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## **CHAPTER 2 – COMMISSIONS AND BOARDS**

### **Article 1 – Library Board**

#### **SECTION 2-101: LIBRARY; OPERATION AND FUNDING**

The village owns and manages the village library through the Library Board. The Village Board, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the library, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the village that is subject to taxation. The revenue from the said tax shall be known as the Library Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the library. The library fund shall at all times be in the custody of the village treasurer. (Neb. Rev. Stat. §51-201, 51-202, 51-211)

#### **SECTION 2-102: MEMBERS; TERMS**

The Library Board shall be appointed or elected. The Village Board shall by ordinance adopt the manner in which the five members of the board are to be chosen. If the members are to be chosen by appointment, the nominated members must receive a majority vote of the Village Board. If the members are to be elected, the usual election procedures of the village shall be followed. The members of the Library Board shall serve four-year terms of office as specified by Nebraska statutes. The board shall serve without compensation and may be required, in the discretion of the Village Board, to give a bond in a sum set by resolution and conditioned upon the faithful performance of their duties. (Neb. Rev. Stat. §51-202) (Am. by Ord. No. 2012-4, 6/11/12)

#### **SECTION 2-103: OFFICERS; MEETINGS**

The Library Board shall meet at such times as the Village Board may designate. At the time of the first meeting in July of each year, the members shall organize by selecting from their number a president, secretary, and such other officers as may be necessary. No member of the Library Board shall serve in the capacity of both chairman and secretary. It shall be the duty of the secretary to prepare an agenda for all regular and special meetings, to keep the full and correct minutes and records of all meetings and to file the same with the village clerk, where they shall be available for public inspection during office hours within ten working days or before the next board meeting, whichever is earlier. A majority of the board members shall constitute a quorum for the transaction of business. Special meetings may be held upon the call of the chairman or any three board members. (Neb. Rev. Stat. §51-204) (Am. by Ord. No. 2012-4, 6/11/12)

**SECTION 2-104: POWERS AND DUTIES**

The Library Board shall have the authority to appoint a librarian and all other library employees. It shall be the duty of the board to have general charge of the village library and to establish appropriate rules and regulations for the management, operation, and use of the same. The board shall have supervisory authority over all employees of the library including the librarian. All actions of the Library Board shall be subject to the review and supervision of the Village Board. The Library Board shall be responsible for making such reports and performing such additional duties as the Village Board may designate from time to time. (Neb. Rev. Stat. §51-205, 51-211) (Am. by Ord. No. 2012-4, 6/11/12)

**SECTION 2-105: ANNUAL REPORT TO VILLAGE BOARD**

The Library Board shall, on or before the second Monday in February in each year, make a report to the Village Board of the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Library Board may deem of general interest or as the Village Board may require. The report shall be verified by affidavit of the proper officers of the Library Board. (Neb. Rev. Stat. §51-213)

**SECTION 2-106: LIBRARY; RULES AND REGULATIONS**

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

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

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

**SECTION 2-108: LIBRARY; BOOKS ISSUED**

The librarian shall keep or cause to be kept a register of all books issued and returned at the time they shall so be issued and returned. None of the books shall be detained more than 14 days without being renewed. No book may be renewed more

than two consecutive times by any person without the special permission of the librarian or an authorized employee of the village library. (Neb. Rev. Stat. §51-211)

#### **SECTION 2-109: LIBRARY; BOOK REMOVAL**

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book from the library without the consent of the librarian or an authorized employee of the library. Any person removing a book from the library without properly checking it out shall be deemed guilty of an offense. (Neb. Rev. Stat. §51-211)

#### **SECTION 2-110: LIBRARY; LOST AND DAMAGED MATERIALS**

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

#### **SECTION 2-111: LIBRARY; SALE, EXCHANGE OR DISPOSAL OF BOOKS**

The Library Board may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books in the Library. Records shall be kept of any such books so disposed of. (Neb. Rev. Stat. §51-207)

#### **SECTION 2-112: LIBRARY; BOOK LABELING**

It shall be the duty of the librarian to label or cause to be labeled with a printed or stamped label proof of village ownership on each book, and also to write the said proof on the 30th page of each volume. (Neb. Rev. Stat. §51-211)

#### **SECTION 2-113: LIBRARY; MONEY COLLECTED**

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



## Article 2 – Board of Health

### SECTION 2-201: MEMBERS; TERMS

The Village Board shall appoint a Board of Health consisting of three members, including the chairman of the Village Board, who shall serve as chairman, and two other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the medical advisor. If the Village Board has appointed a police chief, he may be appointed to the Board of Health and serve as secretary and quarantine officer. The members of the board shall serve one-year terms of office, unless removed by the chairman of the Board of Trustees with the advice and consent of the trustees. (Neb. Rev. Stat. §17-208)

### SECTION 2-202: OFFICERS; MEETINGS

The members of the Board of Health shall reorganize at the first meeting in June of each year. No member of the board shall hold more than one board position. The secretary shall keep full and correct minutes and records of all meetings and file the same with the village clerk, where they shall be available for public inspection during office hours. A majority of the board shall constitute a quorum for the purpose of doing business. The board shall meet at such times as the Village Board may designate. Special meetings may be held upon the call of the chairman or any two members of the Board of Health.

### SECTION 2-203: DUTIES

It shall be the duty of the Board of Health to enact rules and regulations, which shall have the full force and effect of law to safeguard the health of the people of the village. The board shall enforce the rules and regulations and provide fines and punishments for any violations thereof. It may regulate, suppress, and prevent the occurrence of nuisances and shall actively enforce all laws of the State of Nebraska and ordinances of the village relating to nuisances and matters of sanitation which affect the health and safety of the people. The board shall regularly inspect such premises and businesses as the Village Board may direct. The board shall be responsible for making such reports, prescribing such penalties, and performing such other duties as the Village Board may designate from time to time. All actions of the Board of Health shall be subject to the review and supervision of the Village Board. (Neb. Rev. Stat. §17-208)

### SECTION 2-204: ENFORCEMENT OFFICIAL

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

**SECTION 2-205: STATE RULES**

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

**SECTION 2-206: COUNTY HEALTH BOARD**

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



## Article 3 – Citizens Advisory Review Committee

(Ord. No. 2012-2, 2/13/12)

### SECTION 2-301: CREATION

A. The Nebraska Local Option Municipal Economic Development Act (hereafter “LB 840”) has been adopted pursuant to the terms and conditions of the Village of Clearwater economic development plan as adopted by the electors of the village at a special election called for consideration of such legislation.

B. One-third of all sales tax revenues collected from and after July 1, 2012 shall be allocated for funding of LB 840. The village treasurer make such allocation periodically, deposit such funds in the established checking and savings accounts, and do all other things necessary to effect the terms of LB 840.

### SECTION 2-302: MEMBERS; TERMS

A. A Citizens Advisory Review Committee of five members has been created to review the functioning and progress of the economic development program at regular meetings, not less than quarterly, and to do such other actions as prescribed by the economic development plan adopted by the electors.

B. The initial committee shall be comprised of two members who shall have terms of two years and three members who shall have terms of three years. Thereafter all members' terms of office shall be four years. Such committee shall be appointed by the village chairman subject to the approval of the Village Board. Members may be reappointed once their terms of office have expired.

C. The village chairman shall appoint one member of the Village Board to the committee as ex officio member, who shall provide necessary information and advice on the economic development program.

### SECTION 2-303: MEMBERS; CRITERIA FOR SERVICE

A. Membership of the Citizens Advisory Review Committee shall be governed by the following criteria:

1. All committee members shall be registered voters of the village.
2. At least one member of the committee shall have expertise or experience in the field of business finance or accounting.
3. No member shall be an elected or appointed municipal official.
4. No member shall be an employee of the village.
5. No member shall be an official or employee of a qualifying business receiving financial assistance under the economic development program.
6. No member shall be an official or employee of any financial institution

participating directly in the economic development program.

**SECTION 2-304: CONFIDENTIAL INFORMATION**

In the administration of the economic development plan, certain parties and elected or appointed officials or committee members will be permitted access to business information received by the village in the course of its administration of the economic development program. The unauthorized disclosure of such information by any village official, committee member or employee of the village or program administration personnel is strictly prohibited and any such person disclosing such information without authorization shall be guilty of a Class III misdemeanor.

## Article 4 – Tree Board

### SECTION 2-401: MEMBERS

The members of the Village Board shall serve as the Tree Board for the village.

### SECTION 2-402: TREES; DEFINITIONS

“Community forest manager” is the official representative of the Tree Board and as such is responsible for administration of the community forestry program.

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

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

### SECTION 2-403: TREES; SPECIES TO BE PLANTED

The village shall maintain a list of recommended trees for planting in public areas. The purpose of this listing will be to maintain diversity in total tree population. This list shall be available to residents of the village upon request to aid in the selection of trees for private properties. The list of recommended trees shall be updated periodically to reflect new developments or species that will affect the population of the community forest.

### SECTION 2-404: TREES; DISTANCES AND CLEARANCES FOR PLANTING

Spacing of street trees will not be restricted except as follows:

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

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

C. No street tree shall be planted closer than 10 feet from any fireplug.

D. Special permission must be obtained from the Village Board when planting street trees within 10 feet of any point on a line on the ground immediately below any overhead utility wire or within 5 lateral feet of any underground water line, sewer line, transmission line, or other utility.

**SECTION 2-405: TREES; PUBLIC TREE CARE**

A. The village shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within right-of-way or bounds of all streets, alleys, lanes, squares, and public grounds as may be necessary to insure the public safety.

B. The village may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewer, electric power lines, gas lines, water lines, or other public improvements or is seriously affected with any fatal disease.

C. The abutting property owners shall have the right to perform normal tree care on all street trees.

**SECTION 2-406: TREES; 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 3 inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Tree Board or the community forest manager.

**SECTION 2-407: TREES; CLEARANCE OVER STREETS AND WALKWAYS**

Clearance over streets and walkways shall be the responsibility of the abutting property owner. A clearance of 8 feet must be maintained over walkways and a clearance of 12 feet must be maintained over streets. Property owners are responsible for trees on their own property as well as trees on the public way that abuts their property.

**SECTION 2-408: TREES; DISEASED OR DYING**

A. 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 or on private property within the corporate limits of the village.

B. For the purpose of carrying out the provisions of this section, any village official shall have the authority to enter upon private property to inspect the trees thereon.

C. Notice to abate and remove such nuisances 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 60 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 costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied or assessed.

D. In the event the property owner is a nonresident 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 nonresident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

(Neb. Rev. Stat. §18-1720, 28-1321)

#### **SECTION 2-409: TREES; REMOVAL OF STUMPS**

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

#### **SECTION 2-410: ACCESS TO PRIVATE PROPERTY**

It shall be unlawful for any person to prevent, delay or interfere with access to private property by the village or its representative in the legal performance of any section of this article.



## **Article 5 – Penal Provision**

### **SECTION 2-501: VIOLATION; PENALTY**

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.