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CHAPTER I – CIVIL ADMINISTRATION

ARTICLE I – VILLAGE ADMINISTRATION

SECTION 1-101: CORPORATE EXISTENCE

The Village of Pleasanton, Nebraska, having a population of less than 800 inhabitants, is hereby declared to be a village and shall be governed in all respects by the laws regulating villages.

SECTION 1-102: CORPORATE SEAL

There shall be owned by the Village, in the office of the village clerk, a common seal of the corporation, having engraved thereon the words “Village of Pleasanton, Nebraska, Seal.” The village clerk shall affix an impression of said seal on all papers or documents executed by him/her in his/her official capacity.

SECTION 1-103: NUMBER AND QUALIFICATIONS OF MEMBERS

The Village Board shall consist of five members who shall be citizens of the United States, residents of the Village, and registered voters.

SECTION 1-104: ELECTION OF VILLAGE OFFICIALS

The term of office of each member of the Board of Trustees is four years. The election of the Board of Trustees shall be held on the date of the statewide general election. All

general and special elections from and after the effective date of this ordinance shall be held in conjunction with the statewide primary or general election and shall be governed by the provisions of the Nebraska Election Act. No later than July 1 of each even-numbered year, the Village Board shall certify to the election commissioner, on forms provided by the secretary of state, the name of the village, the number of officers to be elected, the length of terms of office, the vacancies to be filled and the length of remaining term, and the number of votes to be cast by a registered voter for each office.

(Am. 9-13-05, Ord. No. 2005-O-4)

SECTION 1-105: OFFICERS; BONDS

1. The officers of the Village, before entering upon their duties, shall give bonds for the faithful performance of such duties as set by state statute, which said bonds shall be executed with a corporate surety and approved by the Village Board. Said bonds shall be filed in the office of the village clerk, and the premiums thereon shall be paid out of the general funds or other proper funds of said village.

2. In the event that sureties on the official bond of any officer of the Village become insufficient in the opinion of the Village Board of Trustees the Board may require by resolution a reasonable time within which such officer may give a new bond or additional sureties thereon as directed. In the event that this officer shall fail, refuse or neglect to give a new bond or additional sureties to the satisfaction and approval of the Board, then the office shall, by such failure, refusal or neglect, become vacant; and it shall be the duty of the Village Board of Trustees to appoint a competent and qualified person to fill this said office. Any official who is re-elected to office shall be required to file a new bond after each election.

SECTION 1-106: OFFICERS; SALARIES

1. All elected officers shall receive such compensation as the Board of Trustees shall fix by ordinance. The emoluments of appointive and elective officers of this village shall be neither increased nor decreased during the term for which elected or appointed, except by merger of offices or when there are other officers elected or appointed to the Board and the terms of one or more members commence and end at different times; the compensation of all members of such Board may be increased or diminished at the beginning of the full term of any member thereof. The officers' salaries shall be as follows: chairman, \$30.00 per meeting; Village Board members, \$20.00 per meeting; and clerk-treasurer, \$825.00 per month.

2. No person who shall have resigned or vacated any office shall be eligible to the same during the time for which he/she was elected or appointed, if during the same time the emoluments thereof have been increased. In addition to the salaries herein provided, the various officers shall be entitled to mileage and expenses if and when claims therefor are filed, audited and allowed. The chairman and Board of Trustees may by resolution authorize clerical assistance in one or more offices when the same may be needed, and claims therefor out of the proper funds may be presented, allowed, audited and paid. All fees earned by an officer of this village in the performance of his/her duties as such shall be considered the property of this village, and shall be promptly paid over to the village treasurer and by him/her credited to the appropriate fund.

SECTION 1-107: COMPENSATION; CONFLICT OF INTEREST

A. For purposes of this section, "officer" shall mean any member of any board or commission of the Village; or any appointed official if such official (a) serves on a board or commission which spends and administers its own funds and (b) is dealing with a contract made by such board or commission; or any elected village official. Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this section, with respect to their duties as firefighters and ambulance drivers. No officer of the Village shall be permitted to benefit from any contract to which the Village is a party. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the Village or by any resident thereof and must be brought within one 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 Village has benefited thereby. The prohibition in this section shall apply only when the officer or his or her parent, spouse, or child:

1. Has a business with which the individual is associated or business association which shall mean a business: (a) in which the individual is a partner, director or officer; or (b) in which the individual or a member of the individual's immediate family is a stockholder of a closed corporation stock worth \$1,000.00 or more at fair market value or which represents more than 5% equity interest or is a stockholder of publicly traded stock worth \$10,000.00 or more at fair market value or which represents more than 10% equity interest; or
2. Will receive a direct pecuniary fee or commission as a result of the contract; provided however, if such officer is (a) an employee of the business involved in the contract and (b) has no ownership interest or will not receive pecuniary fee, such officer shall not be deemed to have an interest within the meaning of this section.

B. The provisions of this section shall not apply if the interested officer:

1. Makes a declaration on the record to the governmental body responsible for approving the contract regarding the nature and extent of his/her interest, prior to official consideration of the contract;
2. 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
3. Does not act for the Village as to inspection or performance under the contract in which he/she has an interest.

C. The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any Village by a financial institution shall not be considered a contract under the provisions of this section. The ownership of less than

5% of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section. Notwithstanding the provisions of subsections (B) (1) through (3) above, if an officer's parent, spouse or child is an employee of the Village, 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/her parent, spouse or child for special action. If an officer has the power to employ personnel and he/she hires his/her parent, spouse or child, such officer shall disclose the hiring pursuant to subsections (D) (1) through (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 Village.

D. The village clerk shall maintain, separately from other records, a ledger containing the information listed in subsections (1) through (5) of this section about every contract entered into by the Village in which an officer has an interest as specified above for which disclosure is made as provided in subsections (B) (1) through (3) above. Such information shall be kept in the ledger for five years from the date of the officer's last day in office and shall include:

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 Village involved;
4. Amount of the contract; and
5. Basic terms of the contract.

E. The information supplied relative to the contract shall be provided to the clerk not later than ten 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.

F. An open account established for the benefit of any village 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 days after such account is opened. Thereafter, the clerk shall maintain a running account of all amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to the provisions of this section.

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

H. The Village may enact ordinances exempting from the provisions of this section contracts involving \$100.00 or less in which an officer of such village may have an interest.

I. No officer, including volunteer firefighters and ambulance drivers, shall receive any pay or perquisites from the Village other than his/her salary. The Village Board shall not pay or appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service or duty, which shall come within the prop-

er scope of the duties of any officer of the Village.

SECTION 1-108: CHAIRMAN OF THE BOARD OF TRUSTEES; DUTIES

1. At its first meeting in each municipal year, the Village Board shall select one of its own body who shall be the chairman of said board, and he/she shall have charge over all property belonging to the Village and not in particular charge of any officer. He/she shall preside over all meetings of the Board of Trustees. If the chairman be absent at any meeting, the Board shall elect a chairman pro tempore as chairman of the Board for that particular meeting, and the election of said chairman pro tempore shall be duly recorded in the minutes of the meeting for that date.

2. The village chairman shall require all village officers and employees to give him/her a receipt for any and all articles belonging to the Village now in their charge and all that may thereafter come under their charge. All outgoing village officers and village employees shall deliver over to the chairman or account to him/her for all articles used by them in the duties of their office whenever their term of office or employment with the Village ceases.

3. The village chairman shall also examine each and every appropriation ordinance and satisfy himself/herself as to the correctness of the same before giving his/her approval. All financial reports of the village treasurer shall be audited by the chairman and the Board of Trustees, and if found to be correct they shall be endorsed and shall be filed in the office of the village clerk. The chairman of the Board shall sign the clerk's minutes of all meetings after they have been spread at large upon the journal when the same shall be approved by the action or the acquiescence of the Board. He/she shall sign all warrants for the payment of money when ordered by the Board.

4. The chairman shall sign all ordinances, resolutions and orders which have been passed, approved and declared to be the law of the Village. He/she shall cause the ordinances of the Village to be carried into effect and shall be vigilant and active to promote the peace and welfare of the Village. He/she shall require all officers to be faithful in the performance of their duties as prescribed by law and the village ordinances for the peace and order of the Village. He/she shall call special meetings of the Board of Trustees at his/her discretion or as provided by the provisions of this code. He/she shall be chairman of the Board of Health, ex officio. At the specific direction of the Board of Trustees, he/she shall act as the purchasing agent for the Village.

SECTION 1-109: VACANCIES IN VILLAGE OFFICES

1. (a) Except as otherwise provided in subsection (2) and (3) of this section, vacancies in village elected offices shall be filled by the Board of Trustees for the balance of the unexpired term. Notice of a vacancy, except a vacancy resulting from the death of the incumbent, shall be in writing and presented to the Board of Trustees at a regular or special meeting and shall appear as a part of the minutes of such meeting. The Board of Trustees shall at once give notice of such vacancy by publishing in a legal newspaper within the Village or by posting in three public places in the Village the office vacated and the length of the unexpired term.

(b) The chairperson of the Board shall call as special meeting or the Board of Trustees or place the issue of filling such vacancy on the agenda at the next regular meeting, at which time the chairperson shall submit the name of a qualified registered

voter to fill the vacancy for the balance of the unexpired term. The regular or special meeting shall occur upon the death of the incumbent or within four weeks after the meeting at which such notice of vacancy has been presented. The Board of Trustees shall vote upon such nominee, and if a majority of the votes in favor of such nominee, the vacancy shall be declared filled. If the nominee fails to receive a majority of the votes, the nomination shall be rejected and the chairperson shall at the next regular or special meeting submit the name of another qualified registered voter to fill the vacancy. If the subsequent nominee fails to receive a majority of the votes, the chairperson shall continue at such meeting to submit the names of qualified registered voters in nomination and the Board of Trustees shall continue to vote upon such nominations at such meeting until the vacancy is filled. All Trustees present shall cast a ballot for or against the nominee. Any member of the Board of Trustees who has been appointed to fill a vacancy on the Board shall have the same rights, including voting, as if such person were elected.

2. The Board of Trustees may, in lieu of filling a vacancy in the village elected office as provided in subsection (1) of this section or subsection (3) of Neb. Rev. Stat. 32-568, call a special village election to fill such vacancy.

3. If vacancies exist in the office of a majority of the members of the Village Board, the Secretary of State shall conduct a special election to fill such vacancies.
(Am. 11-14-06, Ord. No. 2006-O-6)

SECTION 1-110: VILLAGE BOARD; POWERS

The Board of Trustees shall have all powers granted under the laws of the State of Nebraska, including but not limited to the following: power to pass ordinances to prevent and remove nuisances; to prevent, restrain and suppress gambling and disorderly houses; to license and regulate amusements; to establish and provide for police protection; to prevent the spread of contagious diseases; to regulate business; to erect, repair, construct and regulate public ways and property; to maintain good government, public welfare and domestic tranquillity; and to enforce all ordinances by imposing penalties upon inhabitants or other persons for violation thereof in an amount not exceeding that permitted by Nebraska law for violation of a municipal ordinance for each offense, recoverable with costs, together with enforcement by injunction where necessary.

SECTION 1-111: VILLAGE BOARD; MEETINGS

1. The meetings of the Village Board shall be held at the Pleasanton Community Center or other location set by the Board by resolution. Regular meetings shall be held on the second Tuesday of each month as follows:

A. For the months of September through April, the meetings of the Village Board shall commence at 7:30 p.m.

B. For the months of May through August, the meetings of the Village Board shall commence at 8:00 p.m.

2. A majority of the members of the Village Board shall constitute a quorum for the transaction of business but a smaller number may adjourn from day to day and compel the attendance of the absent members. At the hour appointed for the meeting, the village clerk shall proceed to call the roll of members and announce whether a quo-

rum is present. If a quorum is present, the Village Board shall be called to order by the chairman. In the absence of the chairman, the Board shall have the power to appoint a chairman pro tempore, who shall exercise and perform the same duties as the regular chairman of the Board.

3. A special meeting may be called by the Board chairman or by a majority of the Village Board.

(Am. 4-11-06, Ord. No. 2006-O-2; 7-14-09, Ord. No. 2009-O-3)

SECTION 1-112: OPEN MEETINGS

1. All public meetings as defined by law shall be held in a public building located within the Village which shall be open to attendance by the public. All meetings shall be held in the public building in which the Village Board usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specified place. All meetings not of an emergency nature shall be preceded by posting of notice of the meeting at least 48 hours in advance of such meeting. Such postings shall be in three public places within the Village. The advance publicized notice of all public, convened meetings shall be transmitted to all members of the Board and to the public by a method designated by the Board. 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 available for public inspection at the office of the village clerk. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The agenda shall not be altered later than (a) 24 hours before the scheduled commencement of the meeting or (b) 48 hours before the scheduled commencement of a meeting of the Village Board scheduled outside the corporate limits of the Village. The Board shall have the right to modify the agenda to include items of an emergency nature only at the public meeting. The minutes of the village clerk shall include a record of the manner by which the advance publicized notice was given, the time and specific place of each meeting and the names of each member of the Board present or absent at each convened meetings.

2. Any official action on any question or motion duly moved and seconded shall be by roll call vote of the Village Board in open session. The record of the village clerk shall show how each member voted or that the member was absent and did not vote.

3. Any formal actions taken at any public meeting not in conformity with the provisions of this section shall be deemed to be void. Any official who shall violate the provisions of this section shall be deemed to be guilty of a misdemeanor.

4. This section does not apply to chance meetings or to attendance at or travel to conventions or workshops of the Village Board at which there is no meeting of the Board then intentionally convened, if there is no vote or other action taken regarding any matter over which the Board has supervision, control, jurisdiction or advisory power.

5. The Village Board shall make available at least one current copy of the Open Meetings Act, to be posted in the meeting room at a location accessible to members of the public. At the beginning of each meeting, the public shall be informed about the location of the posted information.

Source: Neb. Rev. Stat. 84-1411, 84-1412, 84-1413 (Adopted 11-14-06, Ord. No. 2006-O-7) (Am. 5-11-10, Ord. No. 2010-O-3)

SECTION 1-113: CLOSED MEETINGS

1. The Board may hold a closed session by 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 individual if such individual has not requested a public meeting. This subject matter and the reason necessitating the closed session shall be identified in the motions to close.

2. Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to the Board.

3. The vote to hold a closed session shall be taken in open session. The entire motion to close, the vote of each member on the holding of a closed session and the time when the closed session commenced and concluded shall be recorded in the minutes. If the motion passes, then the chairman shall, immediately prior to the closed session, restate on the record the limitation of the subject matter of the closed session. In holding such a closed session, the Board shall restrict its consideration of matters during the closed portion to only those purposes set forth in the motion to close as the reason for the closed session.

4. Any member of the Board 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. Such challenge and its disposition shall be recorded in the minutes.

Source: Neb. Rev. Stat. 84-1410 (Adopted 11-14-06, Ord. No. 2006-O-7)

SECTION 1-114: MEETINGS; ATTENDANCE OF MEMBERS

All members of the Village Board shall be required to attend Village Board meetings regularly, and if any Board member fails to attend three consecutive meetings, his/her office shall be vacated and the Village Board may fill the vacancy created pursuant to Section 1-109 herein; provided, however, the Village Board may excuse said absences by majority vote for just cause shown, in which event said Board member's office shall not be deemed vacated. Upon any member's absence for three consecutive meetings, the chairman of the Board shall call for a vote on whether to excuse said absences, which vote shall be duly recorded by the village clerk.

SECTION 1-115: MEETINGS; ORDER OF BUSINESS

All meetings of the Village Board shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Board, the chairman, the village clerk and such other village officials that may be required shall take their regular stations in the village hall, and the business of the Village shall be taken up for consideration and disposition in the following order:

Roll call

Reading and approval of the minutes of the previous meeting

Consideration of petitions and other communications

Reports of officers, boards and committees

Unfinished business of the preceding meeting

Introduction of ordinances and resolutions; first reading

Second reading of ordinances
Third reading of ordinances
Final passage of ordinances
New business
Miscellaneous business
Appropriations and consideration of claims
Adjournment

SECTION 1-116: MEETINGS; PARLIAMENTARY PROCEDURE

1. The chairman shall preserve order during meetings of the Village Board and shall decide all questions of order, subject to an appeal to the Village Board. When any person is called to order, he/she shall be seated until the point is decided. When the chairman is putting the questions, no person shall leave the meeting room. Every person present, before speaking, shall rise from his/her seat and address himself/herself to the presiding officer, and while speaking shall confine himself/herself to the question.

2. All resolutions or motions shall be reduced to writing before being acted upon, if requested by the village clerk or any member of the Board. Every member of the Board who is present when a question is voted upon shall cast his/her vote, unless excused by a majority of the Village Board present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the chairman before being debated. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Board making the motion or resolution shall be entered also. Before the vote is actually taken, any resolution, motion or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the member of the Board seconding the said resolution, motion or ordinance. After each vote, a roll call vote shall be taken and entered in the minutes upon the request of any member of the Board.

3. When any question is under debate, no motion shall be made, entertained or seconded except the previous question, a motion to table, and to adjourn. Each of the said motions shall be decided without debate. Any of the rules of the Village Board for meeting may be suspended by a two-thirds vote of the members present.

4. In all cases in which provisions are not made by these rules, *Robert's Rules of Order* is the authority by which the Village Board shall decide all procedural disputes that may arise.

SECTION 1-117: REORGANIZATIONAL MEETING

1. The newly elected Board of Trustees shall convene at the regular place of meeting at the first regular meeting of the Board in each election year immediately after the prior board adjourns and proceed to organize themselves for the ensuing year. The chairman pro tempore shall call the meeting to order. The Board shall then proceed to examine the credentials of its members and other elective officers of the Village to see that each has been duly and properly elected and to see that such oaths and bond 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 chairman of the Board of Trustees. The chairman shall then nominate his/her candidates for appointive offices and said officers shall hold office until their successors are appointed and qualified. The chairman shall then proceed with the regular order of business.

2. It is hereby made the duty of each and every member of the Board or of its successors in office and of each officer hereafter elected to any office to qualify prior to the first regular meeting of the Board in December following his/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/her office. Each appointive officer who is required to give bond shall qualify by filing the required bond, approved by the Board of Trustees, in the office of the village clerk within two weeks from the date of his/her 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 office to which said person failing to qualify shall have been elected or appointed.

SECTION 1-118: APPOINTMENT OF COMMITTEES

The Board of Trustees may appoint such committees as may be necessary from time to time, which committees shall serve at the pleasure of the Board.

SECTION 1-119: ABSENCE OF ELECTED OFFICIALS; VACANCY, HEARING

In the event that an elected official of the Village shall be absent for five consecutive meetings, the Village Board at its next regular meeting shall hold a hearing to determine whether such absences shall be excused. Notice of such in writing shall be delivered to the absent member at least ten days prior to such hearing and he/she shall be given the opportunity to present evidence and testimony to support a determination that such absences should be excused. After such hearing, the Village Board shall vote to either excuse such absences or to determine that such absences are unexcused and declare the seat vacant. In the event the seat is determined vacant, the vacancy shall be filled pursuant to Section 1-109. (Adopted 1-14-03, Ord. No. 2003-O-1)

SECTION 1-120: DISMISSAL OF COMPLAINT; CONDITIONS

In the event that charges are filed with the County Court of Buffalo County, Nebraska, for violation of any ordinance of the Village and the offending party corrects the condition which caused the charge to be filed prior to the case going to trial or hearing, the Village may dismiss the complaint conditioned upon the offending party paying the court costs incurred in the filing of the charges. (Adopted 10-12-10, Ord. No. 2010-O-8)

ARTICLE II – APPOINTIVE OFFICERS

SECTION 1-201: APPOINTIVE OFFICERS

The Village Board of Trustees may appoint a village clerk, village treasurer, village attorney, village police officer, water commissioner, sewer commissioner, street commissioner and a building inspector. It shall also appoint whatever other officials of the Village which it deems necessary, which officers shall serve at the pleasure of the Village Board.

SECTION 1-202: MERGER OF OFFICES

The Village Board may, by ordinance, combine and merge any elective or appointive office or employment or any combination of duties of any such offices or employments, except trustee, with any other elective or appointive office or employment so that one or more of such offices or employments or any combination of duties of any such offices or employments may be held by the same officer or employee at the same time, except that trustees may perform and upon board approval receive compensation for seasonal or emergency work subject to 49-14,103.01 to 49-14,103.06 R.S. Neb. The offices or employments so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only. The salary or compensation of the officer or employee holding the merged and combined offices or employments or offices and employments shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment or employments so merged and combined. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers.

SECTION 1-203: VILLAGE CLERK; DUTIES

1. The village clerk shall have custody of all laws and ordinances. He/she shall take possession of all books, papers and all other official records of the Village of Pleasanton, and shall maintain said records in a safe place. He/she shall have custody of the seal of the Village and shall attach said seal to all official documents. The clerk shall attest to the village chairman's signature. He/she shall maintain all books and public records of the Village for public inspection for any resident of the Village during normal business hours. He/she shall make a notation on all correspondence received by him/her of the date of its receipt, and shall, as soon as possible, convey said correspondence to the appropriate official of the Village. The village clerk shall keep and maintain all other legal papers required to be maintained by him/her by these ordinances or by Nebraska state law.

2. The village clerk shall attend all meetings of the Village Board and shall maintain a proper minute book wherein shall be recorded all of the formal and informal actions of the chairman and Village Board, and shall maintain an ordinance record which shall record the various ordinances and resolutions passed by the Board.

3. He/she shall maintain a complete record of all outstanding bonds against the Village, showing the number and amount of each, for and to whom the said bonds were issued and all other pertinent information in regard to said bonds. Whenever any claim presented by any person has been disallowed by the Village Board, the village clerk shall notify said claimant of said disallowance by the Board within five days after such disallowance.

4. The village clerk shall publish all notices required in the performance of his/her duties and shall keep a record of all such published notices and of the publisher's affidavit of said publication if such notices are published in a legal newspaper.

SECTION 1-204: VILLAGE TREASURER; DUTIES

1. The village treasurer shall be custodian of all monies belonging to the Village; he/she shall deposit, and at all times keep on deposit, and at all times keep on deposit, for safekeeping, in banks, institutions of approved and responsible standing, all money

collected, received or held by him/her as treasurer. Such deposits shall be subject to all regulations imposed by law or adopted by the Village for the receiving and holding thereof. A bond or pledged securities shall be required from all banks or financial institutions in which municipal funds are deposited in any amount exceeding that amount insured by the Federal Deposit Insurance Corporation.

2. He/she shall keep a separate account of each and every fund or appropriation and the debits and credits therein; he/she shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid, and also file copies of said receipts with his/her monthly reports made to the chairman and Board of Trustees. He/she shall, at the end of each month and as often as may be required, render a report to the chairman and Board of Trustees showing, under oath, the condition of the various accounts of the treasury at the time of such reports and the balance of money in the treasury; he/she shall accompany such accounts with a statement of all receipts and disbursements, together with all warrants paid by him/her. Such warrants with any and all vouchers held by him/her shall be filed with his/her accounts in the village clerk's office. He/she shall keep a record, in a book suitable for that purpose, of each and every warrant paid and from what fund paid.

3. He/she shall also procure and keep a warrant register which shall show in columns arranged for that purpose the number, date and amount of each warrant presented and registered as hereinafter provided, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person in whose name the same is registered, the date of payment, the amount of interest, and the total amount paid thereon, with the date when the notice to such person in whose name such warrant is registered is mailed as hereinafter provided. Upon presentation of any warrant for payment, in the presence of the person presenting such warrant, it shall be the duty of the village treasurer to enter said warrant in the warrant register for payment in the order of its presentation. Upon every warrant as presented and registered, he/she shall endorse "Registered for Payment" with the date of such registration and register number; and he/she shall sign such endorsement, whereupon such warrant shall draw interest at the legal rate from the date of registration until notice of payment shall be given to the holder as provided by law.

4. If the village treasurer neglects or fails, for a period of ten days from the end of each and every month, to render his/her account, his/her office shall be declared vacant pursuant to Section 17-606, R.R.S. Neb. 1943, and the chairman and Board of Trustees shall fill the vacancy by appointment until the next election of village officials.

5. The village treasurer is also required to publish or cause to be published in a legal weekly newspaper published in or of general circulation in said village within 60 days following August 1 of each year a report of the activities of his/her office, which said report shall show in detail all receipts, disbursements, warrants outstanding, and the debit or credit balance of the Village.

(Am. 9-13-05, Ord. No. 2005-0-5)

SECTION 1-205: VILLAGE ATTORNEY; DUTIES

The village attorney, when appointed, shall be legal advisor to the chairman and the Board of Trustees and shall undertake all legal matters of the Village as set forth by Nebraska Statutes. He/she shall commence, prosecute and defend all suits and actions as necessary on behalf of the Village, or that may be ordered by the Board of Trustees.

When requested, he/she shall attend meetings of the Board and give his/her opinion upon any matters submitted to him/her either orally or in writing as may be required. He/she shall draft or review for legal correctness ordinances, contracts, franchises and other instruments as may be required, and he/she shall perform such other duties as may be imposed upon him/her by general law or ordinance. The Board of Trustees of the Village shall have the right to pay the village attorney compensation for legal services performed by him/her for it on such terms as the Board and attorney may agree, and to employ additional legal assistance and to pay for such legal assistance out of the funds of the Village.

SECTION 1-206: VILLAGE POLICE OFFICER; DUTIES; SPECIAL POLICE

In the event the Village maintains a police department, the following shall apply:

1. It shall be the duty of the village police officer, and he/she is hereby authorized and empowered, to diligently inquire into any and all violations of the village ordinances and to make order and arrest with proper process for any offense against the laws or ordinances of the Village, and he/she shall prosecute all those guilty of violation.

2. The village police officer shall have general control over motor vehicular traffic, and said police, together with such special officers detailed to assist him/her as traffic officers by the chairman and Board of Trustees, shall direct the movement of traffic at intersections and elsewhere; and it shall be unlawful for any person to violate any order or signal of the village police or of any special traffic officer.

3. The village police officer shall bring all prisoners who are under arrest for the violation of any village ordinances before the County Court whenever required to do so by rule or order of the county judge, and he/she shall make or cause to be made the necessary written complaint against such person or persons when arrested.

4. He/she shall perform such other duties as may be required of him/her by resolution or by order of the chairman and Board of Trustees.

SECTION 1-207: WATER COMMISSIONER

The Village Board shall have the power to appoint one of its members to be the commissioner supervising the village water system. The commissioner shall have the general control and supervisory authority over all employees of the water system over which the Board may from time to time hire to operate and maintain said system, He/she shall collect all money received by the Village on account of said system of water works and shall faithfully account for and pay over to the village treasurer all of such monies collected in the name of the Village. He/she shall make a detailed report to the Board at least once every six months of the condition of said water system, all mains, pipes, hydrants, reservoirs and machinery and such improvements, repairs and extensions thereof as he/she may think proper. No money shall be expended for improvements, repairs or extensions for said water works system except upon the recommendation of the commissioner.

SECTION 1-208: SEWER COMMISSIONER

The Village Board of Trustees shall have the power to appoint one of its members to maintain immediate control and supervision over all employees and property that make

up the village sewer system, subject to the general control and direction of the Board, He/she shall, every six months, make a detailed report to the Board on the condition of the sewer system and direct its attention to such improvements, repairs, extensions, additions and additional employees as he/she may believe are needed, along with estimates of the cost thereof. He/she shall issue permits for all connections to the village water system and inspect and supervise all repairs made to said system.

SECTION 1-209: STREET COMMISSIONER

The Board of Trustees shall have the power to appoint one of its members to serve as the village street commissioner, to have general charge, direction and control of all work on the streets, sidewalks, culverts and bridges of the Village, and shall perform such other duties as the Board may require. It shall be his/her responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. He/she shall, at the request of the Board, make detailed reports on the condition of the streets, sidewalks, culverts, alleys and bridges of the Village and direct its attention to such improvements, repairs, extensions, additions and additional employees as he/she may believe are needed to maintain a satisfactory street system in the Village, along with estimates of the cost thereof. It shall be the special duty of the street commissioner to supervise and direct the snow and tree removal work in the Village.

SECTION 1-210: VILLAGE BUILDING INSPECTOR

The Board of Trustees shall have the power to appoint a village building inspector to conduct surveys and inspection in any area in the Village to determine whether all buildings and structures are in compliance with village ordinances. He/she shall investigate all complaints of violation of village ordinances or any violation of health laws wherein it is alleged that a building or structure is unfit or unsafe for human habitation. The building inspector is authorized, upon properly identifying himself/herself, to enter, inspect, survey and investigate any building or structure between the hours of 8:00 A.M, and 5:00 P.M., or at any other time if an emergency exists or if requested by the owner or occupants thereof. He/she shall keep a record of all complaints and inspection reports that are filed or issued by him/her; these reports shall be available for public inspection at all reasonable hours at the office of the village clerk. The building inspector shall have no financial interest in the furnishing of labor, materials or appliances for the construction, alteration and maintenance of any building except where he/she is the owner of the building, or he/she may not act as agent for any dealer or as an agent for the sale, lease or rental of any real estate, The building inspector shall report to the Village Board as often as necessary, and shall have such other duties and issue such permits as the Board may direct.

ARTICLE III – ORDINANCES

SECTION 1-301: GRANT OF POWER

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

SECTION 1-302: PASSAGE

Ordinances, resolutions or orders for the appropriation of money shall require for their passage the concurrence of the majority of the members elected to the Board. Ordinances of a general or permanent nature shall be fully and distinctly read on three different days.

SECTION 1-303: SUSPENSION OF RULES

In the event that three-fourths of the members of the Board present vote to dispense with the rule that ordinances of a general or permanent nature be fully read on three different days, such ordinances may be passed by reading the title one time when introduced, read by title a second time after the rule has been dispensed with, read at large a third time, and then put upon final passage.

SECTION 1-304: STYLE

The style of all village ordinances shall be: "Be it ordained by the Chairman and Board of Trustees of the Village of Pleasanton, Nebraska:"

SECTION 1-305: EFFECTIVE DATE

The village clerk shall, within 15 days after the passage of any ordinances, publish the same in a legal newspaper of general circulation in the Village or post the ordinance in the normal three public places. The ordinance shall then become effective upon publication.

SECTION 1-306: TITLE

No ordinance shall contain a subject not clearly expressed in its title.

SECTION 1-307: CERTIFICATE OF PUBLICATION

The passage, approval and publication or posting of all ordinances shall be sufficiently proven by a certificate under the village seal from the village 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.

SECTION 1-308: 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. The ordinance or section so amended shall be repealed.

SECTION 1-309: EMERGENCY ORDINANCES

In the case of an ordinance passed concerning riot, infectious or contagious diseases or other impending danger, failure of a public utility or other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the village chairman and the posting thereof in at least three of the most public places in the Village. Such emergency notice shall recite the emergency and shall be passed by a three-fourths vote of the Board and entered upon the village clerk's minutes.

ARTICLE IV – FISCAL MANAGEMENT

SECTION 1-401: FISCAL YEAR

The fiscal year of the Village shall commence on October 1 and extend through the following September 30.

SECTION 1-402: BUDGET STATEMENT; FILING

The Village Board shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed the "The Annual Appropriation Bill," in which the Board shall appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the Village. Such budget statement shall be prepared on forms prescribed and furnished by the Nebraska Auditor of Public Accounts and shall contain that information required by the *Manual of Instructions for City/Village: Budgets*, prepared by the Nebraska Auditor of Public Accounts.

SECTION 1-403: BUDGET HEARING

Subsequent to the filing of the proposed budget statement, the Village Board shall publish a proposed budget and conduct a public hearing on the said proposed budget statement. 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 days prior to the date set for the hearing in a newspaper of general circulation in the Village. The village clerk shall make available to the public the proposed budget statement prior to publication of the notice of the hearing on such proposed budget statement. After such hearing, the statement shall be adopted, or amended and adopted as amended, and a written record shall be made of such hearing. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 days after its adoption. (Am. 1-14-03, Ord. No. 2003-0-2)

SECTION 1-404: BUDGET FILING

The Village Board shall file with and certify to the levying board and file with the Nebraska State Auditor a copy of the adopted budget statement, together with the amount of the tax to be levied and proof of publication. Such filing shall be made on or before November 1. The Village Board shall not certify any tax that exceeds the maximum levy prescribed by state law; provided, in certifying the amount to be so levied, allowance may be made for delinquent taxes not exceeding five percent of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year.

SECTION 1-405: 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 and shall be followed wherever practicable.

SECTION 1-406: ANNUAL AUDIT

The Village Board shall cause an audit of the village accounts to be made by a qualified accountant, or shall prepare an unaudited statement of cash receipts and disbursements in lieu of an audit, as expeditiously as possible following the close of the fiscal

year. If an audit is authorized by the Village Board, it shall be made on a cash or accrual method at the discretion of the Board and shall be completed within six months of the close of the fiscal year. In the event the Village elects not to have an audit performed, the village treasurer shall prepare an unaudited statement of cash receipts and disbursements in a form prescribed by the Auditor of Public Accounts and shall submit not less than three copies of the unaudited report to the Village Board.

SECTION 1-407: APPROPRIATIONS

1. The Village Board shall, within the last quarter of each fiscal year, pass an ordinance to be termed "The Annual Appropriation Bill," in which are appropriated such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the Village, not exceeding in the aggregate the amount of tax authorized to be levied. The said ordinance shall specify the objects and purposes for which such appropriations are made and the amount appropriated for each purpose. Any balance unexpended and unobligated at the end of the fiscal year shall, unless reappropriated, lapse to the general fund.

2. The annual appropriation bill shall not be amended without a majority vote of the Village Board after a public hearing. Notice of the time and place of the hearing shall be published at least five days prior to the date set for hearing in a newspaper of general circulation within the Village. The income arising from the operation of proprietary functions shall be deemed especially appropriated to the payment of the current expenses of and to the cost of improvements, extensions and additions to such functions and shall not be included in the annual appropriation bill.

SECTION 1-408: ALL-PURPOSE LEVY

The Village Board has determined that the amount of money to be raised by taxation shall be certified to the county clerk in the form of one all-purpose levy instead of certifying a schedule of levies for specific purposes added together. Said all-purpose levy shall not exceed an annual levy of 30 mills on the dollar upon the assessed valuation of all taxable property in the Village, except intangible property.

SECTION 1-409: CONTRACTS

Before entering into any contract for labor, materials or any public improvement which exceeds \$20,000.00 in cash as estimated by the village engineer, the Village Board shall advertise for bids once each week for three consecutive weeks in a legal newspaper of general circulation in the Village, or post a printed or written copy thereof in each of three public places in the Village; provided that in the case of a public emergency which is a serious danger to life, health or property, estimates of costs and advertising for bids may be waived in the emergency ordinance when adopted by a three-fourths vote of the Village Board.

SECTION 1-410: CLAIMS

All claims against the Village shall be presented to the Village Board 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 Village in any action brought against it for an unliquidated claim which has not been presented to the Village Board 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 85% of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the village treasury for the appropriate fund against which it is to be drawn, provided that in the event there exist 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 85% but not more than 100% of the current levy for the purpose for which said warrant is drawn.

SECTION 1-411: WARRANTS

All warrants drawn upon the village treasury must be signed by the chairman of the Board and countersigned by the village 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 than upon warrants so drawn. Each warrant shall specify the amount included of such fund.

SECTION 1-412: TRANSFER OF FUNDS

1. Whenever during the current fiscal year it becomes apparent due to unforeseen emergencies that there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the Village Board may by a majority vote transfer money from other funds to such fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement except as authorized herein. If, as the result of unforeseen circumstances, the revenue of the current fiscal year shall be insufficient, the Village Board may propose to supplement the previously adopted budget statement and shall conduct a public hearing, at which time any taxpayer may appear or file a written statement protesting the application for additional money. A written record shall be kept of all such hearings.

2. Notice of a place and time for the said hearing shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the Village. The published notice shall set forth the time and place of the proposed hearing, the amount of additional money required, the purpose of the required money, a statement setting forth the reasons why the adopted budget of expenditures cannot be reduced to meet the need for additional money, and a copy of the summary of the originally adopted budget previously published.

3. Upon the conclusion of the public hearing on the proposed supplemental budget and approval by the Village Board, said board shall file with the county clerk and the Nebraska Auditor of Public Accounts a copy of the supplemental budget and shall certify the amount of additional tax to be levied. The Village Board may then issue warrants in payment for expenditures authorized by the adopted supplemental budget. The said warrants shall be referred to as "registered warrants" and shall be repaid during the next fiscal year from funds derived from taxes levied therefor.

SECTION 1-413: SPECIAL ASSESSMENTS; COLLECTION; FUND

The Village shall collect the special assessments which it levies and perform all other necessary functions related thereto including foreclosure. Notice that special assessments are due shall be mailed or otherwise delivered to the last known address of the person against whom such special assessments are assessed or to the lending institu-

tion or other party responsible for paying such special assessments. Failure to receive such notice shall not relieve the taxpayer from any liability to pay such special assessments and any interest or penalties accrued thereon. The Village shall: (1) file notice of the assessments and the amount of assessment being levied for each lot or tract of land to the register of deeds; and (2) file a release of assessment upon final payment of each assessment with the register of deeds. All money received on special tax assessments shall be held by the village treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made.

SECTION 1-414: SINKING FUNDS

1. The Village Board, subject to the limitations set forth herein, shall have the power to levy a tax 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 Village, 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 Village Board shall declare its purpose by resolution to submit to the qualified electors of the Village the proposition to provide the improvement at the next general village 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 times on successive weeks before the day of the election in a legal newspaper of general circulation in the Village.

2. 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 Village Board may then proceed to establish the said fund in conformity with the provisions of the proposition and applicable state law. The funds received by the village treasurer shall, as they accumulate, be immediately invested with the written approval of the Village Board 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 Village Board is authorized to do so by 60% of the qualified electors of the Village voting at a general election favoring such a change in the use of the sinking fund.

SECTION 1-415: DEPOSIT OF FUNDS

The Village Board, at its first meeting in each fiscal year, shall designate one or more banks of approved and responsible standing in which the village treasurer shall keep at all times all money held by him/her; provided, if more than one bank in the Village meets the requirements for approved banks as herein defined, the said funds shall be deposited in each of them and the village treasurer shall not give a preference to any one or more of them in the money he/she 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.

SECTION 1-416: INVESTMENT OF FUNDS

The Village Board may, by resolution, direct and authorize the village treasurer to invest surplus funds in the outstanding bonds or registered warrants of the Village and other approved bonds and obligations as provided by law. The interest on such bonds or war-

rants shall be credited to the fund out of which the said bonds or warrants were purchased.

SECTION 1-417: PROPERTY TAX LEVY; AUTHORITY TO SET

Upon receipt of the preliminary levy from the county clerk, the Village Board may either accept or change the amount of the preliminary levy established by the county. If the amount of the preliminary levy is deemed to be adequate and sufficient by the Village Board, the preliminary levy shall become the final levy without further action by the Board of Trustees. The Village Board may reject the preliminary levy and pass by a majority vote a resolution or ordinance setting the levy at a different amount prior to October 15. Such resolution or ordinance shall only be passed after the Village Board holds a special public hearing called for such purpose and after notice of the hearing is published in a newspaper of general circulation within the Village at least five days prior to the hearing. Any resolution or ordinance setting a tax levy under this section shall be forwarded to the county clerk and certified.

ARTICLE V – BOARD OF HEALTH

SECTION 1-501: MEMBERS

A Board of Health is hereby created, which shall consist of three members: the chairman of the Village Board; a village physician, who shall be the medical advisor to the Board; and the village police officer, who shall be secretary and quarantine officer of the Board. In the event no physician resides within the Village, the chairman shall appoint a citizen at large to serve on said board in addition to himself/herself and the village police officer. In the event that the village has no village police officer the Board may appoint the County Sheriff to act as village police officer to serve as a member of the Board of Health.

SECTION 1-502: POWERS AND DUTIES

The chairman of the Board shall act as chairman of the Health Board. A majority of the Board shall constitute a quorum and shall enact rules and regulations to safeguard the health of the people of the Village and shall provide fines and punishments for violations thereof. The Board is authorized and directed to make all necessary rules and regulations relating to matters of sanitation, including the removal of dead animals, and sanitary conditions of the streets, alleys and vacant grounds, of private and public stock yards and all other buildings and places where filth, nuisances or offensive matter is kept or is liable to and does accumulate. It shall suppress and prevent the occurrence of nuisances and enforce all laws of the State and ordinances of the Village relating to matters of sanitation of the Village. It shall keep a record of all matters transacted at its meetings and all actions taken by it, which records shall be filed with the village clerk and be part of the public records of the Village.

SECTION 1-503: STATE HEALTH RULES; INCORPORATED BY REFERENCE

Three copies of the *Rules and Regulations Relating to Public Health*, published by the Department of Health of the State of Nebraska, as revised, adopted and promulgated in pamphlet form, are hereby incorporated by reference insofar as the same are applicable to villages, and they shall be incorporated herein the same as though copied at full

length in this article.

SECTION 1-504: DEPOSITING OR PERMITTING DEPOSIT OR ACCUMULATION OF ANY SUBSTANCE DETRIMENTAL TO HEALTH OR OFFENSIVE TO SMELL; PENALTY

It shall be unlawful for any person to deposit or permit the deposit or accumulation of any garbage, refuse of any kind, or any decayed or putrid substance or other article or thing which is detrimental to health or from which obnoxious or offensive odors arise, on the streets, alleys or public grounds or on any private premises including enclosures in which livestock is kept within said village. Any person who violates this section and shall fail to remove such objectionable substances or otherwise comply with the orders of the Board of Health with reference thereto within 24 hours from the receipt of written notice thereof, upon conviction shall be fined not more than \$25.00 for the first offense and not less than \$10.00 and not more than \$50.00 for each subsequent offense, and shall pay the costs of prosecution; and the court shall order the offensive matter removed by or at the expense of the defendant. Each 24-hour failure to comply with the orders of the Board shall constitute a separate and distinct offense.

SECTION 1-505: VIOLATION; PENALTY

Any person or persons who shall violate, disobey, omit, neglect or refuse to comply with the provisions of this article shall be fined in a sum not exceeding that permitted by Nebraska law for violation of a municipal ordinance.

ARTICLE VI – VILLAGE TREE BOARD

SECTION 1-601: CREATION AND ESTABLISHMENT OF A VILLAGE TREE BOARD

There is hereby created and established a Village Tree Board for the Village of Pleasanton, which shall consist of three members, citizens and residents of this village, who shall be appointed by the chairman with the approval of the Board of Trustees.

SECTION 1-602: DEFINITIONS

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

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

SECTION 1-603: TERM OF OFFICE

The term of the three persons to be appointed by the chairman of the Board of Trustees shall be three years, except that the term of one of the members appointed to the first Tree Board shall be for only one year, and the term of two members of the first Tree Board shall be for two years. Terms shall commence July 1 of each year. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

SECTION 1-604: COMPENSATION

Members of the Tree Board shall serve without compensation.

SECTION 1-605: DUTIES AND RESPONSIBILITIES

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

SECTION 1-606: OPERATION

The Tree Board shall choose its own officers, make its own rules and regulations and keep a minute book of its proceedings. A majority of its members shall be a quorum for the transaction of business.

SECTION 1-607: STREET TREE SPECIES TO BE PLANTED

The tree list adopted by the Tree Board and published by it constitutes the official street tree species for the Village. No species other than those included in this list may be planted as street trees without written permission of the Village Tree Board.

SECTION 1-608: SPACING

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

SECTION 1-609: DISTANCE FROM CURB AND SIDEWALK

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

SECTION 1-610: DISTANCE FROM STREET CORNERS AND FIREPLUGS

No street tree shall be planted closer than 35 feet to any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten feet to any fireplug.

SECTION 1-611: UTILITIES

No street trees other than those species listed as small trees in the tree list may be planted under or within ten lateral feet of any overhead utility wire, or over or within five

lateral feet of any underground water line, sewer line, transmission line or other utility.

SECTION 1-612: PUBLIC TREE CARE

The Village shall have the right to plant, subject to Section 1- 613 herein, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with this article.

SECTION 1-613: CONSENT OF PROPERTY OWNER

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

SECTION 1-614: TREE TOPPING

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

SECTION 1-615: PRUNING; CORNER CLEARANCE

Every owner of any tree overhanging any street or right of way within the Village shall prune the branches so that such branches shall not obstruct the light from any street light or obstruct the view of any street intersection, and so that there shall be a clear space of eight feet above the surface of the street or sidewalk.

SECTION 1-616: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

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

2. In the event that the owner is a non-resident, notice shall be made by publication in a newspaper of general circulation, or by certified mail if the name and address is known. The person charged with the removal may enter into an agreement with the Village that such work be accomplished by the Village, and the expense shall be declared to be a lien upon such property from the time the same becomes due until paid. If the owner fails, neglects or refuses to enter into such an agreement or to remove the trees, the Village Tree Board may enter upon the property and proceed to direct the removal of the trees; the cost thereof shall be chargeable to the property owner. If the owner fails

to reimburse the Village after being properly billed, the costs shall be assessed against the property and certified by the village clerk to the county treasurer to be collected in the manner prescribed by law.

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

SECTION 1-617: REMOVAL OF STUMPS

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

SECTION 1-618: INTERFERENCE WITH VILLAGE TREE BOARD

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

SECTION 1-619: ARBORIST'S LICENSE

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street trees within the Village without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance; provided, however, that no license shall be required of any public service company or village employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 for property damage, indemnifying the Village or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

SECTION 1-620: REVIEW BY VILLAGE BOARD OF TRUSTEES

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

ARTICLE VII – PARKS

SECTION 1-701: OPERATION AND FUNDING

The Village owns and operates the village parks and other recreational areas through the Board of Trustees. The Board of Trustees shall have the authority to adopt rules and regulations for the efficient management of the village parks and other recreational areas of the Village and shall have authority to allocate so much money as may be necessary out of the general budget to operate and maintain such park system.

SECTION 1-702: INJURY TO PROPERTY

It shall be unlawful for any person to maliciously or willfully cut down, injure or destroy any sodded or planted area, or injure or destroy any building, structure, equipment, fence, bench, table or any other property of the village parks and recreational areas. No person shall commit any waste on or litter the village parks or other public grounds.

ARTICLE VIII – CEMETERY

SECTION 1-801: OPERATION AND FUNDING

1. The Village owns and operates the village cemetery through the Cemetery Board. The Village Board, for the purpose of defraying the cost of the care, management, maintenance and beautification of the cemetery, may budget and levy such sums as necessary for such purpose. The Cemetery Board shall have the power and authority to hire and supervise such employees as may be deemed necessary and to pass such rules and regulations for the operation of the cemetery as may be proper for its efficient operation. All actions by the Cemetery Board shall be under the supervision and control of the Village Board.

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

(Am. 12-8-09, Ord. No. 2009-O-7)

SECTION 1-802: SEXTON

The Cemetery Board, subject to the approval of the Village Board, shall have the authority to appoint a sexton, who shall perform such duties and make such reports as the Cemetery Board shall direct. It shall be the duty of the sexton to locate the proper lot and direct the applicant thereto and to dig and excavate or cause the same to be dug and excavated in compliance with the rules and regulations of the Cemetery Board.

SECTION 1-803: CONVEYANCE OF LOTS

The Village Board may convey cemetery lots by certificate signed by the chairman and countersigned by the village clerk under the village seal, specifying that the person to whom the same is issued is the owner of the lot described therein by number for the purpose of interment. Such certificate is for burial of the purchaser and those persons whom he/she designates at the time of purchase. No other persons other than those designated at time of purchase shall be permitted to be buried in such purchased lots.

SECTION 1-804: FORFEITURE OF LOTS

The purchaser or designated persons may be contacted from time to time by the Cemetery Board to ascertain that the burial designations made by the purchaser are still current and applicable. In the event the purchaser and his/her designated persons cannot be located for a period of three years, the burial lots or the unused portions of burial lots will be determined forfeited. Such unused lot or part of lot will revert back to the Village and may be resold by the Cemetery Board.

SECTION 1-805: LOT TRANSFERS

Any person who wishes to transfer a certificate may do so by surrendering the original certificate to the village clerk. A charge of \$25.00 shall be made for such transfer and a charge of \$100.00 per burial space for perpetual care. Upon receipt of the application for transfer and payment of the transfer fee and perpetual care fee, the village clerk shall issue a new certificate.

SECTION 1-806: PERPETUAL CARE

1. The village treasurer shall allocate and set apart a percentage of the entire amount paid for lots or burial spaces if the said lots or burial spaces are to be endowed with perpetual care. The fund shall be permanent in nature and as it accumulates shall be invested in such interest-bearing securities as are authorized by state law. The income earned thereon shall be used solely for the purposes of perpetual care for the cemetery lots. Any lot owner who, prior to the purchase of his/her lot, shall not have endowed his/her holdings with perpetual care may do so by paying to the secretary of the Cemetery Board such sum of money as the Board may in each case fix and determine. Thereafter, the owner shall not be liable for the payment of an annual maintenance assessment.

2. The Chairman and Village Board may set aside the proceeds of the sale of lots as a perpetual fund to be invested as provided by ordinance. The income from the fund may be used for the general care, management, maintenance, improvement, beautification, and welfare of the cemetery. The principal of the perpetual fund may be used for the general care, management, maintenance, improvement, beautification, and welfare of the cemetery as long as no more than 20 percent of the principal is so used in any fiscal year and no more than 40 percent of the principal is so used in any period of ten consecutive fiscal years. The principal of the perpetual fund may also be used for the purchase and development of additional land to be used for cemetery purposes as long as no more than 25 percent of the principal is so used in any fiscal year and no more than 35 percent of the principal is so used in any period of ten consecutive fiscal years.

(Am. 12-8-09, Ord. No. 2009-O-7)

SECTION 1-807: BURIAL PROCEDURE; DISINTERMENT

1. Any person desiring to bury a deceased person shall first be required to provide the dates of birth and death of the decedent. The interment of any body shall be performed under the direct supervision of a licensed funeral director. The sexton shall also require that all fees assessed by the Cemetery Board have been paid in full.

2. In the event that removal of a body is requested, the village clerk shall issue

no permit until the applicant shall have first complied with the laws of the State of Nebraska with respect to such disinterment.

SECTION 1-808: LOT CURBING

It shall be unlawful for the owner of any lot to construct or maintain any curbing around any lot or burial space or to suffer the same to remain if constructed.

SECTION 1-809: SHRUBS AND TREES

It shall be unlawful for any person to plant any shrub or tree or to maintain or suffer to the same to remain on any cemetery lot. The Cemetery Board retains the right and option to plant trees or shrubs at its discretion within the cemetery property.

SECTION 1-810: MONUMENTS

Persons desiring to erect monuments or tombstones shall first procure permission from the village clerk, who shall notify the sexton of such permission. The sexton shall oversee the installation of such monuments or tombstones and determine that all fees assessed by the Cemetery Board have been paid.

SECTION 1-811: GRAVE DEPTH

Graves shall not be less than 6 feet deep. Cremated remains may be buried in a grave site and shall be buried at least 3 feet deep in the cremation container provided by the crematorium. Not more than two sets of cremated remains may be buried in one grave site. No cremation remains may be buried in a grave site containing burial caskets.

SECTION 1-812: INJURY TO PROPERTY

Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument, or gravestone placed in the cemetery or any fence, railing or other work for the protection or ornamentation of the cemetery or who shall willfully destroy, cut, break, or injure any tree, shrub or plant shall be deemed to be guilty of a misdemeanor.

SECTION 1-813: VIOLATION OF CEMETERY RULES

Any person who shall violate any of the rules or regulations adopted by the Village Board for operation of the cemetery shall be guilty of a misdemeanor and fined in a sum not to exceed \$500.00. Each day's violation shall be a separate offense and may be prosecuted as such. (Am. 7-10-07, Ord. No. 2007-O-1)

ARTICLE IX – PENAL PROVISION

SECTION 1-901: VIOLATION; PENALTY

Any person who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than that amount permitted by Nebraska law for violation of a municipal ordinance for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.