Not more than one (1) business wall sign shall be permitted for an adult entertainment establishment and this sign shall be permitted only on the front facade. In addition to the aforesaid wall sign, an adult entertainment establishment may be permitted not more than one (1) pole or ground sign structure if existing as part of commercial development in which said adult entertainment establishment is located.

(c) Sign surface area. The sign surface areas of a business wall sign shall not exceed an amount equal to five (5) percent of the front building facade of the first-floor elevation (first ten (10) feet) of the premises occupied by the adult entertainment establishment, or one hundred (100) square feet, whichever is the lesser. The maximum sign surface area of a ground or pole sign, where permitted, shall not exceed one (1) square foot for each lineal foot of frontage of the lot, or thirty-six (36) square feet, whichever is the lesser.

(d) Lighting. Signs and sign structures may be illuminated, provided, however, such illumination shall be by way of exposed neon, exterior lighting (e.g., spot or flood lights), or any flashing or animated lights (either interior to the sign, on the exterior of the sign, or as a border to the sign).

§10-706 ADULT ENTERTAINMENT ESTABLISHMENT; EXTERIOR OBSERVATION. No adult entertainment establishment shall be conducted in any manner that permits the observation of any material depicting, describing or relating to specified sexual activities or specified anatomical areas by display, decorations, sign, show window or other opening from any public view.

Sign surface area. The sign surface areas of a business wall sign shall not exceed an amount equal to five (5) percent of the front building facade of the first-floor elevation (first ten (10) feet) of the premises occupied by the adult entertainment establishment, or one hundred (100) square feet, whichever is the lesser. The maximum sign surface area of a ground or pole sign, where permitted, shall not exceed one (1) square foot for each lineal foot of frontage of the lot, or thirty-six (36) square feet, whichever is the lesser.

Lighting. Signs and sign structures may be illuminated, provided, however, such illumination shall be by way of exposed neon, exterior lighting (e.g., spot or flood lights), or any flashing or animated lights (either interior to the sign, on the exterior of the sign, or as a border to the sign).

§10-707 ADULT ENTERTAINMENT ESTABLISHMENT; PENALTY. It shall be unlawful for any person to violate any provisions of Sections 11-302.1 through 11-302.50. Upon conviction thereof, such person shall be fined not less than one dollar or more than five hundred dollars. Each day or separate instances of violation of, or failure, refusal, or neglect to comply with, any provision of this ordinance shall constitute a separate and distinct offense.