

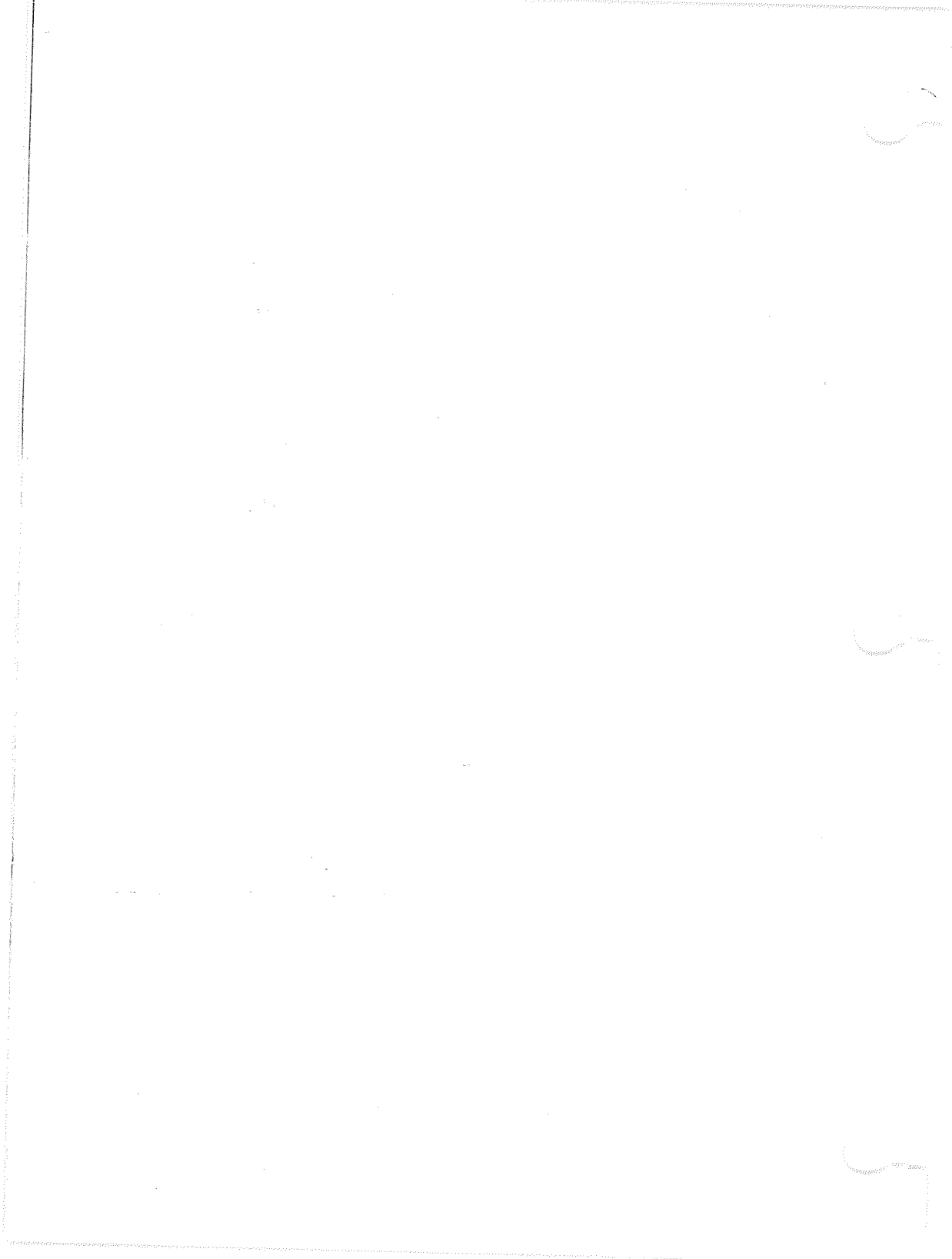
PREFACE

This Municipal Code of Lodgepole, Nebraska, 1975, contains all the ordinances of the Municipality of a general nature. Certain ordinances which are continued in force after this codification for the purpose of rights acquired, fines, penalties, forfeitures, liabilities incurred, and actions therefor have been omitted from this publication.

A Table of Contents appears after this page, and a complete index to the subject matter included in the several chapters and sections herein will be found at the end of this volume. Convenient cross-references to the Statutes of Nebraska indicate the source of legislative power and supplement the text.

The text of the Lodgepole Municipal Code, 1975, is arranged in the same manner as the Revised Statutes of Nebraska. The number preceding the hyphen is the chapter number; immediately following the hyphen is the article number; and following that is the section number. Each section number is complete within itself indicating the number of the chapter, article, and section.

LEAGUE OF NEBRASKA MUNICIPALITIES
1320 F STREET
LINCOLN, NEBRASKA 68503



5

5

5

**MUNICIPAL CODE
OF
THE VILLAGE
OF
LODGEPOLE, NEBRASKA**

ORDINANCE NO. 54

**PUBLISHED BY AUTHORITY
OF THE
CHAIRMAN AND BOARD OF TRUSTEES**

April 7, 1975

**Contains 2019 S-12 Supplement,
Current through Ord. No. 236, passed 6/3/19**

Codified by

**The League of
Nebraska Municipalities
Lincoln, Nebraska**

VILLAGE OFFICERS
of
LODGEPOLE, NEBRASKA
2019

Rita Bartling Clerk/Treasurer
Matt Lofton Electric Superintendent
Bill Taylor Water Superintendent
J. Leef Attorney
Wade Dickinson Fire Chief

BOARD OF TRUSTEES

Justin Misegadis, Chairperson
R.J. Savely
Bret Bondegard
Gary Addison *Gwen Peoie*
Diane Block

TABLE OF CONTENTS

Officials of the Municipality

Preface

Table of Contents

Ordinance Adopting Code

Chapter 1

Administrative

- Article 1. Elected Officials
- Article 2. Appointed Officials
- Article 3. Bonds and Oath
- Article 4. Corporate Seal
- Article 5. Meetings
- Article 6. Ordinances
- Article 7. Elections
- Article 8. Fiscal Management
- Article 9. Compensation
- Article 10. Penal Provision

Chapter 2

Commissions and Boards

- Article 1. Standing Committees
- Article 2. Commissions and Boards
- Article 3. Penal Provision

Chapter 3

Departments

- Article 1. Water Department
- Article 2. Sewer Department
- Article 3. Fire Department
- Article 4. Police Department
- Article 5. Parks
- Article 6. Library
- Article 7. Electrical System
- Article 8. Budget Billing and Automatic Payments
- Article 9. Utilities Generally
- Article 10. Penal Provision

Lodgepole Code

Chapter 4

Health and Sanitation

- Article 1. General Provisions
- Article 2. Garbage Disposal
- Article 3. Nuisances
- Article 4. Penal Provisions

Chapter 5

Traffic Regulations

- Article 1. Municipal Traffic Regulations
- Article 2. Prohibitions and Enforcement
- Article 3. Bicycles
- Article 4. Parking
- Article 5. Penal Provision

Chapter 6

Police Regulations

- Article 1. Dogs
- Article 2. Animals Generally
- Article 3. Miscellaneous Misdemeanors
- Article 4. Penal Provisions

Chapter 7

Fire Regulations

- Article 1. Fires
- Article 2. Fire Prevention
- Article 3. Poisonous and Flammable Gases
- Article 4. Explosives
- Article 5. Penal Provision

Chapter 8

Public Ways and Property

- Article 1. Municipal Property
- Article 2. Sidewalks
- Article 3. Streets
- Article 4. Curb and Gutter
- Article 5. Penal Provisions

Table of Contents

Chapter 9

Building Regulations

- Article 1. Building Permits
- Article 2. Barricades and Lights
- Article 3. Unsafe Buildings
- Article 4. Penal Provisions

Chapter 10

Business Regulations

- Article 1. Alcoholic Beverages
- Article 2. Peddlers and Hawkers
- Article 3. Occupation Taxes
- Article 4. Fair Housing
- Article 5. Franchises
- Article 6. Penal Provision

Chapter 11

Municipal Planning

- Article 1. Municipal Limits
- Article 2. Subdivisions and Additions
- Article 3. Penal Provision

Code Index

Lodgepole Code

10/10/10

10/10/10

10/10/10

.....

ORDINANCES OF A GENERAL AND PERMANENT NATURE
of the
VILLAGE OF LODGEPOLE, NEBRASKA
ORDINANCE NO. 54

An ordinance of the Village of Lodgepole, Nebraska, codifying the general ordinances of the Municipality, repealing prior ordinances in conflict herewith.

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF LODGEPOLE, NEBRASKA.

Section 1. Codification. The general ordinances of the Municipality of Lodgepole, Nebraska, are hereby codified into eleven chapters and the articles and sections thereunder, which are adopted and declared to be ordinances of this Municipality.

Section 2. Repeal of Prior Ordinances in Conflict. All ordinances and parts of ordinances of a general or permanent nature passed and approved prior to the passage and approval of this codification ordinance and in conflict with this ordinance or with any of the provisions of this ordinance, are hereby repealed; Provided, that in construing the provisions of this ordinance the following ordinances shall not be considered or held to be ordinances of a general or permanent nature, to-wit:

1. Ordinances vacating streets and alleys.
2. Ordinances authorizing or directing public improvements to be made.
3. Ordinances levying taxes or special assessments.
4. Ordinances granting any right, privilege, franchise, or license to persons, firms, or corporations.
5. Ordinances providing for the issuance of bonds or other instruments of indebtedness.
6. Ordinances establishing grades.
7. Real Estate Transactions.
8. Any other ordinance which by nature would be considered special.

Section 3. Exceptions. The repeal of ordinances as provided in Section 2, Ordinance No. 54 shall not affect any rights acquired, fines, penalties, forfeitures, or liabilities incurred thereunder, or actions involving any of the provisions of such ordinances and parts thereof. Such ordinances above repealed are hereby continued in force and effect after the passage, approval and publication of this general codification ordinance for the purpose of all rights, fines, penalties, forfeitures, liabilities, and actions therefor.

Section 4. Defining Chapters, Articles, and Sections. The chapters, articles, and sections as set forth herein shall be and hereby are declared to be the chapters, articles, and sections of this general codification ordinance. All ordinances hereafter passed by the local Governing Body of the Municipality shall be numbered consecutively, beginning with No. 55.

Section 5. Severability. If any section, subsection, paragraph, sentence, clause, phrase, term, or provision of this ordinance should be declared invalid by any court of competent jurisdiction for any reason whatsoever, such decision shall not affect the remaining portions of this code, which will remain in full force and effect, and the provisions of this ordinance are hereby declared to be severable.

Section 6. Blanket Penalty. Any person, his agents, or servants who shall violate any of the provisions of this Municipal Code unless otherwise specifically provided herein, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any sum not exceeding one hundred (\$100.00) dollars. Whoever aids, abets, procures, encourages, requests, advises, or incites another to commit any act which is an offense under this Code or under any other ordinance of the Municipality may be prosecuted and punished as though he were the principal offender.

Section 7. General Definitions:

1. Person. Whenever used in this code, the word person shall include natural persons, artificial persons, such as corporations, co-partnerships, associations, and all aggregate organizations of whatever character.

2. Gender and Number. All words used herein implying the masculine gender may apply to, and include the feminine or neuter gender and all words importing the plural may be applied to, and mean a single person, firm, or thing. All words importing the singular number may be applied to and mean the plural number.
3. Code, Ordinance, and Chapter. Municipal Code shall mean the General Codification Ordinance No. 54. Ordinance and chapter are used synonymously unless from the context the contrary clearly appears.
4. Wholesale Dealer. The words wholesale dealer or sellers of said product at wholesale shall embrace and include manufacturers of any product who sell the said product to other persons for the purpose of future resale to consumers.
5. Municipal and Municipality. The words Municipal and Municipality whenever used in this code mean the Village of Lodgepole, Nebraska, a Municipal Corporation.
6. Governing Body. The words Governing Body, whenever they appear in this Code mean the Chairman and Board of Trustees of the Municipality.
7. Chairman. The word Chairman means the Chief Administrative Official of the Municipality whenever it appears in this Code.
8. Municipal Police. Municipal Police shall mean any police officer of the Municipality whenever it appears in this Code.

Section 8. Time. Whenever words fixing or importing time or the hour of the day are used in this Code, they shall be construed to mean Mountain Standard Time or Mountain Daylight Savings Time whichever is applicable.

Section 9. Construction of Chapters, Articles, and Sections. For purposes of construction each chapter contained and arranged in this Code shall be considered as a separate and distinct ordinance grouped for convenience under the General Codification Ordinance No. 54, each section appearing in the several chapters of this Code shall be considered a separate and distinct unit of

legislation germane to the chapter or article under which it is grouped and each article appearing in the said chapters shall be considered as a group of legislative units germane to the chapter wherein it is placed. Any chapter, article, or section duly enacted by the Governing Body of the Municipality and included in this Code, and any other independent ordinance, chapter, article, section, or subsection of an ordinance duly enacted shall be altered, amended, or revised only by the complete nullification and repeal of such ordinance, chapter, article, section, or subsection and by the substitution of a new ordinance, chapter, article, section, or subsection containing the entire ordinance, chapter, article, section, or subsection as amended, altered, or revised.

Section 10. Publication and Distribution. This code was printed in book form under the direction of the Governing Body, and shall be distributed as they may see fit. (*Ref. 17-613, 17-614 RS Neb.*)

Section 11. When Operative. This ordinance shall be in full force and shall take effect from and after its passage, approval and publication according to law.

Passed and approved April 7, 1975.

Clarence M. Kripal

Chairman

Ruth Dykman

Municipal Clerk

(SEAL)

Chapter 1

ADMINISTRATIVE

Article 1. Elected Officials

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

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

§1-103 **VILLAGE BOARD; POWERS AND DUTIES.** The Board of Trustees shall have the 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 police protection; to prevent the spread of contagious diseases; to regulate business; to erect, repair, construct, and regulate the public ways and property; to maintain good government, public welfare, and domestic tranquillity; and to enforce all ordinances by inflicting penalties upon inhabitants, or other persons for violation thereof not exceeding one hundred dollars (\$100.00) for any one (1) offense. (Ref. 17-207 RS Neb.)

§1-104 **ELECTED OFFICIALS; VACANCY.** Vacancies in Village elected offices shall be filled by the Board of Trustees for the balance of the unexpired term except as provided in this section. 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 public notice of the vacancy by causing to be published in a newspaper of general circulation within the village or by posting in three (3) public places in the Village the office vacated and the length of the unexpired term.

The Chairperson of the Board shall within four (4) weeks after the regular meeting at which such notice has been presented, or upon the death of the incumbent, call a special meeting of the Board of Trustees at which time the Chairperson shall submit the name of a qualified elector to fill the vacancy for the balance of the unexpired term.

No officer who is removed at a recall election or resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his or her removal or the removal of any other member of the Board of Trustees during the remainder of his or her term of office.

Upon a majority vote of approval by the Board of Trustees the vacancy shall be filled. If a majority vote is not reached the nomination shall be rejected and the Chairperson shall at the next regular meeting submit the name of another qualified elector. If the vote on the nominee fails to carry by majority

vote, the Chairperson shall continue at such meeting to submit the names of qualified electors and the Board of Trustees shall continue to vote upon such nominations until the vacancy is filled.

The Chairperson shall cast his or her vote only in case of a tie vote of the Board of Trustees.

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

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

If there are vacancies in the offices of a majority of the members of the Board of Trustees, there shall be a special Municipal Election conducted by the Secretary of State to fill such vacancies. (*Ref. 17-212, 32-4,152, 32-1406 RS Neb.*) (*Amended by Ord. No. 103, 12/3/90*)

Article 2. Appointed Officials

§1-201 **APPOINTED OFFICIALS; GENERAL AUTHORITY.** The Village Board may appoint a Municipal Clerk, a Municipal Treasurer, a Municipal Utilities Superintendent, and a Municipal Marshal. It shall also appoint a Board of Health consisting of three (3) members: The Chairman of the Village Board shall be the Chairman of the Board of Health, the Marshal shall be the Secretary and Quarantine Officer of the Board of Health, and an additional member who shall be a physician, when a physician is residing permanently in the Municipality, and when there is no physician present, then such other person as the Village Board may select. It shall also appoint such additional officials, and employees as they may determine the Municipality needs. All such appointees shall hold office for one (1) year, unless sooner removed by the Chairman of the Board by, and with, the advice and consent of the Village Board. (*Ref. 17-208 RS Neb.*)

§1-202 **APPOINTED OFFICIALS; MERGER OF OFFICES.** The Governing Body 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 RS 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. (*Ref. 17-209.02, 49-14,103.01 through 49-14,103.06 RS Neb.*) (*Amended by Ord. No. 102, 12/3/90*)

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

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

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

§1-204 **APPOINTED OFFICIALS; MUNICIPAL CLERK.** The Municipal Clerk shall attend the meetings of the Governing Body, and keep a correct journal of the proceedings of that body. He shall keep a record of all outstanding bonds against the Municipality and when any bonds are sold, purchased, paid, or canceled, said record shall show the fact. He shall make, at the end of the fiscal year, a report of the business of the Municipality transacted through his office for the year. That record shall describe particularly the bonds issued, and sold during the year, and the terms of the sale with each, and every item, and expense thereof. He shall file all official bonds after the same shall have been properly executed, and approved. He shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Governing Body.

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

The Municipal Clerk shall permit no records, public papers, or other documents of the Municipality kept, and preserved in his office to be taken therefrom, except by such officers of the Municipality as may be entitled to the use of the same, but only upon their leaving a receipt therefor. He shall keep all the records of his office, including a record of all

licenses issued by him in a blank book with a proper index. He shall include as part of his records all petitions under which the Governing Body shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions, and ordinances relating to the same. He shall endorse the date, and hour of filing upon every paper, or document so filed in his office. All such filings made by him shall be properly docketed. Included in his records shall be all standard codes, amendments thereto, and other documents incorporated by reference, and arranged in triplicate in a manner convenient for reference. He shall keep, and preserve the proceedings of the Governing Body in two (2) separate, and distinct record books. The Minute Records shall contain a record of all the miscellaneous, and informal doings of the Governing Body. The Minute Record shall not include the passage, and approval of ordinances except such resolutions incorporating by reference the Ordinance Record into the Minute Record. The Ordinance Record shall contain the formal proceedings of the Governing Body in the matter of passing, approving, publishing, posting, and certifying of ordinances. After the formalities for the legal enactment of an ordinance have been completed, the Municipal Clerk shall record, and spread at large in the Ordinance Record his ordinance minutes on printed forms. In all cases hereafter where single ordinances are introduced for the consideration of the Governing Body, the Municipal Clerk shall cause to be introduced an appropriate resolution incorporating by reference the Ordinance Record into the Minute Record. He shall keep an accurate, and complete account of the appropriation of the several funds, draw, sign, and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he shall then make a report of the amounts appropriated to the various funds, and the amount of the warrants drawn thereon. Nothing herein shall be construed to prevent any citizen, official, or other person from examining any public records at all reasonable times.

The Municipal Clerk shall deliver all warrants, ordinances, and resolutions under his charge to the Chairman for his signature. He shall also deliver to officers, employees, and committees all resolutions, and communications which are directed at said officers, employees, or committees. With the seal of the Municipality, he shall duly attest the Chairman's

signature to all ordinances, deeds, and papers required to be attested to when ordered to do so by the Governing Body. Within thirty (30) days after any meeting of the Governing Body, the Municipal Clerk shall prepare, and publish the official proceedings of the Governing Body in a legal newspaper of general circulation in the Municipality, and which was duly designated as such by the Governing Body. Said publication shall set forth a statement of the proceedings thereof and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item. Between July 15 and August 15 of each year, the names of all employees and their current annual, monthly, or hourly salaries shall be published and any changes in salaries or the hiring of new employees during the calendar quarter preceding the months of October, January, and April shall be published during the months of November, February, and May; Provided, the charge for such publication shall not exceed the rates provided by the statutes of the State of Nebraska. Said publication shall be charged against the General Fund. He shall then keep in a book with a proper index, copies of all notices required to be published, or posted by the Municipal Clerk by order of the Governing Body, or under the ordinances of the Municipality. To each of the file copies of said notices shall be attached the printer's affidavit of publication, if the said notices are required to be published, or the Municipal Clerk's certificate under seal where the same are required to be posted only.

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

The Municipal Clerk may charge a reasonable fee for certified copies of any record in his office as set by resolution of the Governing Body. He shall destroy Municipal records under the direction of the State Records Board pursuant to sections 84-1201 through 84-1220; Provided, the Governing Body shall not have the authority to destroy the Minutes of the Municipal

*new employees
see Exhibit
November 3
- J*

Clerk, the permanent ordinances, and resolution books, or any other records classified as permanent by the State Records Board. (Ref. 17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712 RS Neb.)

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

§1-206 **APPOINTED OFFICIALS; TREASURER'S MONTHLY REPORT.** The Municipal Treasurer shall at the end of each, and every month, and such other times as the Governing Body may deem necessary, render an account to the Governing Body under oath showing the financial state of the Municipality at that date, the amount of money remaining in

each fund and the amount paid therefrom, and the balance of money remaining in the Treasury. He shall accompany the said account with a statement of all receipts, and disbursements, together with all warrants redeemed, and paid by him. He shall also produce depository evidence that all Municipal money is in a solvent, and going bank in the name of the Municipality. If the Municipal Treasurer shall neglect, or fail for the space of ten (10) days from the end of each and every month to render his accounts as aforesaid, the Governing Body shall, by resolution, declare the office vacant, and appoint some person to fill the vacancy. The Municipal Treasurer shall be present at each regular meeting of the Governing Body at which time he shall read, and file his monthly report. (Ref. 17-606 RS Neb.)

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

§1-208 **APPOINTED OFFICIALS; VILLAGE MARSHAL.** The Village Marshal shall direct the police work of the Municipality and shall be responsible for the maintenance of law and order. He shall also act as Health Inspector. He shall file the necessary complaints in cases arising out of violations of Municipal ordinances, and shall make all necessary reports required by the Municipal ordinances, or the laws of the State Of Nebraska. (Ref. 17-213 RS Neb.)

§1-209 **APPOINTED OFFICIALS; MUNICIPAL FIRE CHIEF.** The Municipal Fire Chief shall be elected by the members of the Fire Department. He shall enforce all laws and ordinances covering the prevention of fires; the storage and use of explosives and flammable substances; the installation of fire alarm systems; the maintenance of fire extinguishing equipment; the regulation of fire escapes; and the inspection of all premises requiring adequate fire escapes. He shall within two (2) days investigate the cause, origin, and circumstances of

fires arising within his jurisdiction. He shall, on or before the first (1st) day in April and October of each year, cause the secretary to file with the Municipal Clerk, and the Clerk of the District Court a certified copy of the rolls of all members in good standing in their respective companies in order to obtain the exemptions provided by law. The Governing Body shall purchase Workmen's Compensation Insurance, and a group term life insurance policy for each active volunteer fireman. Said life insurance policy shall provide a minimum of five thousand dollars (\$5,000.00) for death from any cause to age sixty-five (65) and shall at the option of the individual fireman, be convertible to a permanent form of life insurance at age sixty-five (65). He shall have the power during the time of a fire, and for a period of thirty-six (36) hours thereafter to arrest any suspected arsonist, or any person for hindering the department's efforts, conducting himself in a noisy and disorderly manner, or who shall refuse to obey any lawful order by the Fire Chief or Assistant Fire Chief. The Fire Chief, or his assistant in charge of operations at a fire may command the services of any person present at any fire in extinguishing the same or in the removal, and protection of property. Failure to obey such an order shall be a misdemeanor punishable by a fine. The Fire Chief shall have the right to enter at all reasonable hours into buildings, and upon all premises within his jurisdiction for the purpose of examining the same for fire hazards, and related dangers. (*Ref. 17-505, 35-102, 35-108, 81-506, 81-512 RS Neb.*)

§1-210 APPOINTED OFFICIALS; SPECIAL ENGINEER.

The Governing Body may employ a Special Engineer to make or assist them in making any particular estimate, survey, or other work. The Special Engineer shall make a record of the minutes of his surveys and all other work done for the Municipality. He shall, when directed by the Governing Body, accurately make all plats, sections, profiles, and maps as may be necessary in the judgment of the Governing Body. He shall, upon request of the Governing Body, make estimates of the costs of labor and material which may be done or furnished by contract with the Municipality, and make all surveys, estimates, and calculations necessary for the establishment of grades, bridges, or culverts and for the building, constructing, or repairing of any public improvement of the Municipality. All records of the Special

Engineer shall be public records which shall belong to the Municipality, and shall be turned over to his successor. He shall, when directed by the Governing Body, inspect all works of public improvement, and if found to be properly done, shall accept the same, and report his acceptance to the Governing Body. He shall estimate the cost of all proposed Municipal utilities and public improvements, together with any extensions thereof which the Governing Body may propose to construct or improve. (Ref. 17-405, 17-568, 17-919 RS Neb.)

§1-211 APPOINTED OFFICIALS; WATER, SEWER, AND LIGHT COMMISSIONER POSITION CREATED. The appointive offices of Municipal Water, Sewer, and Light Commissioner are hereby combined and merged, in accordance with the authority granted to the Village Board of Trustees by section 1-202.

The offices so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only.

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

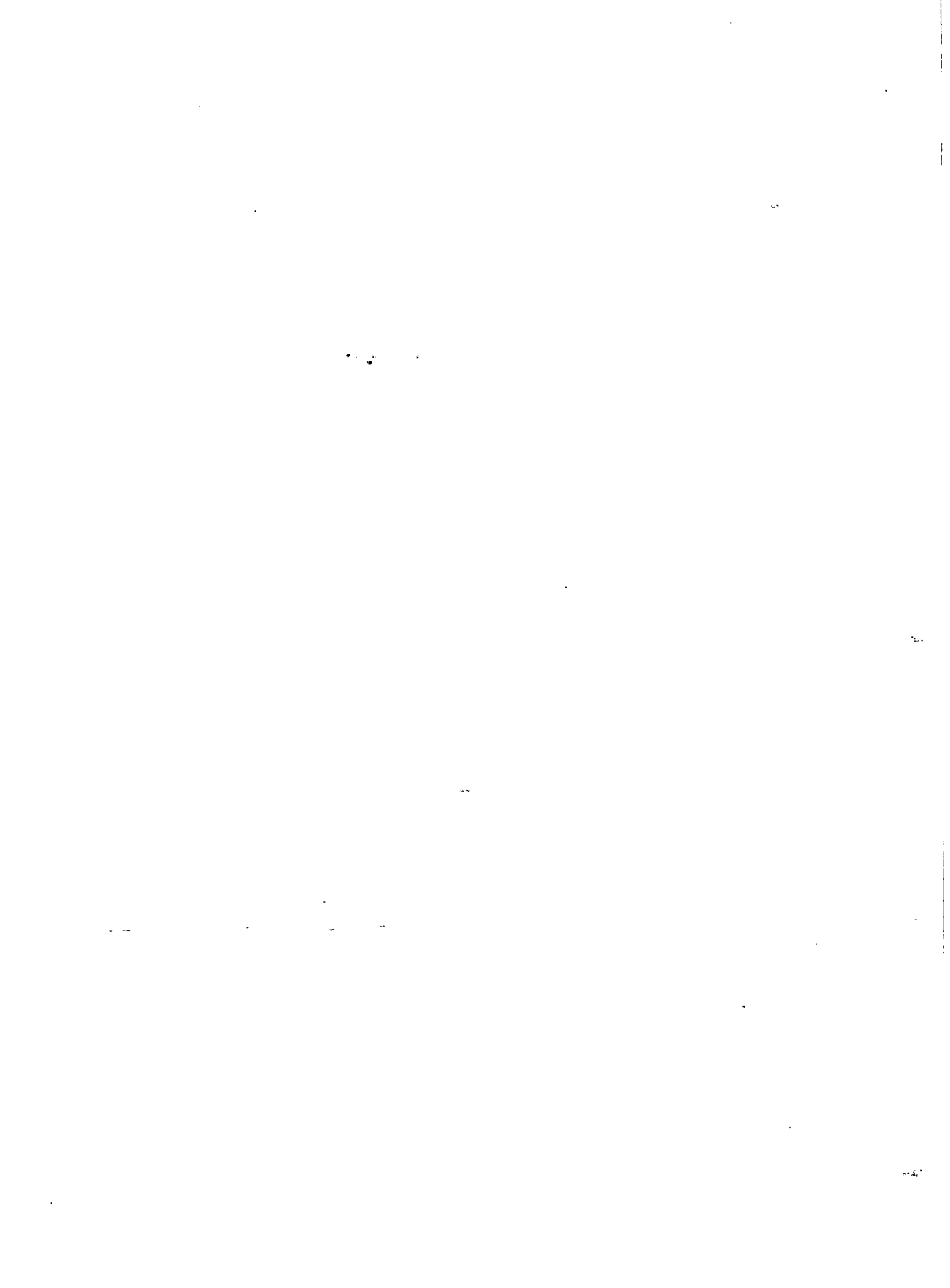
§1-212 APPOINTED OFFICIALS; MUNICIPAL WATER COMMISSIONER. The Municipal Water Commissioner shall have general supervision and control over the Municipal Water System, and shall be primarily responsible for its economic operation and prudent management. Included in the said water system shall be the water plant, the pump house, all machinery, and appliances used in connection with producing and distributing water to inhabitants of the Municipality. All actions, decisions, and procedures of the Water Commissioner shall be subject to the general directives and control of the Governing Body. The Municipal Water Commissioner shall have the general control and supervisory authority over all employees of the Water System which the Governing Body may from time to time hire to operate and maintain the said system. Unless some other official is specifically designated, he shall collect all money received by the Municipality on account of the said system of waterworks, and shall faithfully account for, and pay over to the Municipal Treasurer all such money collected in the name

of the Municipality and receive a receipt from the Municipal Treasurer for the depository evidence of his faithful discharge of this duty. This receipt shall then be filed with the Municipal Clerk, and the second (2nd) copy shall be kept by the said Commissioner. He shall make a detailed report to the Governing Body at least once every six (6) months, of the condition of the said water system, of all mains, pipes, hydrants, reservoirs, and machinery and such improvements, repairs, and extensions thereof as he may think proper. The report shall show the amount of receipts and expenditures on account thereof for the preceding six (6) months. No money shall be expended for improvements, repairs, or extensions of the said waterworks system except upon the recommendation of the Commissioner. The Water Commissioner, who may be removed at any time by the Chairman with the advice and consent of the Board of Trustees, shall provide a bond conditioned upon the faithful discharge of his duties which shall amount to not less than the amount set by resolution of the Governing Body and on file in the office of the Municipal Clerk. The Water Commissioner shall perform such additional duties as may be prescribed by the Governing Body. (Ref. 17-541, 17-543, 19-1405 RS Neb.)

§1-213 **APPOINTED OFFICIALS; MUNICIPAL LIGHT COMMISSIONER.** The Municipal Light Commissioner shall have the immediate control and supervision over all employees and property that make up the Municipal Electric System, subject to the general control and directives of the Governing Body. He shall at least every six (6) months, make a detailed report to the Governing Body on the condition of the electrical system, and shall direct their attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed along with an estimate of the cost thereof. He shall have such other duties as the Governing Body may delegate to him. He may be removed at any time by the Chairman, with the advice and consent of the Board of Trustees. In the absence of a specific appointment by the Chairman, the Water Commissioner is hereby designated as the Light Commissioner. (Ref. 19-1405 RS Neb.)

§1-214 **APPOINTED OFFICIALS; MUNICIPAL SEWER COMMISSIONER.** The Sewer Commissioner shall have the immediate control, and supervision over all the employees, and property that make up the Municipal sewer system, subject to the general control, and directives of the Governing Body. He shall at least every six (6) months, make a detailed report to the Governing Body on the condition of the sewer system, and shall direct their attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed along with an estimate of the cost thereof. He shall have such other duties as the Governing Body may delegate to him. He shall issue permits for all connections to the Municipal sewer system, and inspect and supervise all repairs made to the said system. In the absence of a specific appointment by the Chairman, the Water Commissioner is hereby designated as the Sewer Commissioner. (*Ref. 19-1405 RS Neb.*)

§1-215 **APPOINTED OFFICIALS; MUNICIPAL STREET MAINTENANCE SUPERVISOR.** The Municipal Street Maintenance Supervisor shall, subject to the orders, and directives of the Governing Body, have general charge, direction, and control of all work on the streets, sidewalks, culverts, and bridges of the Municipality, and shall perform such other duties as the Governing Body may require. It shall be his responsibility to see that gutters and drains therein function properly, and that the same are kept in good repair. He shall, at the request of the Governing Body, make a detailed report to the Governing Body on the conditions of the streets, sidewalks, culverts, alleys, and bridges of the Municipality, and shall direct their attention to such improvements, repairs, extensions, additions, and additional employees as he may believe are needed to maintain a satisfactory street system in the Municipality along with an estimate of the cost thereof. He shall issue such permits, and assume such other duties as the Governing Body may direct. The Municipal Street Maintenance Supervisor may be removed at any time by the Chairman, with the advice and consent of the Board of Trustees. (*Ref. 17-214 RS Neb.*)



Article 3. Bonds and Oath

1-301 Bonds; Form. Official bonds of the Municipality shall be in form, joint and several, and shall be made payable to the Municipality in such penalty as the Governing Body may set by resolution; Provided, the penalty amount on any bond shall not fall below the legal minimum, when one has been set by the State of Nebraska, for each particular official. All official bonds of the Municipal officials shall be executed by the principal named in such bonds and by at least two (2) sufficient sureties who shall be freeholders of the county, or by the official as principal and by a guaranty, surety, fidelity, or bonding company; Provided no Municipal official, while still in his official term of office, shall be accepted as surety on any other official's bond, contractor's bond, license bond, or appeal bond under any circumstances. Only companies that are legally authorized to transact business in the State of Nebraska shall be eligible for suretyship on the bond of an official of the Municipality. All said bonds shall obligate the principal, and sureties for the faithful discharge of all duties required by law of such principal, and shall inure to the benefit of the Municipality and any persons who may be injured by a breach of the conditions of such bonds. No bond shall be deemed to be given or complete until the approval of the Governing Body, and all sureties are endorsed in writing on the said instrument by the Chairman of the Board of Trustees and Municipal Clerk pursuant to the said approval of the Governing Body. The premium on any official bond required to be given may be paid out of the General Fund, or other proper Municipal fund, upon a resolution to that effect by the Governing Body at the beginning of any Municipal year. All official bonds, meeting the conditions herein, shall be filed with the Municipal Clerk for his official records, and it shall be the duty of the Municipal Clerk to furnish a certified copy of any bond so filed upon the payment of a fee which shall be set by resolution of the Governing Body. In the event that the sureties on the official bond of any officer of the Municipality, in the opinion of the Governing Body, become insufficient, the Governing Body may, by resolution, fix a reasonable time within which the said officer may give a new bond or additional sureties as directed. In

the event that the officer should fail, refuse, or neglect to give a new bond, or additional sureties to the satisfaction, and approval of the Governing Body then the office shall, by such failure, refusal, or neglect, become vacant, and it shall be the duty of the Governing Body to appoint a competent, and qualified person to fill the said office. Any official who is re-elected to office shall be required to file a new bond after each election. (Ref. 11-103 thru 11-118, 17-604 RS Neb.)

1-302 Oath of Office; Municipal Officials. All officials of the Municipality, whether elected or appointed, except when a different oath is specifically provided herein, shall, before entering upon their respective duties, take and subscribe the following oath which shall be endorsed upon their respective bonds:

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

(Ref. 11-101 RS Neb.)

Repeat after me

Article 4. Corporate Seal

1-401 **Seal; Official Corporate.** The official Corporate Seal of the Municipality shall be kept in the office of the Municipal Clerk, and shall bear the following inscription, "*Corporate Seal, Village of Lodgepole, Nebraska.*" The Municipal Clerk shall affix an impression of the said official seal to all warrants, licenses, permits, ordinances, and all other official papers issued by order of the Governing Body and countersigned by the Municipal Clerk. (*Ref. 17-502 RS Neb.*)

Article 5. Meetings

1-501 Meetings; Defined. Meetings, as used in this Article shall mean all regular, special, or called meetings of a public body for the purposes of briefing, discussion of public business, formation of tentative policy, or the taking of any formal action. (*Ref. 84-1409(2) RS Neb.*) (Ord. No. 55, 11/7/77)

1-502 Meetings; Public Body Defined. Public Body as used in this Article shall mean:

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

This Article shall not apply to subcommittees of such bodies unless such subcommittees have been given authority to take formal action on behalf of their parent body. (*Ref. 84-1409(1) RS Neb.*) (Ord. No. 55, 11/7/77)

1-503 Meetings; Public. All public meetings as defined by law shall be held in a Municipal public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the Governing Body usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specified place. The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the Governing Body and to the public by a method designated by the Governing Body or by the Chairman if the Governing Body has not designated a method. Such notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice, or a statement that such an agenda kept continually current shall be available for public inspection at the office of the Municipal Clerk. The Governing Body shall have the right to modify the agenda to include items of an emergency nature only, at such public meetings. The minutes

of the Municipal Clerk shall include the record of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, and the names of each member of the Governing Body present or absent at each convened meeting. The minutes of the Governing Body shall be a public record open to inspection by the public upon request at any reasonable time at the office of the Municipal Clerk. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the Governing Body in open session. The record of the Municipal Clerk shall show how each member voted, or that the member was absent and did not vote. (Ref. 84-1408, 84-1409, 84-1411, 84-1413 RS Neb.) (Amended by Ord. No. 55, 11/7/77)

§1-504 MEETINGS; CLOSED SESSIONS. Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed sessions may be held for, but shall not be limited to, such reasons as:

- A. Strategy sessions with respect to collective bargaining, real estate purchases, or litigation;
- B. Discussion regarding deployment of security personnel or devices; or
- C. Investigative proceedings regarding allegations of criminal misconduct.

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

The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session, and the time when the

closed session commenced and concluded shall be recorded in the minutes. The meeting shall be reconvened in open session before any formal action may be taken.

Any member of any public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes. (Ref. 84-1410 RS Neb.) (Ord. No. 55, 11/7/77)

§1-505 MEETINGS; EMERGENCY MEETINGS. When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of Section 1-508 of this Article shall be complied with in conducting emergency meetings. (Ref. 84-1411 RS Neb.) (Ord. No. 55, 11/7/77)

§1-506 MEETINGS; MINUTES. Each public body shall keep minutes of all meetings showing the time, place, members present and absent, and the substance of all matters discussed.

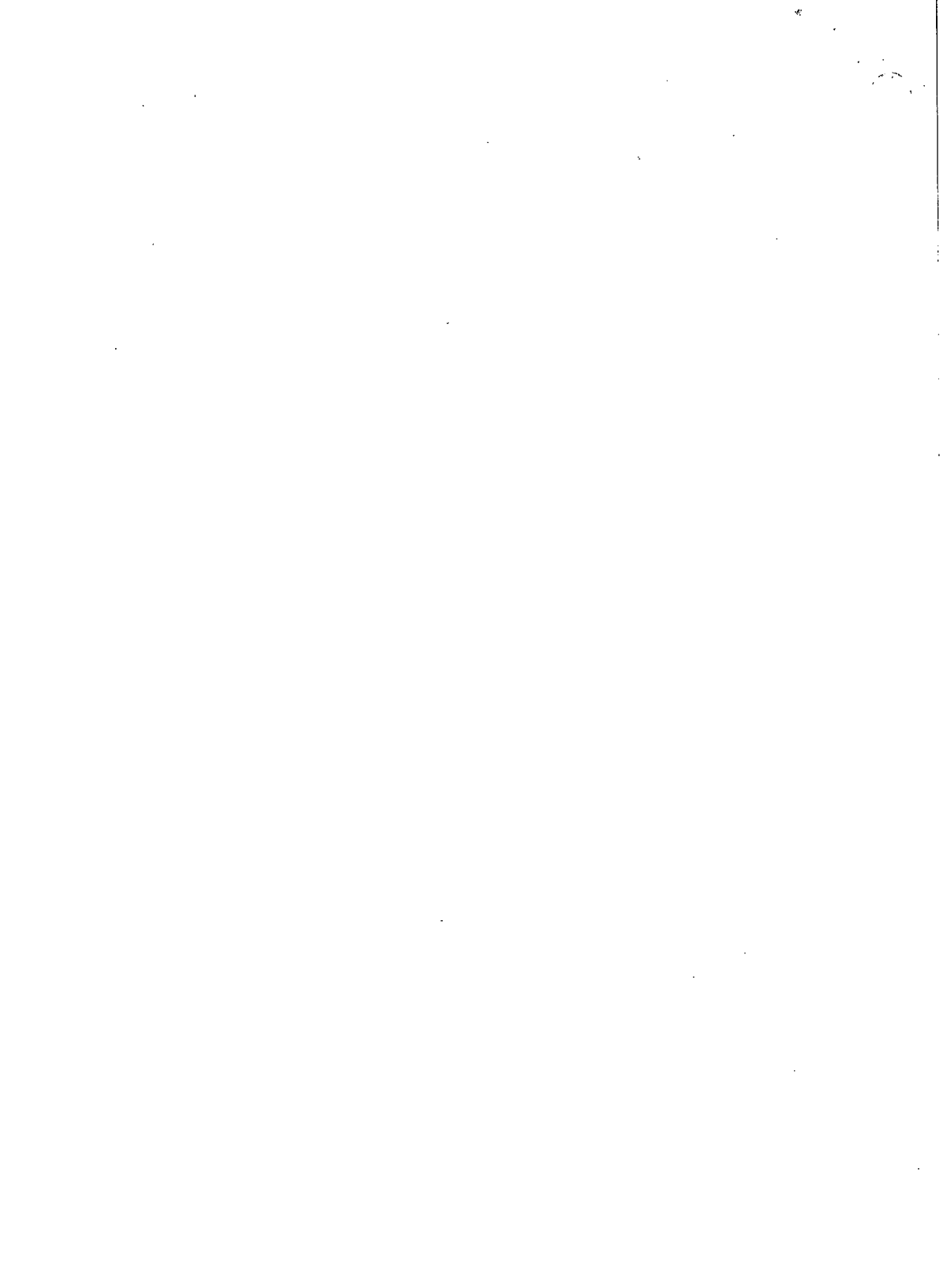
The minutes shall be public records and open to public inspection during normal business hours.

Minutes shall be written and available for inspection within ten (10) working days, or prior to the next convened meeting, whichever occurs earlier. (Ref. 84-1412, 84-1413 RS Neb.) (Ord. No. 55, 11/7/77)

§1-507 MEETINGS; VOTES. Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open

session, and the record shall state how each member voted, or if the member was absent or not voting. The requirements of a roll call or viva voce vote shall be satisfied by the Municipality utilizing an electronic voting device which allows the yeas and nays of each member of the Governing Body to be readily seen by the public.

The vote to elect leadership within a public body may be taken by secret ballot, but the total number of votes for each candidate shall be recorded in the minutes. (Ref. 17-616, 84-1413 RS Neb.) (Ord. No. 55, 11/7/77; Amended by Ord. No. 60, 10/2/78)



§1-508 MEETINGS; NOTICE TO NEWS MEDIA. The Municipal Clerk, Secretary, or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting, and the subjects to be discussed at that meeting. (*Ref, 84-1411 RS Neb.*) (*Ord. No. 55, 11/7/77*)

§1-509 MEETINGS; PUBLIC PARTICIPATION. Subject to the provisions of this Article, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction or in writing.

Any public body may make and enforce reasonable rules and regulations regarding the conduct of persons attending its meetings and regarding their privilege to speak. A body is not required to allow citizens to speak at each meeting, nor may it forbid public participation at all meetings. (*Ref. 84-1408, 84-1412 RS Neb.*) (*Ord. No. 55, 11/7/77*)

§1-510 MEETINGS; GOVERNING BODY. The meetings of the Village Board shall be held in the meeting place of the Municipality. Regular meetings shall be held on the first (1st) Tuesday of each month at the hour of seven (7:00) o'clock p.m. Special meetings may be called by the Board Chairman, or by a majority of the Village Board, the object of which shall be submitted to the Village Board members in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the Municipal Clerk. No other business shall be transacted at such meeting unless all members of the Village Board are present and consent thereto. On filing the call for a special meeting the Municipal Clerk shall notify the Village Board of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a member of the Village Board who is known to be out of the state, or physically unable to be present.

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; Provided, that on the request of any two (2) members, whether a quorum is present or not, all absent members shall be sent for and compelled to attend. At the hour appointed for the meeting, the Municipal Clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present the Village Board shall be called to order by the Board Chairman. In the absence of the Board Chairman from any meeting of the Board of Trustees, the Board shall have the power to appoint a chairman pro tempore, who shall exercise and have the powers and perform the same duties as the regular Village Chairman. (Ref. 17-204, 17-205, 17-210 RS Neb.) (Amended by Ord. No. 236, 6/3/19)

§1-511 MEETINGS; ORDER OF BUSINESS. All meetings of the Governing Body shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Governing Body, the Municipal Clerk, the Chairman, and such other Municipal officials that may be required shall take their regular stations in the meeting place, and the business of the Municipality shall be taken up for consideration, and disposition in the manner prescribed by the official agenda on file at the office of the Municipal Clerk.

§1-512 MEETINGS; CHANGE IN OFFICE. The Chairman and Board of Trustees shall meet at seven (7:00) o'clock p.m. on the first (1st) Tuesday in December of each election year, and the outgoing officers and the outgoing members of the Board of Trustees shall present their reports, and upon the old Board having completed its business, the outgoing members of said Board shall surrender their offices to the incoming members, and the outgoing officers shall thereupon each surrender to his or her successor in office all property, records, papers, and moneys belonging to the same. (Ref. 17-203.01 RS Neb.) (Amended by Ord. No. 236, 6/3/19)

1-513 **Meetings; Reorganizational Meeting.** The newly elected Board shall convene at the regular place of meeting on the first (1st) Tuesday of June 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 Municipality to see that each has been duly and properly elected and to see that such oaths and bonds have been given as are required. After ascertaining that all members and officers are duly qualified, the Board shall then elect one (1) of its own body who shall be styled as Chairman of the Board of Trustees. The Chairman shall then nominate his candidates for appointive offices and said officers shall hold office until their successors are duly appointed and qualified. He shall then proceed with the regular order of business. 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 (1st) Tuesday in June following his election. Immediately upon the assembly of the newly elected Board upon the first (1st) Tuesday in June following the election, each officer elected at the regular Municipal Election, shall take possession of his office. Each appointive officer who is required to give bond shall qualify by filing the required bond, approved by the Board of Trustees, in the office of the Village Clerk within two (2) weeks from the date of his said appointment; Provided, on said bond shall be endorsed the same oath as required of a Village 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. (*Ref. 17-203.01 RS Neb.*)

Article 6. Ordinances

1-601 Ordinances; Grant of Power. The Governing Body 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 Municipality and its trade, commerce, and security. (*Ref. 17-505 RS Neb.*)

1-602 Ordinances; Introduction. Ordinances shall be introduced by members of the Governing Body in either of the following ways:

1. With the recognition of the Chairman, a Trustee may, in the presence and hearing of a majority of the members elected to the Board read aloud the substance of his proposed ordinance and file a copy of the same with the Municipal Clerk for future consideration;
2. Or with the recognition of the Chairman, a Trustee may present his proposed ordinance to the Clerk who in the presence and hearing of a majority of the members elected to the Board, shall read aloud the substance of the same and shall file the same for future consideration.

1-603 Ordinances; Resolutions and Motions. Resolutions and motions shall be introduced in one of the methods prescribed for the introduction of ordinances. After their introduction, they shall be fully and distinctly read one (1) time in the presence and hearing of a majority of the members elected to the Board of Trustees. The issue raised by said resolutions or motions shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the Board. A majority vote shall be required to pass any resolution or motion. The vote on any resolution or motion shall be by roll call vote.

1-604 Ordinances, Style. The style of all Municipal ordinances shall be:

“Be it ordained by the Chairman and Board of Trustees of the Village of Lodgepole, Nebraska:” (*Ref. 17-613 RS Neb.*)

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

1-606 Ordinances; Passage. Ordinances, resolutions, or orders for the appropriation of money shall require for their passage the concurrence of the majority of the members of the Governing Body. Ordinances of a general or permanent nature shall be read by the title on three (3) different days. This requirement may be suspended by three-fourths (3/4) vote of the Board, in such case said ordinance may be read by title or number and then moved for final passage. Three-fourths (3/4) of the Board may require any ordinance to be read in full before final passage under either process. (*Ref. 17-614 RS Neb.*)

1-607 Ordinances; Publication. All ordinances of a general nature shall be published one (1) time within fifteen (15) days after they are passed in some newspaper published in the Municipality, or if no paper is published in the Municipality, then by posting a written or printed copy thereof in each of three (3) public places in the Municipality. (*Ref. 17-613 RS Neb.*)

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

1-609 Ordinances; Emergency Ordinances. In the case of riot, infectious or contagious diseases, or other impending danger, failure of a public utility, or other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the Chairman, and the posting thereof in at least three (3) of the most public places in the Municipality. Such emergency notice shall recite the emergency and be passed by a three-fourths (3/4) vote of the Governing Body, and entered upon the Municipal Clerk's minutes. (*Ref. 17-613 RS Neb.*)

1-610 Ordinances; Amendments and Revisions. No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended, and the ordinance or section so amended shall be repealed. (*Ref. 17-614 RS Neb.*)

Article 7. Elections

1-701 Elections; General Municipal. The general Municipal election shall be held in accordance with the provisions of Chapter thirty-two (32), Revised Statutes of Nebraska. The Governing Body has determined, by ordinance duly adopted, to hold the Municipal Election in conjunction with the Statewide Primary Election, held on the first (1st) Tuesday after the second (2nd) Monday in May of each even numbered year. Prior to February one (1) of the year, in which the first such joint election takes place, the Governing Body shall receive the consent in writing of the County Board to so hold the election and such authorization shall be prescribed according to State law. The County Clerk shall have charge of the election and shall have the authority to deputize the Municipal Clerk for Municipal election purposes. *(Ref. 19-621, 32-505, 32-4,147 RS Neb.)*

1-702 Elections; Filing Fee. Prior to the filing of any nomination papers, there shall be paid to the Municipal Treasurer a filing fee which shall amount to one (1%) per cent of the annual salary for the office for which the candidate will file; Provided, there shall be no filing fee for any candidate filing for an office in which a per diem is paid rather than a salary, or an office for which there is a salary of less than five hundred (\$500.00) dollars per year. No nominating papers shall be filed until the proper Municipal Treasurer's receipt, showing the payment of the filing fee, shall be presented to the election officer with whom the nomination papers are to be filed. *(Ref. 32-513 RS Neb.)*
(Amended by Ord. No. 56, 11/7/77)

1-703 Elections; Primary or General Election Notice. The County Clerk shall publish in a newspaper designated by the County Board the notice of the election no less than forty (40) days prior to the Primary or General Election. This notice will serve the notice requirement for all Municipal Elections which are held in conjunction with the County. *(Ref. 32-402.01 RS Neb.)*
(Amended by Ord. No. 57, 11/7/77)

1-704 Elections; Special Municipal. In lieu of submitting a matter or issue at a separate special Municipal Election, the Municipality may submit such matter or issue at a statewide

General or Primary Election. Such matter or issue must be certified by the Municipal Clerk to the County Clerk or Election Commissioner at least fifty (50) days prior to the election. The Municipal Clerk shall be responsible for the publication or posting of any required special notice of the submission of such matter other than that required to be given of the statewide election issues.

1-705 Elections; Special Election Notice. No less than five (5) days nor more than ten (10) days, prior to any special Municipal election, the Municipal Clerk shall prepare and cause to be published once in a newspaper that is in or of general circulation in the Municipality, but if no newspaper is published in or is of general circulation in the Municipality, then by posting in each of three (3) public places in the Municipality, a notice containing the proclamation concerning the said special election. The notice shall be in the form prescribed by State law. (*Ref. 19-3006 RS Neb.*)

1-706 Elections; Petition Candidates. Candidates for any Municipal office in the Municipality may be nominated by petition. Such petitions shall contain signatures of registered voters equal in number to five (5%) per cent of the votes cast in the voting unit at the most recent Municipal election or twenty-five (25) signatures, whichever is greater. Petitions must be filed at least sixty (60) days prior to the State Primary. (*Ref. 32-504, 32-535 RS Neb.*)

1-707 Election; Board of Trustees. Trustees shall be elected from the Municipality at large unless the residents of the Municipality have voted to elect its Trustees by wards. Trustees shall serve for a term of four (4) years and shall be a resident and qualified elector. If the election of Trustees takes place by wards, each nominee for the office shall be a resident and qualified elector of the ward for which he is a candidate, and only residents of that ward may sign the candidate's nomination petitions. (*Ref. 5-108 RS Neb.*)

1-708 Elections; Voter Qualifications. Electors shall mean every person of the constitutionally prescribed age or upwards, who shall have the right to vote for all officers to be elected to public office, and upon all questions and proposals, lawfully submitted to the voters at any and all elections authorized or provided for by the Constitution or the laws of the State of Nebraska, except school elections; Provided, no person shall be qualified to vote at any election unless such person shall be a resident of the State and shall have been properly registered with the election official of the county. (*Ref. 32-102 RS Neb.*)

1-709 Elections; Officials. The County Clerk shall at least fifteen (15) days prior to the State Primary Elections, give notice of the appointment by each political party of three (3) judges and two (2) clerks of election in each election unit in the Municipality, to be known as the Receiving Board. Each of the appointees referred to shall be of good character, approved integrity, well informed, able to read, write, and speak the English language, reside in the election precinct in which he is to serve, be entitled to vote in his election unit, and hold office for a term of two (2) years, or until judges and clerks of election are appointed for the next State Primary Election. (*Ref. 32-403 RS Neb.*) (*Amended by Ord. No. 58, 11/7/77*)

1-710 Elections; Officials Oath. Previous to any votes being received, the judges and clerks of election shall severally take an oath or affirmation according to the form authorized by State law. If there is no judge present at the opening of the polls, it shall be lawful for the judges of election to administer the oath to each other and the clerks of election. The person administering such oath shall cause an entry to be made thereof and affixed to each poll book. (*Ref. 11-101.01, 19-3015, 32-413, 32-414 RS Neb.*)

1-711 Elections; Proclamation. (*Repealed by Ord. No. 59, 11/7/77*)

1-712 Elections; Caucus Candidates. The Governing Body of the Municipality may, by ordinance call a caucus for the purpose of nominating candidates for offices to be filled in the Village election. Such caucus shall be held at least ten (10) days prior to the filing deadline for such election. Notice of such caucus must be published in one (1) newspaper of general circulation in the Municipality, at least once in each of two (2) consecutive weeks prior to said caucus. The Municipal Clerk shall notify the person so nominated of his nomination and such notification shall take place not less than five (5) days after the said caucus. A candidate so nominated shall not have his name placed upon the ballot unless, not more than ten (10) days after the holding of such caucus, he shall have filed with the Municipal Clerk a written statement accepting the nomination of the caucus and shall have paid the filing fee, if any, for the office for which he was nominated. (*Ref. 17-601.01, 17-601.02 RS Neb.*)

1-713 Elections; Ballots. It shall be the duty of the Municipal Clerk to provide printed ballots for each Municipal election, including special ballots, thereof, whenever any measure, proposition, or issue is submitted to a vote of the electors, and upon each ballot shall be printed the name of every candidate whose nomination has been properly certified by caucus, or who has been properly nominated by petition. The separate ballot for any measure, proposition, or issue submitted to a vote of the electors shall state the proposition submitted in clear and concise language. (*Ref. 19-3018, 19-3019 RS Neb.*)

1-714 Elections; Ballots. It shall be the duty of the County Clerk to provide printed ballots for every general Municipal election and the expense of printing and delivering the ballots and cards of instruction shall be a charge upon the Municipality. (*Ref. 32-417, 32-418 RS Neb.*)

§1-715 **ELECTIONS; INABILITY TO ASSUME OFFICE.**
In any general election, where the person who received the highest number of votes is ineligible, disqualified, deceased, or for any other reason is unable to assume the office for which he was a candidate, and the electorate had reasonable notice of such disability at the time of the election, the candidate in such election who received the next highest number of votes shall be declared elected, and shall be entitled to the certificate of election; provided, that any candidate so declared elected received not less than thirty-five (35%) percent of the total number of votes cast for such office in the election. If any of the qualifications of this section are not met by the candidate to be declared elected, or reasonable notice of the winner's ineligibility is not available to the voters, a vacancy in such office shall be declared to exist at the time of commencement of the term and shall be filled as prescribed by law. (*Ref. 32-537 (7) & (8) RS Neb.*)

§1-716 **ELECTIONS; RECOUNT OF BALLOTS.** The losing candidate for any office at the Municipal election may request a recount of the ballots cast when the official canvass of such votes cast reveals that there is a difference of twenty-five (25) votes or less between the total cast for the winner and the loser. Such recount shall be made if the losing candidate files a written request therefor with the Municipal Clerk within three (3) days following the completion of the official canvass. (*Ref. 19-3042 through 19-3050 RS Neb.*)

§1-717 **ELECTIONS; TRUSTEES; TERM OF OFFICE.**

(1) From and after the effective date of this section, the election of the Village Trustees shall be held at the statewide general election.

(2) Those Trustees holding office on the effective date of this section shall be extended to the first (1st) regular meeting of the Board in December following the statewide general election.

(3) This section shall not affect the term of office of the elected members of the Board of Trustees other than to extend such term as set forth in subsection (2) above.

(4) All Trustees elected to office shall qualify and meet on the first (1st) regular meeting of the Board in December after the statewide general election. (*Ord. No. 125, 11/6/95*)

Article 8. Fiscal Management

§1-801 **FISCAL MANAGEMENT; FISCAL YEAR.** From and after the effective date of this section the fiscal year for the Village for 1995 shall commence on August 1, 1995, and extend through September 30, 1996. Thereafter, the fiscal year of the Village shall commence on October 1 and extend through the following September 30. (*Ref. 17-701 RS Neb.*) (*Amended by Ord. No. 126, 11/6/95*)

§1-802 **FISCAL MANAGEMENT; BUDGET STATEMENT.** The Governing Body shall, not later than the first (1st) day of August of each year on forms prescribed and furnished by the Nebraska State Auditor, prepare in writing and file with the Municipal Clerk a proposed budget statement containing the following the nontax revenue which was allocated to each of the several funds, the unencumbered cash balance of each fund at the beginning and end of the prior fiscal year, the amount received by taxation allocated to each fund, and the actual expenditures for each fund. For the current fiscal year, the budget statement shall contain the actual and estimated revenue from nontax sources, the actual unencumbered cash balance available at the beginning of the year, the amount to be received from taxation allocated to each fund, and the amount of actual and estimated expenditures. For the immediate ensuing fiscal year, the budget statement should include an estimate of the nontax revenue from each source and which fund it is to be allocated to, the actual or estimated unencumbered cash balance for each fund which will be available at the beginning of the next fiscal year, amounts proposed to be expended during the year, and the amount of cash reserve which shall not exceed fifty percent (50%) of the total budget adopted exclusive of capital outlay items. The amount to be raised from taxation, as determined herein, plus the estimated revenue from sources other than taxation, and the unencumbered balances shall equal the estimated expenditures plus the required cash reserve for the ensuing year. (*Ref. 13-504, 13-505 RS Neb.*)

§1-803 **FISCAL MANAGEMENT; BUDGET HEARING.** Subsequent to the filing of the proposed budget statement, the Governing Body shall publish a proposed budget and conduct a public hearing on the proposed budget statement. Notice of the place and time of the said hearing, as well as a copy of the

§1-803

Administrative

§1-806

proposed budget, shall be published at least five (5) days prior to the date set for the hearing in a newspaper of general circulation in the Municipality. After such hearing, the statement shall be adopted, or amended, and adopted as amended, and a written record shall be made of such hearing. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within twenty (20) days after its adoption. (*Ref. 13-506 RS Neb.*)

§1-804 **FISCAL MANAGEMENT; BUDGET FILING.** The Governing Body shall file with and certify to the levying board on or before September first (1st) 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. The Governing Body 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 (5%) of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year. (*Ref. 13-508 RS Neb.*) (*Amended by Ord. No. 60, 11/7/77*)

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

§1-806 **FISCAL MANAGEMENT; APPROPRIATIONS.** The Governing Body shall, on or before August 15th, 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 Municipality, 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 to be made, and the amount appropriated for each purpose. Any balance unexpended and unobligated at the end of the fiscal year shall, unless reappropriated, lapse into the general fund. (*Ref. 17-706 RS Neb.*)

§1-807 **FISCAL MANAGEMENT; GENERAL PROPERTY TAX.** The Governing Body shall cause to be certified to the County Clerk the amount of tax to be levied upon the assessed value of all the taxable property of the Municipality for the requirements of the adopted budget for the ensuing year, including all special assessments and taxes. The maximum amount of tax which may be certified and assessed shall not require a tax levy in excess of the legal maximum as prescribed by State law. *(Ref. 17-702 RS Neb.)*

§1-808 **FISCAL MANAGEMENT; EXPENDITURES.** No Municipal official shall have the power to appropriate, issue, or draw any order or warrant on the Municipal Treasury for money, unless the same has been appropriated or ordered by ordinance. No expenditure for any improvement to be paid for out of the general fund of the Municipality shall exceed in any one (1) year the amount provided for that improvement in the adopted budget statement. *(Ref. 17-708 RS Neb.)*

§1-809 **FISCAL MANAGEMENT; CONTRACTS.** The Governing Body shall before entering into any contract for labor, materials, or any public improvement which exceeds five thousand dollars (\$5,000.00) in cash as estimated by the Municipal Engineer, advertise for bids once each week for three (3) consecutive weeks in a legal newspaper of general circulation in the Municipality, or post a printed or written copy thereof in each of three (3) public places in the Municipality; 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 (3/4) vote of the Governing Body.

If, after advertising for bids as provided in this section, the Governing Body receives fewer than two (2) bids on a contract for any work or improvement, or if the bids received by the Governing Body contain a price which exceeds the estimated cost of the project, the Governing Body shall have the authority to negotiate a contract in an attempt to complete the proposed project at a cost commensurate with the estimate given.

If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the Governing Body, or Board of Public Works, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the purchasing Municipality, the Governing Body or Board of Public Works, may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer. (*Ref. 17-568.01, 17-613 RS Neb.*) (Amended by Ord. No. 61, 11/7/77)

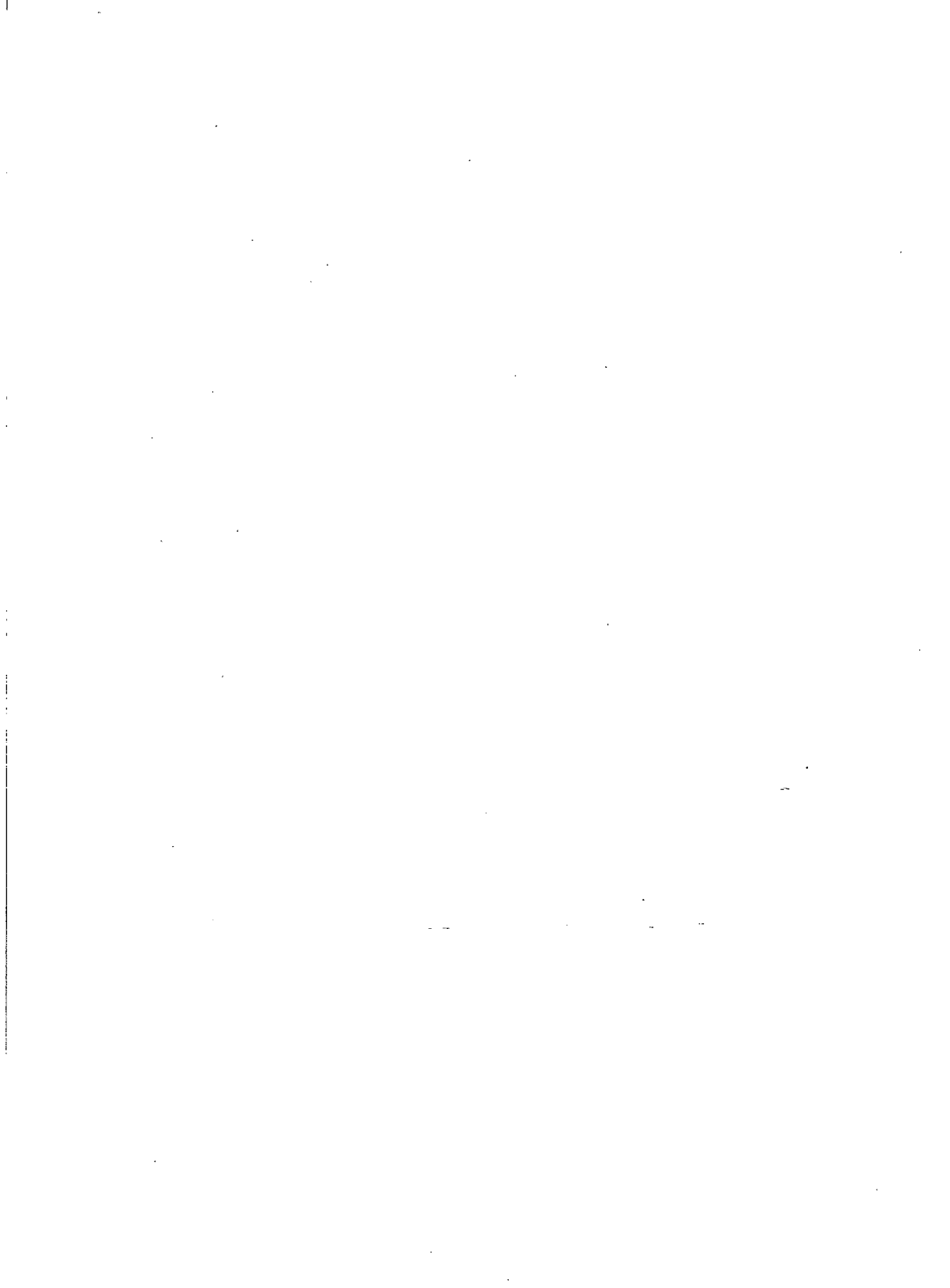
1-810 Fiscal Management; Annual Audit. The Governing Body shall cause an audit of the Municipal accounts to be made by a qualified accountant as expeditiously as possible following the close of the fiscal year. Such audit shall be made on a cash or accrual method at the discretion of the Governing Body. The said audit shall be completed, and the annual audit report made not later than six (6) months after the close of the fiscal year. The accountant making the audit shall submit not less than three (3) copies of the audit report to the Governing Body. All public utilities or other enterprises which substantially generate their own revenue shall be audited separately, except in Villages having a population of less than Eight Hundred (800), and the results of such audits shall appear separately in the annual audit report, and such audits shall be on an accrual basis and shall contain statements and materials which conform to generally accepted accounting principles. The audit report shall set forth the financial position and results of financial operations for each fund or group of accounts of the Municipality as well as an opinion by the accountant with respect to the financial statements. Two (2) copies of the annual audit report shall be filed with the Municipal Clerk, and shall become a part of the public records of the Municipal Clerk's office, and will at all times thereafter, be open for public inspection. One (1) copy shall be filed with the Auditor - *Stat.* of Public Accounts; Provided, that all Villages may file an unaudited statement of cash receipts and disbursements annually in lieu of an annual audit. Such unaudited statement shall be filed with the Auditor of Public Accounts in a form prescribed by him.

The unaudited statement of cash receipts and disbursements shall become a part of the public records of the Municipal Clerk and shall at all times thereafter be open and subject to public inspection. (*Ref. 19-2901 thru 19-2909 RS Neb.*) (Amended by Ord. No. 62, 11/7/77)

1-811 Fiscal Management; Claims. All claims against the Municipality shall be presented to the Governing Body in writing with a full account of the items, and no claim or demand shall be audited or allowed unless presented as provided for in this Section. No costs shall be recovered against the Municipality in any action brought against it for an unliquidated claim which has not been presented to the Governing Body to be audited, nor upon claims allowed in part, unless the recovery shall be for a greater sum than the amount allowed, with the interest due. No order, or warrant shall be drawn in excess of eighty-five (85%) per cent of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the Municipal Treasury for the appropriate fund against which it is to be drawn; Provided, that in the event there exists obligated funds from the Federal and/or State government for the general purpose of such warrant, then such warrant may be drawn in excess of eighty-five (85%) per cent, but not more than one hundred (100%) per cent of the current levy for the purpose for which said warrant is drawn. (*Ref. 17-714, 17-715 RS Neb.*)

1-812 Fiscal Management; Warrants. All warrants drawn upon the Municipal Treasury must be signed by the Chairman of the Board and countersigned by the Municipal 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. (*Ref. 17-711 RS Neb.*)

1-813 Fiscal Management; Transfer of Funds. The Governing Body may, 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, 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 Governing Body 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. Notice of a place, and time for the said hearing shall be published at least five (5) days prior to the date set for the hearing in a newspaper of general circulation in the Municipality. 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. Upon the conclusion of the public hearing on the proposed supplemental budget, and the approval by the Governing Body, the Governing Body shall file with the County Clerk, and the Nebraska State Auditor a copy of the supplemental budget, and shall certify the amount of additional tax to be levied. The Governing Body 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. (*Ref. 23-928, 23-929 RS Neb.*)

1-814 **Fiscal Management; Special Assessment Fund.** All money received on special tax assessments shall be held by the Municipal Treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and such money shall be used for no other purpose unless to reimburse the Municipality for money expended for any such improvement. (*Ref. 17-710 RS Neb.*)

1-815 **Fiscal Management; Sinking Funds.** The Governing Body, subject to the limitations set forth herein, shall have the power to levy a tax not to exceed that prescribed by State law upon the assessed value of all taxable property within the Municipality for a term not to exceed that prescribed by State law in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the Municipality, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension, or repair of the approved uses as authorized by State law. To initiate the said sinking fund, the Governing Body shall declare its purpose by resolution to submit to the qualified electors of the Municipality the proposition to provide the improvement at the next general Municipal election. The resolution shall set forth the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed, and the proposition as it will appear on the ballot. Notice of the said proposition shall be published in its entirety three (3) times on successive weeks before the day of the election in a legal newspaper of general circulation in the Municipality. The sinking fund may be established after the election if a majority, or more of the legal votes were in favor of the establishment of the fund. The Governing Body may then proceed to establish the said fund in conformity with the provisions of the proposition, and applicable State law. The funds received by the Municipal

Treasurer shall, as they accumulate, be immediately invested with the written approval of the Governing Body in the manner provided by State law. No sinking fund so established shall be used for any purpose or purposes contrary to the purpose as it appeared on the ballot unless the Governing Body is authorized to do so by sixty (60%) per cent of the qualified electors of the Municipality voting at a general election favoring such a change in the use of the sinking fund. (*Ref. 19-1301 thru 19-1304, 77-2337, 77-2339 RS Neb.*)

1-816 Fiscal Management; General Fund. All money not specifically appropriated in the annual appropriation bill shall be deposited in and known as the General Fund.

1-817 Fiscal Management; Deposit of Funds. The Governing Body, at its first (1st) meeting in each fiscal year, shall designate one (1) or more banks of approved and responsible standing in which the Municipal Treasurer shall keep at all times all money held by him; Provided, if more than one (1) bank in the Municipality meets the requirements for approved banks as herein defined, the said funds shall be deposited in each of them, and the Municipal Treasurer shall not give a preference to any one (1) or more of them in the money he shall deposit. A bond shall be required from all banks so selected in a penal sum which equals the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or a pledge of sufficient assets of the bank to secure the payment of all such deposits. (*Ref. 17-607, 77-2362 thru 77-2364 RS Neb.*)

1-818 Fiscal Management; Investment of Funds. The Governing Body may, by resolution, direct and authorize the Municipal Treasurer to invest surplus funds in the outstanding bonds or registered warrants of the Municipality, and other approved bonds and obligations as provided by law. The interest on such bonds or warrants shall be credited to the fund out of which the said bonds or warrants were purchased. (*Ref. 17-608, 17-609, 21-1316.01, 77-2341 RS Neb.*)

1-819 **Fiscal Management; Bond Issues.** The Governing Body may, after meeting all the requirements of State law, issue bonds, fund bonds, and retire bonds for such purposes as may be permitted by State law. The Governing Body shall have the authority to levy special assessments for the payment of interest and principal on such bonds, and may spread the payments up to the maximum number of years permitted by State law. (*Ref. 10-201 thru 10-411, 10-601 thru 10-614, 12-1001, 17-529.01, 17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-1801 thru 18-1805, 23-343.13, 39-836 RS Neb.*)

Article 9. Compensation

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

1-902 Compensation; Conflict of Interest. No officer of the Municipality shall be permitted to benefit from any contract to which the Municipality is a party when the consideration of the said contract is in an amount in excess of ten thousand (\$10,000.00) dollars in any one year, and no contract may be divided for the purpose of evading the requirements of this Section. Any such interest in a contract shall void any obligation on the part of the Municipality; Provided, the receiving of deposits, cashing of checks, and buying and selling of the warrants and bonds of the Municipality shall not be considered a contract under the provisions of this Section. No official shall receive any pay or compensation from the Municipality other than his salary. The Governing Body 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 proper scope of the duties of any officer of the Municipality; Provided, that ownership of less than one (1%) per cent of the outstanding stock of any class in a corporation shall not constitute an interest within the meaning of this Section. (*Ref. 17-611, 18-301 thru 18-312 RS Neb.*)

1-903 Compensation; Salaries of Officials. The salaries of the elected and appointed officials of the Municipality of Lodgepole are hereby fixed as follows:

Chairman of the Board of Trustees - Fifteen (\$15.00) dollars per meeting.

Trustees - Ten (\$10.00) dollars per meeting.

Current meeting compensation - Sept 2006

Chairman = \$40 per meeting

Trustees = \$30 per meeting

Article 10. Penal Provision

1-1001 **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 one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

Chapter 2

COMMISSIONS AND BOARDS

Article 1. Standing Committees

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

Article 2. Commissions and Boards

2-201 Library Board. The Library Board shall be appointed or elected. At the first (1st) regular meeting of the Governing Body in January of each even numbered year the Governing Body shall, by ordinance, adopt the manner in which the five (5) 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 Governing Body. If the members are to be elected, the usual election procedures of the Municipality shall be followed. The Board shall consist of five (5) members who shall be residents of the Municipality. The members of the Library Board shall serve a four (4) year term of office as specified by Nebraska Statutes. The Board shall serve without compensation and may be required, in the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties. At the time of the Board's first (1st) meeting in June of each year, the Board shall organize by selecting from their number a chairman and secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings, and to file the same with the Municipal Clerk where they shall be available for public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as the Governing Body may designate. Special meetings may be held upon the call of the chairman, or any three (3) members of the Board. The Library Board shall have the authority to appoint a librarian and all other employees. It shall be the duty of the Board to have general charge of the Municipal 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 Board shall be subject to the review and supervision of the Governing Body. The Board shall be responsible for making such reports and performing such additional duties as the Governing Body may designate from time to time. No member of the Governing Body shall serve as a member of the Library Board while serving a term of office as a

member of the Governing Body. No member of the Library Board shall serve in the capacity of both the chairman and secretary of the Board. (*Ref. 51-202 RS Neb.*)

2-202 **Board of Health.** The Governing Body shall appoint the Board of Health which shall consist of three (3) members who are residents of the Municipality. The Board members shall include the Village Chairman, who shall serve as chairman; the Village Marshal, who shall be the secretary and quarantine officer; and one other member. The third (3rd) member shall be a physician when a physician is residing permanently in the Municipality. The members of the Board shall serve a one (1) year term of office, unless reappointed, and shall reorganize at the first (1st) meeting in June of each year. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file the same with the Municipal Clerk where they shall be available for public inspection at any reasonable time. The Board shall be funded by the Governing Body from time to time from the General Fund. A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the Governing Body may designate. Special meetings may be held upon the call of the chairman, or any two (2) members of the Board. It shall be the duty of the Board to enact rules and regulations which shall have the full force and effect of the law, to safeguard the health of the residents of the Municipality. The Board shall enforce the rules and regulations and provide fines and punishments for any violations thereof. It may regulate, suppress, and prevent the occurrence of nuisances and shall actively enforce all laws of the State of Nebraska and ordinances of the Municipality relating to matters of sanitation which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the Governing Body may direct. All actions of the Board shall be subject to the review and supervision of the Governing Body. The Board shall be responsible for making such reports and performing such other duties as the Governing Body may designate. No member of the Board of Health shall hold more than one (1) Board of Health position. (*Ref. 17-208 RS Neb.*)

2-203 Cemetery Board. The Governing Body shall appoint the Cemetery Board which shall consist of six (6) members who are residents of the Municipality and who shall serve without compensation for a term of three (3) years. Two (2) members shall be appointed each year and may be required in the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties. At the first (1st) meeting in June of each year, the Board shall organize by selecting from its membership a chairman and secretary. The secretary shall keep the full and correct minutes and records of all meetings and file the same with the Municipal Clerk where they shall be available for public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the Governing Body may designate. Special meetings may be held upon the call of the chairman or any three (3) members of the Board. The Board shall have the general care, management, and supervision of the Municipal Cemetery with the power and authority to limit and regulate the number of cemetery lots that may be owned by the same person; to prescribe rules for enclosing, adorning, and erecting monuments and tombstones on cemetery lots; and to prohibit any diverse or improper use thereof; Provided, no religious tests shall be made as to the ownership of lots, the burial therein, and the ornamentation of graves. The Board shall pass rules and regulations for the proper use of the Cemetery and prescribe penalties and fines for violations thereof. The Board shall use all revenue received from the sale of lots, gifts, or by devise for the care, management and administration of the Cemetery. All actions of the Board shall be subject to the review and supervision of the Governing Body and it shall be responsible for making such reports and performing such additional duties as the Governing Body may designate. No member of the Governing Body shall serve as a member of the Board while serving a term of office as a member of the Governing Body. No member of the Cemetery Board shall hold more than one (1) Cemetery Board office. (*Ref. 12-401 thru 12-403 RS Neb.*)

§2-204 **PLANNING COMMISSION.** The Village of Lodgepole shall be authorized to make, adopt, amend, extend, and carry out a Municipal plan as authorized by law.

A Commission to be known as the Village Planning Commission is hereby created which shall consist of five (5) members who shall represent insofar as is feasible different professions, interests or occupations in the Village and who shall be appointed by the Chairman of the Board of Trustees by and with the approval of a three-fourths (3/4) vote of the Village Board of Trustees.

All members of the Village Planning Commission shall serve as such without compensation and shall hold no other Municipal office.

The term of each member of the Village Planning Commission shall be three (3) years, except that two (2) members of the first Commission shall be appointed to serve for the term of one (1) year, one (1) to serve for the term of two (2) years, and two (2) to serve for the term of three (3) years. All members shall hold office until their successors are appointed. All members may, after a public hearing before the Village Board of Trustees, be removed by the Chairman of the Board of Trustees, by and with the consent of a three-fourths (3/4) vote of the Board for inefficiency, neglect of duty, or malfeasance in office or other good and sufficient causes. Vacancies of the Commission occurring other than through the expiration of term shall be filled for the unexpired term by the Chairman of the Board of Trustees.

The Village Planning Commission shall elect its Chairman from its members and create and fill such other of its offices as it may determine. The term of the Chairman shall be one (1) year and he shall be eligible for re-election. The Commission shall hold at least one (1) regular meeting in each month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

The Village Board of Trustees may provide the funds, equipment and accommodations necessary for the work of the Commission, but the expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Village Board of Trustees and no expenditures, nor agreements for expenditures shall be valid or legal in excess of

that amount. Provided, however, that such Commission shall have the authority and the power to accept and receive donations of cash, of property, gifts, bequests and grants and, with the approval of the Board, may use such nonappropriated assets as the Commission shall deem beneficial and advantageous to the Village of Lodgepole.

It shall be the function and duty of the Commission to make and adopt plans for the physical development of the Municipality, including any areas outside of its boundaries but within its statute authority which, in the Commission's judgment, bear relation to the planning of the Municipality.

The Commission, from time to time, shall recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be the function and duty of the Commission, to further consult and advise with public officials and agencies, civic organizations, public utility companies, educational, professional and other organizations and with citizens with relation to the promulgation and carrying out of the plan. The Commission shall have the power to delegate authority to any of the above named groups to conduct studies and make surveys for said Commission if it deems expedient.

The Chairman of the Commission shall have the power to administer an oath to any person concerning any matter submitted to the Commission, or coming within the powers and duties of the Commission. The Commission may further issue process to compel the attendance of persons before it and shall have the power to subpoena books, records, and papers if necessary, which process shall be served the same as process issued out of the Village Police Court. (Ord. No. 59, 10/2/78)

§2-205 COMMUNITY IMPROVEMENT BOARD.

(1) There is hereby created and established a Community Improvement Board for the Village of Lodgepole, Nebraska, which shall consist of nine members, citizens, and residents of the Village of Lodgepole who shall be appointed by the Mayor with the approval of the Village Council. As a part of Community Improvement, this board will oversee tree resource needs for the Village, therefore be it known that the Community Improvement Board shall also act as the Village Tree Board.

(2) Members of the Board shall serve without compensation.

(3) It shall be the responsibility of the Board to study, investigate, council and develop a written plan for the care, preservation, trimming, planting, replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. Such plan shall be presented to the Village Council and upon their acceptance and approval shall constitute the official comprehensive village tree plan for the Village of Lodgepole, Nebraska. The Board shall review annually and update if needed the comprehensive village tree plan. The Board shall prepare and present an annual work plan to the Village Council for their acceptance and approval. The Board, when requested by the Village Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work.

(4) The Board shall choose its own officers, make its own rules and regulations in conformity with the laws of the State of Nebraska, and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (*Ord. No. 127, 4/1/96*)

Article 3. Penal Provision

2-301 **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 one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.



Chapter 3

DEPARTMENTS

Article 1. Water Department

3-101 Municipal Water Department; Operation and Funding. The Municipality owns and operates the Municipal Water Department through the Water Commissioner. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Water Department may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the Municipal Treasurer. The Water Commissioner shall have the direct management and control of the Municipal Water Department and shall faithfully carry out the duties of his office. The Water Commissioner shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Water Department subject to the supervision and review of the Governing Body. The Governing Body shall set the rates to be charged for services rendered by ordinance and shall file a copy of the rates in the office of the Municipal Clerk for public inspection at any reasonable time. (*Ref. 17-531, 17-534, 19-1305 RS Neb.*)

3-102 Municipal Water Department; Definitions. The following definitions shall be applied throughout this Chapter. Where no definition is specified, the normal dictionary usage of the word shall apply.

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

Supply Pipe. The term "supply pipe" is hereby defined to be any pipe tapped into a main and extending from there to a point at or near the lot line of the consumer's premise where the shut-off, stop box, or curb cock is located.

Service Pipe. The term "service pipe" is hereby defined to be any pipe extending from the shut-off, stop box, or curb cock at or near the lot line to and beyond the property line of the consumer to the location on the premise where the water is to be disbursed.

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

3-103 Municipal Water Department; Consumer's Application. Every person or persons desiring a supply of water must make application therefor to the Water Commissioner. The Water Commissioner may require any applicant to make a service deposit in such amount as he deems necessary subject to the review of the Governing Body. Water may not be supplied to any house or private service pipe except upon the written order of the Water Commissioner. (*Ref. 17-537 RS Neb.*)

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

3-105 Municipal Water Department; Water Contract. The Municipality through its Water Department, shall furnish water to persons within its corporate limits whose premises abut a street or alley in which a commercial main now is or may hereafter be laid. The Municipality may furnish water to persons within its corporate limits whose premises do not abut a street or alley in which a Municipal commercial main is now or may hereafter be laid.

The rules, regulations and water rates hereinafter named in this Article, shall be considered a part of every

application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the Municipality, to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Water Commissioner or his agent, may cut off or disconnect the water service from the building or premise or place of such violation. No further connection for water service to said building, premise, or place shall again be made except by order of said Commissioner or his agent.

§3-106 MUNICIPAL WATER DEPARTMENT; INSTALLATION PROCEDURE. The Municipality shall be responsible for installation of all water mains, supply lines, corporate cocks and curb cocks installed up to or near the lot line and the actual tapping of the water main. The customer shall then be responsible for installation of the service line from the lot line to the point of dispersement. In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After service pipes are laid, the streets, alleys, and sidewalks shall be restored to good condition. If the excavation in any street, alley, or sidewalk is left open or unfinished for a period of twenty-four (24) hours or more, the Water Commissioner shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the consumer. All installation shall be done under the supervision and strictly in accordance with the rules, regulations, and specifications prescribed for such installation by the Water Commissioner; provided that the said rules, regulations, and specifications have been reviewed and approved by the Governing Body. (*Ref. 17-537 RS Neb.*)

§3-107 MUNICIPAL WATER DEPARTMENT; INSTALLATION EXPENSE. The expense of providing water service to the lot line shall be paid by the customer in an amount equal to the cost of material including corporate cock, curb cock, pipe and the expense of installation. The consumer shall then be required to pay the expense of furnishing and installing pipe, trenching, and the necessary labor to bring water service from the said lot line to the place of dispersement. *(Ref. 17-542 RS Neb.)*

§3-108 MUNICIPAL WATER DEPARTMENT; REPAIRS. Repairs to the service pipe shall be made by and at the expense of the customer. All other repairs to the property of the Water Department, shall be made by the Municipality. *(Ref. 17-542 RS Neb.)*

§3-109 MUNICIPAL WATER DEPARTMENT; FEES AND COLLECTIONS. The Governing Body has the power and authority to fix the rates to be paid by the water consumers for the use of water from the Water Department. All such fees shall be on file for public inspection at the office of the Municipal Clerk. The Municipal Clerk shall bill the consumers and collect all money received by the Municipality on the account of the Water Department. He shall faithfully account for, and pay to the Municipal Treasurer all revenue collected by him, taking his receipt therefor in duplicate, filing one with the Water Commissioner and keeping the other on file in the Municipal Clerk's official records. *(Ref. 17-540 RS Neb.)*

§3-110 MUNICIPAL WATER DEPARTMENT; MINIMUM RATES. All water consumers shall be liable for the following minimum rates provided by ordinance unless and until the consumer shall, by written order, direct the Water Commissioner to shut off the water at the stop box, in which case the consumer shall not be liable thereafter for water rental until the water is turned on again:

Water Rates

- (a) For residential and commercial consumers located

within the Village limits of the Village of Lodgepole, Nebraska, the rate shall be twelve dollars (\$12.00) per month for up to and including five thousand (5,000) gallon usage for any month. For any usage during any month of over five thousand (5,000) gallons, the rate shall be fifty cents (\$.50) per one thousand (1,000) gallons.

(b) For residential and commercial consumers located outside the Village limits of the Village of Lodgepole, Nebraska, the rate shall be fourteen dollars (\$14.00) per month for up to and including five thousand (5,000) gallon usage for any month. For any usage during any month of over five thousand (5,000) gallons, the rate shall be fifty cents (\$.50) per one thousand (1,000) gallons.

(Ref. 17-542 RS Neb.) (Amended by Ord. Nos. 63, 12/5/77; 124-A, 4/3/95; 137, 11/2/98)

§3-111 MUNICIPAL WATER DEPARTMENT; WATER BILLS. Water bills shall be due and payable monthly at the office of the Municipal Clerk. The Municipal Clerk shall charge and collect from each customer the monthly fee for water service, together with any other charges, properly itemized, due the Water Department. Bills shall be mailed on the first (1st) day of each month. Bills shall be due on the tenth (10th) of each month and shall be payable by the fifteenth (15th) of each month. Bills not paid by the fifteenth (15th) of each month shall be deemed to be delinquent. Upon being deemed to be delinquent, as herein defined, the Municipal Clerk shall give a written notice to the customer of such delinquency and shall demand payment immediately. In the event that the bill is not paid within seven (7) days after the sending of said notice, it shall be discretionary with the Governing Body to cut off service at any time; provided, if the delinquent customer is a known welfare recipient, it shall be the duty of the Municipal Clerk to notify the customer and the Cheyenne County office of the Nebraska Department of Social Services by certified mail of the proposed termination. The Water Commissioner shall assess an additional fee of twenty-five dollars (\$25.00) in the event that water is shut off for the nonpayment of any water bill, to compensate the Municipality for the additional hook-up necessary to again provide

water service to the delinquent customer. (Ref. 17-542, 18-416 RS Neb.) (Amended by Ord. No. 123, 4/3/95)

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

§3-113 MUNICIPAL WATER DEPARTMENT; SINGLE PREMISE. No consumer shall supply water to other families, or allow them to take water from his premise, nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premise for alteration, extension, or attachment without the written permission of the Water Commissioner. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through said meter to cause the meter to register inaccurately. (Ref. 17-537 RS Neb.)

§3-114 MUNICIPAL WATER DEPARTMENT; RESTRICTED USE. The Governing Body may order a reduction in the use of water or shut off the water on any premise in the event of a water shortage due to fire or other good and sufficient cause. The Municipality shall not be liable for any damages caused by shutting

off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the Municipality has no control. (*Ref. 17-537 RS Neb.*)

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

§3-116 MUNICIPAL WATER DEPARTMENT; POLLUTION. It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Municipal Water Department. (*Ref. 17-536 RS Neb.*)

§3-117 MUNICIPAL WATER DEPARTMENT; WATER SERVICE CONTRACTS. Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premise where service is furnished, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Water Commissioner who shall cause the water service to be shut off at the said premise. If the consumer should fail to give such notice, he shall be charged for all water used on the said premise until the Water Commissioner is otherwise advised of such circumstances. (*Ref. 17-537 RS Neb.*)

§3-118 MUNICIPAL WATER DEPARTMENT; POLICE REPORTS. It shall be the duty of the Municipal Police to report to the Water Commissioner all cases of leakage and waste in the use of water and all violations of the Municipal Code relating to the Water

Department. They shall have the additional duty of enforcing the observance of all such regulations.

§3-119 MUNICIPAL WATER DEPARTMENT; DESTRUCTION OF PROPERTY. It shall be unlawful for any person to willfully or carelessly break, injure, or deface any building, machinery, apparatus, fixture, attachment, or appurtenance of the Municipal Water Department. No person may deposit anything in a stop box or commit any act tending to obstruct or impair the intended use of any of the above mentioned property without the written permission of the Water Commissioner.

§3-120 MUNICIPAL WATER DEPARTMENT; COMPLAINTS. Any consumer feeling himself aggrieved by reason of any controversy with the Water Commissioner or Municipal Clerk may appear before the Governing Body and present his grievance. Any consumer who considers himself aggrieved by being required to pay the charge demanded for the use of water, or for the resumption of water service after the same shall have been shut off, shall pay such charge under protest, in which event the Municipal Clerk shall write on the receipt given such customer the words, "Paid Under Protest." Such consumer may then present his verified claim in the manner provided for presenting claims to the Governing Body for a refund of the amount so paid under protest. Such claims shall then be considered by the Governing Body in the same manner as other claims against the Municipality.

§3-121 MUNICIPAL WATER DEPARTMENT; BACKFLOW PREVENTION DEVICES REQUIRED; CUSTOMER INSTALLATION AND MAINTENANCE; TESTING. (1) A Cross Connection Control Officer shall be appointed by the Board of Trustees of the Village to oversee the enforcement of this section. This person shall be responsible for reviewing surveys submitted by the customers of the Municipal Water Department and determining if

a backflow prevention device is required to comply with Title 179, NAC 2, "*Regulations Governing Public Water Supply Systems*".

(2) All customers of the Municipal Water Department shall be required to report to the Cross Connection Control Officer any potential cross connections which may be on their premises. This report shall be made at least every five (5) years.

(3) A customer of the Municipal Water Department may be required by the Cross Connection Control Officer to install and maintain a properly located backflow prevention device at the customer's expense appropriate to the potential hazards set forth in Title 179, NAC 2 "*Regulations Governing Public Water Supply Systems*" and approved by the Cross Connection Control Officer.

(4) The customer shall make application to the Cross Connection Control Officer to install a required backflow prevention device on a form provided by the Municipality. The application shall contain at a minimum the name and address of the applicant, the type of backflow device to be installed including make and model number and the location of the proposed installation.

(5) The Cross Connection Control Officer shall approve or disapprove the application based on whether such installation will protect the Municipal Water Distribution System from potential backflow and backsiphonage hazards.

(6) When a testable backflow prevention device shall be required, the customer shall also certify to the Municipality at least one (1) time annually that the backflow prevention device has been tested by a Nebraska Health and Human Services Grade VI Certified Water Operator. Such certification shall be made on a form available at the office of the Municipal Clerk.

(7) Any decision of the Cross Connection Control Officer may be appealed to the Board of Trustees, whose decision shall be final.

(8) Any customer refusing to report on possible cross connections on their premises, refusing to install the necessary backflow prevention device or failing to have a testable backflow prevention device tested at least annually shall be in violation of this section and may have their water service discontinued. Any customer

who has had their service discontinued for violation of this section shall be subject to a fifty dollar (\$50.00) reconnect fee to have the service reinstated after supplying proof that the potential cross connection has been eliminated or properly protected. (*Ord. No. 111, 11/2/92*) (*Amended by Ord. No. 154, 1/5/04*)

§3-122 MUNICIPAL WATER DEPARTMENT; UNSAFE PHYSICAL CONNECTION TO WATER DISTRIBUTION SYSTEM PROHIBITED; POTENTIAL BACKFLOW HAZARDS; CUSTOMER ASSESSMENT. No customer or other person shall cause, allow, or create any physical connection between the Municipal Water Distribution System and any pipes, pumps, hydrants, tanks, steam condensate returns, engine jackets, heat exchangers, other water supplied or any other connection whereby potentially unsafe or contaminating materials may be discharged or drawn into the Municipal Water Distribution System.

At least one (1) time every five (5) years, customers of the Municipal Water Distribution and Supply System shall be required to assess and report potential backflow and backsiphonage hazards to the Municipality on a form supplied by the Municipality to the customer. The customer shall take any steps necessary for protection of public health and safety as determined by the Utilities Superintendent. (*Ord. No. 112, 11/2/92*)

§3-123 DRILLING AND OPERATION OF WELLS AND OTHER UNDERGROUND FACILITIES OR CONTAMINATING FACILITIES WITHOUT PERMIT UNLAWFUL. It shall be unlawful for any person, corporation or other legal entity to drill and/or operate any of the following facilities within the corporate limits or zoning jurisdiction of the Village, without first having obtained the proper permit from the Governing Body of the Village:

Potable water well; any other well; sewage lagoon; absorption or disposal field for water; cesspool; dumping grounds; feedlot; livestock pasture or corral; chemical product storage facility; petroleum product

storage facility; pit toilet; sanitary landfill; septic tank; sewage treatment plant; sewage wet well. (*Ord. No. 148, 1/6/03*) (*Amended by Ord. No.191, 11/7/11*)

§3-124 WELLS AND OTHER UNDERGROUND FACILITIES; UTILIZING THE GEOTHERMAL PROPERTIES OF THE GROUND.

- (1) Must be a closed loop system.
- (2) Joints must be made by heat fusion.
- (3) Antifreeze must be potassium acetate, propylene glycol, or other food grade substance.
- (4) Wells must be sealed from bottom to top with cement slurries.
- (5) Piping will consist of polybutylene or polyethylene pipe.
- (6) Will be located no closer than one hundred (100) feet to the Village's drinking water source. (*Ord. No. 148, 1/6/03*) (*Amended by Ord. No.191, 11/7/11*)

§3-125 WELLS AND OTHER UNDERGROUND FACILITIES; PROCEDURE TO OBTAIN PERMIT. In order to obtain a permit to drill and/or operate any of the facilities listed in sections 3-123 and 3-124, the owner of the property on which the proposed facility is to be located, must make application on the proper form provided by the Governing Body of the Village. Such application must be presented to the Village Board of Trustees at any regular or special meeting. After reviewing the application of any person desiring to drill or operate any of the above-described facilities, the Village Board of Trustees must approve or deny said permit. (*Ord. No. 148, 1/6/03*) (*Amended by Ord. No.191, 11/7/11*)

§3-126 WELLS AND OTHER UNDERGROUND FACILITIES; DRILLING OR INSTALLATION OF OTHER FACILITIES WITHIN DESIGNATED DISTANCE FROM MUNICIPAL WATER SOURCES IS PROHIBITED. Under no circumstances shall the Village Board of Trustees approve any permit to drill or operate any of the below-described facilities within the indicated number of feet from the Village's Municipal Water Wells:

- 1. Potable Water Well 1,000 feet
- 2. Closed Loop Geothermal Well 100 feet
- 3. Any Other Well 1,000 feet
- 4. Sewage Lagoon 1,000 feet
- 5. Absorption or Disposal Field for Water 500 feet
- 6. Cesspool 500 feet
- 7. Dumping Grounds 500 feet
- 8. Feedlot or Feedlot Runoff 1,000 feet
- 9. Livestock Pasture or Corral 500 feet
- 10. Chemical Product Storage Facility 500 feet
- 11. Petroleum Product Storage Facility 500 feet
- 12. Pit Toilet 500 feet
- 13. Sanitary Landfill 500 feet
- 14. Septic Tank 500 feet
- 15. Sewage Treatment Plant 500 feet
- 16. Sewage Wet Well 500 feet
- 17. Land Application of Municipal/Industrial
Waste Material 1,000 feet
- 18. Sanitary Sewer Connection 100 feet
- 19. Sanitary Sewer Manhole 100 feet
- 20. Sanitary Sewer Line 50 feet

(Ord. No. 148, 1/6/03) (Amended by Ord. No.191, 11/7/11)

§3-127 WELLS AND OTHER UNDERGROUND FACILITIES; PENALTIES AND ABATEMENT PROCEDURE.

Any person, corporation, or other legal entity found violating any provision of sections 3-123 through 3-127 shall be subject to a fine, not to exceed one hundred dollars (\$100.00). The continuation of a violation of sections 3-123 through 3-127 shall be deemed an additional crime for every twenty-four (24) hours of such continued violation. In addition, the Village may obtain injunctive relief, and sue for damages and remediation, and pursue any other remedy available to it under the laws of the State of Nebraska or other authority having jurisdiction over such matters. *(Ord. No. 148, 1/6/03) (Amended by Ord. No.191, 11/7/11)*

§3-128 DROUGHT EMERGENCY CONTINGENCY PLAN.

(A) The Village shall address any short-term water shortage problems through a series of stages based on conditions of supply and demand with accompanying triggers, goals, and actions. Each stage is more stringent in water use than the previous stage since there will be a greater deterioration in water supply conditions. The Chairman of the Board is hereby authorized to implement the appropriate conservation measures as set forth in this section, when any of the conditions have been reached which would qualify for any of the specific stages. The Chairman of the Board is given discretion to declare each particular stage as deemed appropriate by the Chairman of the Board by reviewing the severity of the trigger conditions and other additional information, and is further authorized to implement conservation measures within the guidelines provided for each particular stage.

(B) *Stage One: Water Watch.*

(1) This stage is triggered by any one of the following conditions:

(a) Ground water levels have fallen five (5) feet below normal seasonal levels.

(b) System pressure falls below thirty-five (35) pounds per square inch.

(c) Demand for one day is in excess of five hundred thousand (500,000) gallons per day.

(2) *Goals.* The goals of this stage are to heighten awareness of the public of the water conditions and to maintain the integrity of the system.

(3) *Management Actions.*

(a) Leaks will be repaired within forty-eight (48) hours of detection.

(b) The Village will monitor its use of water and will curtail activities such as hydrant flushing and street cleaning.

(4) *Regulation Actions.* The public will be informed through the local media of the water watch and be asked to voluntarily reduce outdoor water use and to efficiently use water for indoor purposes, for example, washing full loads of clothing and/or dishes, limiting the length and frequency of showers, checking for water leaks and dripping of faucets, to prevent any unnecessary use of water.

(C) *Stage Two: Water Warning.*

(1) This stage is triggered by any one of the following conditions:

(a) Ground water levels have fallen ten (10) feet below normal seasonal levels.

(b) System pressure falls below thirty-five (35) pound per square inch.

(c) Plant operations are at eighty percent (80%) capacity for more than three (3) consecutive days.

(d) Demand for one (1) day is in excess of five hundred thousand (500,000) gallons per day.

(2) *Goals.* The goals of this stage are to reduce peak demands by twenty percent (20%) and to reduce overall weekly consumption by ten percent (10%).

(3) *Management Actions.*

(a) Water supply will be monitored daily.

(b) Leaks will be repaired within twenty-four (24) hours of detection.

(c) Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.

(d) Village will curtail its water usage, including watering of Village grounds and washing of vehicles.

(4) *Regulation Actions.* In addition to the regulation actions under Stage One, the following regulatory authority may be exercised by the Chairman of the Board:

(a) An odd/even lawn watering system will be imposed on Village residents. Residents with odd-numbered houses will water on odd days, even-numbered houses, on even days.

(b) Outdoor water use, including lawn watering and car washing will be restricted to before 10:00 a.m. and after 9:00 p.m.

(c) Refilling of swimming pools will be limited to one (1) day a week after sunset.

(d) Excess water use charges for usage of water over the amount used in the winter will be imposed at a rate twice the normal rate for water usage.

(e) Waste of water will be prohibited.

(D) *Stage Three: Water Emergency.*

(1) This stage is triggered by any one of the following conditions:

(a) Ground water levels have fallen fifteen (15) feet below normal seasonal levels.

(b) System pressure falls below thirty-five (35) pounds per square inch.

(c) Pumping lowers water levels to within five (5) feet of the top of the well screens.

(d) Plant operations are at ninety percent (90%) capacity for more than three (3) consecutive days.

(e) Demand for one (1) day is in excess of five hundred thousand (500,000) gallons per day.

(2) *Goals.* The goals of this stage are to reduce peak demands by fifty percent (50%) and to reduce overall consumption by twenty-five (25%).

(3) *Education Actions.*

(a) The Village will make news releases to local media describing current conditions and indicate the water supply outlook for the Village.

(b) The Village will hold public meeting(s) to discuss the emergency, the status of the water supply and further actions which need to be taken.

(4) *Management Actions.*

(a) The Village water supplies will be monitored daily.

(b) Leaks will be repaired within twenty-four (24) hours of detection.

(c) Standby wells will be activated for contingency operation.

(d) Pumpage at wells will be reduced to decrease drawdown and to maintain water levels over well screens.

(e) Village will seek additional emergency supplies from other users, the state or federal government.

(5) *Regulation Actions.* In addition to the regulation actions available under Stage Two, the following regulatory authority may be exercised by the Chairman of the Board:

(a) Outdoor water use will be banned, except for businesses which require outdoor water use to operate.

(b) Waste of water will be prohibited.

(E) *Enforcement.* In the event that any water consumer fails to comply with the regulatory action taken by the Village, then the Chairman of the Board may direct the immediate discontinuance of water service to the location which is not in compliance with the restrictions imposed. Water service may be resumed upon the Chairman of the Board being provided adequate evidence to show that compliance has been instituted and that compliance will continue under the restrictions imposed. (*Ord. No. 161, 5/1/06*)

Article 2. Sewer Department

3-201 Municipal Sewer Department; Operation and Funding. The Municipality owns and operates the Municipal Sewer System through the Sewer Commissioner. The Governing Body, for the purpose of defraying the cost of the management and maintenance of the Municipal Sewer System may each year levy a tax not exceeding the maximum limit prescribed by State law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Sewer Maintenance Fund. The Sewer Commissioner shall have the direct management and control of the Sewer Department and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department subject to the supervision and review of the Governing Body. (*Ref. 17-925.01 RS Neb.*)

3-202 Municipal Sewer Department; Definitions. The following definitions shall be applied throughout this Chapter. Where no definition is specified, the normal dictionary usage of the word shall apply.

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

Sewer System. The term "Sewer System" as used in this Code, shall mean and include all facilities for collecting, pumping, treating, and disposing of sewage.

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

Sanitary Sewer. The term "Sanitary Sewer" as used in this Code, shall mean and include a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

Storm Sewer. The term "Storm Sewer" as used in this Code, shall mean and include a sewer which carries storm and surface drainage, but excludes sewage and polluted industrial wastes.

Garbage. The term "Garbage" as used in this Code, shall mean and include solid wastes from the preparation of cooking and dispensing of food and produce.

Properly Shredded. The term "Properly Shredded" as used in this Code, shall mean and include shredding to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle larger than one half ($\frac{1}{2}$) inch in diameter.

Biological Oxygen Demand. The term "Biological Oxygen Demand" as used in this Code, shall mean and include the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C., expressed in parts per million by weight.

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

Suspended Solids. The term "Suspended Solids" as used in this Code, shall mean and include solids that either float on the surface of, or are in immersion in water, sewage, or other liquids, and are removable by filtering.

3-203 Municipal Sewer Department; Application for Permit. Any person wishing to connect with the Sewer System shall make an application in writing to the Municipal Clerk. The Clerk shall then forward the application to the Sewer Commissioner. The Commissioner may require any applicant to make a service deposit in such amount as he deems necessary subject to the review of the Governing Body. Sewer service may not be supplied to any house or building except upon the order of the Sewer Commissioner.

3-204 Municipal Sewer Department; Service to Non-Residents. The Sewer Department shall not supply sewer service to any person outside the corporate limits without special permission from the Governing Body; Provided, that the entire cost of pipe and other installation charges shall be paid by such consumers. Nothing herein shall be construed to obligate the Municipality to provide sewer service to non-residents. (*Ref. 19-2701 RS Neb.*)

3-205 Municipal Sewer Department; Sewer Contract. The Municipality through the Municipal Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The rules, regulations, and sewer rates hereinafter named in this Article, shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers thereof shall constitute a contract between the customer and the Municipality to which said contract both parties are bound. If the customer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Sewer Commissioner, or his agent, may cut off or disconnect the sewer service from the building or premise of such violation. No further connection for sewer service to said building or premise shall again be made save or except by order of the Commissioner or his agent.

3-206 Municipal Sewer Department; Mandatory Hook-up. Upon written notice by the Governing Body the property owner, occupant, or lessee of any premise within the Municipal Sewer District, as indicated on the official map of the Village of Lodgepole, on file in the Municipal Clerk's office, shall without delay cause the said building to be connected with the Sewer System and equipped with inside sewerage facilities. Every building hereafter erected in the Municipal Sewer District shall be connected with the Sewer System at the time of its construction.

In the event that any property owner, occupant, or lessee shall neglect, fail, or refuse, within a period of ten (10) days after notice has been given to him to do so by registered mail or by publication in a newspaper in or of general circulation in the Municipality, to make such connection, the Governing Body shall have the power to cause the same to be done, to assess the cost thereof against the property, and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments.

3-207 Municipal Sewer Department; Direct Connections.
Each and every dwelling must make a direct connection with the main sewer line. Under no circumstances will two (2) or more residences be allowed to make such connections through one (1) pipe.

3-208 Municipal Sewer Department; Service Contracts.
Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the premise where service is furnished, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Sewer Commissioner who shall cause the sewer service to be shut off from the said premise. If the customer should fail to give notice, he shall be charged for that period of time until the official in charge of sewers is otherwise advised of such circumstances.

3-209 Municipal Sewer Department; Installation Procedure.
All taps into the Municipal Sewer mains shall be done by the Municipality under the supervision of the Sewer Commissioner. The Municipality may, in its discretion, install the sewer service line from the main to or near the customer's property line. If the customer installs the sewer service line, he shall be required to follow all rules, regulations, and specifications of the Sewer Commissioner, including type and size of pipe and the requirement of installation of outside clean-out risers at a location satisfactory to the Sewer Commissioner; Provided that said rules, regulations and specifications have been reviewed and approved by

the Governing Body.

In making excavations in streets, alleys, or sidewalks for the purpose of installing pipe, or making repairs, the paving, stones, and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave an excavation made in the street, alley, or sidewalk open at any time without a barricade, and during the night, warning lights. After the house sewer is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property is left open or unfinished for a period of twenty-four (24) hours or more, the Sewer Commissioner shall have the duty to finish or correct the work, and all expenses so incurred shall be charged to the owner, occupant, or lessee of the property. All installations shall require inspection by the Sewer Commissioner. It is the customer's responsibility to notify the Sewer Commissioner at the time the work is ready for inspection.

§3-210 MUNICIPAL SEWER DEPARTEMENT; INSTAL-LATION EXPENSE. The costs of installation of the sewer service line from the sewer main to or near the lot line shall be paid by the customer. In the event that the Municipality installs the sewer service line, the customer shall be required to pay to the Municipality, all costs of materials and labor incurred by the Municipality, including the costs of tapping the main. The customer shall then be required to pay the expense of procuring the materials required as well as the services of a plumber and shall pay all other costs of installation from the lot line to the premises served.

§3-211 MUNICIPAL SEWER DEPARTMENT; REPAIRS AND MAINTENANCE. The Municipality shall repair or replace, as the case may be, all pipe constituting major sewer mains. It shall be the responsibility of the customer to repair or replace, all other sewer pipe and appurtenances from the main to and including the customer's property. All replacements and repairs made by the customer shall be done in the manner and with the materials

approved by the Sewer Commissioner; Provided, that the same have been previously approved by the Governing Body.

§3-212 MUNICIPAL SEWER DEPARTMENT; CLASSIFICATION. The Governing Body may classify for the purpose of rental fees the customers of the Municipal Sewer Department; Provided, that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. (*Ref. 17-925.02 RS Neb.*)

§3-213 MUNICIPAL SEWER DEPARTMENT; RATE SETTING. Customers of the Municipal Sewer Department shall be charged the following flat rate for the use of sewer service. Rates shall be set by ordinance and shall be on file at the office of the Municipal Clerk for public inspection at any reasonable time:

SEWER RATES

Commercial	\$1.50 per tap, per month
Residential	\$1.00 per tap, per month

§3-214 MUNICIPAL SEWER DEPARTMENT; SERVICE DEPOSIT. The Governing Body, in its discretion, may require a service deposit from any or all customers of the Municipal Sewer Department in a sum set by resolution and filed in the office of the Municipal Clerk for public inspection at any reasonable time. From the said fund shall be deducted all delinquent sewer charges. The deposit shall be collected by the Municipal Clerk who shall immediately turn the same over to the Municipal Treasurer who shall keep the deposit in a separate fund for the customers of the Sewer Department. (*Ref. 17-925.01 RS Neb.*)

§3-215 MUNICIPAL SEWER DEPARTMENT; FEES, CHARGES AND COLLECTION. (1) Unless the context specifically indicates otherwise, as used in this section:

NORMAL DOMESTIC WASTEWATER. Wastewater that has a D.O.B. concentration of not more than 200 mg/l and a suspended solids concentration of not more than 240 mg/l.

OPERATION AND MAINTENANCE. All expenditures during the useful life of the treatment works for materials, labor, utilities and other items which are necessary for managing and maintaining the sewage works to achieve the capacity and performance for which such works were designed and constructed.

REPLACEMENT. Expenditures for obtaining and installing equipment, accessories or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed.

RESIDENTIAL CONTRIBUTOR. Any contributor to the treatment works whose lot, parcel of real estate or building is used for domestic dwelling purposes only.

SEWER USE CHARGE. The charge which is levied in a proportional and adequate manner for the cost of operation, maintenance and replacement of the wastewater treatment works.

USEFUL LIFE. The estimated period during which a treatment works will be operated.

WATER METER. A water volume measuring and recording device, furnished and/or installed by the Village, or furnished and/or installed by a user and approved by the Village.

(2) The total sewer charge shall consist of a customer charge as follows:

(a) Customer Charge. The customer charge is four dollars (\$4.00) per month. For multiple dwelling units and for commercial

users served jointly by a single meter, the charge shall be four dollars (\$4.00) times the number of units served by such meter. For trailer courts or camps, the charge shall be four dollars (\$4.00) times the number of units deemed to be the capacity of the court. For hotels, motels and overnight recreational vehicle parks, the charge shall be four dollars (\$4.00) plus one dollar (\$1.00) per rental unit in excess of the first unit.

(b) Sewer Use Charges.

1. The residential rate shall be fifty cents (50¢) per one thousand (1,000) gallons. For residential customers, the monthly charge for the twelve (12) months following May 1 of each year shall be based on average water consumed during the preceding months of January, February and March for that property. Adjustments will be considered for broken underground water service lines providing written proof of repairs is provided to the Water/Sewer Superintendent. Until consumptive history is properly established, and for previously unoccupied residential properties, the monthly charge shall be based on typical residential consumption of three thousand (3,000) gallons.

2. The commercial rate shall be fifty cents (50¢) per one thousand (1,000) gallons. For commercial and industrial customers, the monthly charge for the twelve (12) months following May 1 of each year shall be based on the average water consumed during the preceding months of January, February and March for that property. Until consumptive history is properly established and for previously unoccupied commercial and industrial properties, the Village Clerk shall estimate what the average water consumption will be for the following months of January, February and March, and the monthly charge shall be based upon that estimated average of water consumption. The Village Clerk may change his or her estimate if he or she determines that he or she overestimated or underestimated. Adjustments will be considered for broken underground water service lines providing written proof of repair is provided to the Water/Sewer Superintendent.

For commercial users and industries discharging only nonprocessed, domestic strength wastewater, the rates shall be those set forth above.

3. The minimum charge per month is the Customer Charge and is in addition to the Sewer Use Charge.

4. If the concentration of wastes from any user exceeds 200 mg/l B.O.D. or 240 mg/l SS, such user will be subject to a surcharge. The surcharge shall be based on that amount of waste which exceeds the above concentrations. The charge shall be at the following rates:

B.O.D.	\$.075 per pound
SS	\$.06 per pound

(3) The sewer service charges prescribed by this section shall be collected at the same time, in the same manner and by the same officers as the water charges are collected by the Village and may be included on the same billing or statement that is used for the billing for water service.

(4) Each sewer service charge prescribed by this section shall be a lien upon the premises or real estate on which, or for which, the sewer service was used or supplied from and after the time such amounts are delinquent for a period of five (5) days. The Village Clerk shall, on June 1 of each year, or at such other times during the Municipal year that he or she deems it necessary to protect the interests of the Village, report to the Board of Trustees a list of all unpaid accounts due for sewer service, together with a description of the premises or real estate on which or for which the sewer service was used or supplied. Such report shall be examined and, if approved by the Board of Trustees, shall be certified by the Village Clerk to the County Clerk giving the amounts due and the description of such premises or real estate. Such amounts shall be certified, assessed, collected and returned in the same manner as

other Municipal taxes. Such sewer service charges are also the personal liability of the owner of such premises or real estate and may also be recovered by the Village in an action at law by the Village against such owner. When any sewer service charge becomes delinquent for nonpayment, water service and sewer service of such user may be discontinued until payment is made and a reconnection charge of twenty-five dollars (\$25.00) is paid.

(5) There are hereby established the required accounts for the purpose of managing the revenues derived and to be derived from the Village's sanitary sewerage system.

(6) Sewer use rates shall be reviewed at least biannually and shall be revised as necessary to keep revenues reasonably in balance with anticipated expenditures. This review shall include an analysis of the balance credited to the Repair and Replacement Account, such that sufficient funds are accrued to provide for the expected replacement costs of the wastewater works. Adequate funds shall continue the fair and equitable distribution of all costs to all of the users of the system.

(7) Excess funds shall be carried forward from year to year in the respective accounts. Funds transferred from other sources for temporary shortages in the Operation and Maintenance or Repair and Replacement Accounts shall be returned to those respective Accounts upon adjustment of user charge rates. The rates shall be adjusted such that the funds transferred will be returned to their respective accounts in the fiscal year following the year in which the funds were transferred.

(8) Users shall be provided with written notice annually, in conjunction with a regular bill, of the rate being charged for the operation and maintenance, including replacement, of the wastewater treatment works. Such notice shall be provided to users after the review of rates provided for in subsection (6) hereof and shall include the findings and determination of such review.

(9) Any user discharging toxic pollutants to the system shall pay for such increased costs of managing the effluent or sludge by the treatment works. Charges shall be as deemed necessary by the Village to recover the increased costs. (*Amended by Ord. Nos. 133, 4/6/98; 149, 2/3/03*)

§3-216 MUNICIPAL SEWER DEPARTMENT; UNLAWFUL USE. It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, surface drainage, or unpolluted industrial process waters into the sanitary sewer.

§3-217 MUNICIPAL SEWER DEPARTMENT; UNLAWFUL USE. It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, surface drainage, or unpolluted industrial process waters into the sanitary sewer. Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes into the Municipal Sewer System:

1. Liquids or vapors having a temperature higher than one hundred fifty (150) degrees F.
2. Water or waste which may contain more than one hundred (100) parts per million by weight of fat, oil or grease.
3. Gasoline, benzene, naphtha, fuel oil, other flammable or explosive liquid, solid, or gas.
4. Garbage that has not been properly shredded.
5. Sand, mud, metal, rags, paper, or other solid or viscous substance capable of causing obstruction to the flow in the sewer system.
6. Toxic or poisonous substances in sufficient quantity to interfere with or injure the sewage treatment process, constitute a hazard to humans, animals, or fish, or create any hazard in the receiving area of the sewage treatment plant.

7. Suspended solids of such character and quantity that unusual attention or expense is required to handle such materials.
8. Waters or wastes having a pH lower than 5.5 or higher than 9.0 or having other corrosive properties capable of causing damage to the structures, equipment, and personnel of the Municipal Sewer Department.
9. Any noxious or malodorous gas or substance capable of creating a public nuisance.

§3-218 MUNICIPAL SEWER DEPARTMENT; SPECIAL EQUIPMENT. In the event a customer of the Municipal Sewer Department discharges an unusually large amount of waste daily, an unusually large amount of grease or oil, or waste with an unusually high biochemical oxygen demand the Sewer Commissioner may require the said customer to install interceptors or other preliminary treatment equipment to reduce the objectionable characteristics of the waste to within such maximum limits as he shall prescribe subject to the review of the Governing Body. All preliminary treatment facilities shall be purchased and maintained continuously in satisfactory and efficient operation at the customer's expense. Nothing herein shall be construed to prohibit a special agreement or arrangement between the Governing Body and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Municipality for treatment subject to additional rental fees or other charges.

§3-219 MUNICIPAL SEWER DEPARTMENT; INSPECTIONS. The Sewer Commissioner or his authorized agents, shall have free access at any reasonable time to all parts of each premise and building which is connected with the Sewer System to ascertain whether there is any disrepair or violations of this Article therein.

§3-220 MUNICIPAL SEWER DEPARTMENT; COMPLAINTS. Any consumer feeling himself aggrieved by reason of

any controversy with the Sewer Commissioner or Municipal Clerk may appear before the Governing Body and present his grievance. Any consumer who considers himself aggrieved by being required to pay the charge demanded for the use of the sewer, or for the resumption of sewer service after the same shall have been shut off, shall pay such charge under protest, in which event the Municipal Clerk shall write on the receipt given such customer the words, "*Paid Under Protest.*" Such consumer may then present his verified claim in the manner provided for presenting claims to the Governing Body for a refund of the amount so paid under protest. Such claims shall then be considered by the Governing Body in the same manner as other claims against the Municipality.

Lodgepole Code

Article 3. Fire Department

§3-301 MUNICIPAL FIRE DEPARTMENT; OPERATION AND FUNDING. The Municipality operates the Municipal Fire Department through the Municipal Fire Chief and Firemen. The Governing Body, for the purpose of defraying the cost of the management, maintenance, and improving the Fire Department may each year levy a tax not exceeding the maximum limits prescribed by State law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from the said tax shall be known as the Fire Department Fund. The Fund shall be at all times in the possession of the Municipal Treasurer. In addition to the above, the Fire Department is authorized to enter into agreement with the appropriate Rural Fire District for the mutual aid and protection of the residents of both the Municipality and Rural Fire District. The agreement, so entered, shall be on file at the office of the Municipal Clerk for public inspection at any reasonable time. (*Ref. 17-718, 17-953 RS Neb.*)

§3-302 MUNICIPAL FIRE DEPARTMENT; FIRE CHIEF. The Fire Chief shall manage the Fire Department and it shall be his duty to inform the Governing Body when any of the fire engines, hose, ladders, or other apparatus needs repair. Upon the written consent and directive of the Governing Body, the Fire Chief shall cause the repair, improvement, or maintenance of the said equipment and shall personally supervise and approve of the same. It shall be the duty of the Fire Chief to come before the Governing Body at the regular meeting in January of each year to give an annual report to the Governing Body of the general condition and the proposed additions or improvements recommended by him.

§3-303 MUNICIPAL FIRE DEPARTMENT; MEMBERSHIP. The Fire Chief shall appoint no more than twenty-five (25) members for each Fire Department Company subject to the review and approval of the Governing Body. All vacancies shall be filled in this manner. Said members shall be considered to be employees of the Municipality for the purpose of providing them with workmen's compensation and other benefits. Each member shall be entitled to a term life insurance policy in the

amount of at least five thousand (\$5,000.00) dollars for death from any cause to age sixty-five (65) and such policy shall, at the option of the individual fireman, be convertible to a permanent form of life insurance at age sixty-five (65); Provided, that the firemen covered are actively and faithfully performing the duties of their position. The Fire Department shall consist of so many members as may be decided by the Governing Body. The members may organize themselves in any way they may decide, subject to the review of the Governing Body. They may hold meetings and engage in social activities with the approval of the Governing Body. The secretary shall upon request keep a record of all meetings and shall make a report to the Governing Body of all meetings and activities of the Fire Department. The Governing Body may, for services rendered, compensate or reward any member or members of the Fire Department in an amount set by resolution. All members of the Fire Department shall be subject to such rules and regulations, and shall perform such duties, as may be prescribed or required of them by the Fire Chief or the Governing Body. The members of the Fire Department shall, during the time of a fire or great public danger, have and exercise the powers and duties of policemen and shall have full power and authority to arrest all persons guilty of any violation of the Municipal Code, or the laws of the State of Nebraska. (*Ref. 35-101 thru 35-103 RS Neb.*)

§3-304 MUNICIPAL FIRE DEPARTMENT; RECORDS.

The Fire Chief shall keep or cause to be kept a record of all meetings of the Fire Department, the attendance record of all members, a record of all fires, and shall make a full report of such records to the Municipal Clerk each year. The record of any fire shall include the cause, origin, circumstances, property involved, and whether criminal conduct may have been involved. In the event of sizable property damage, he shall include the information of whether such losses were covered by insurance, and if so, in what amount. All records shall be available to the public at any reasonable time.

§3-305 MUNICIPAL FIRE DEPARTMENT; FIRES. It shall be the duty of the Fire Department to use all proper means for the extinguishment of fires; to protect property within the Municipality; and to secure the observance of all ordinances,

laws, and other rules and regulations with respect to fires and fire prevention.

§3-306 MUNICIPAL FIRE DEPARTMENT; OPEN BURNING. The Municipal Fire Department shall have the power to make and enforce all reasonable rules and regulations concerning the building and setting of fires within the corporate limits; Provided, said rules and regulations have been previously approved by the Governing Body.

§3-307 MUNICIPAL FIRE DEPARTMENT; PRESERVATION OF PROPERTY. Any official of the Municipal Fire Department shall have the power during the time of a fire to cause the removal of any private or public property whenever it shall become necessary to do so for the preservation of such property from fire, to prevent the spreading of fire, or to protect adjoining property. The said officials may direct the hook and ladder men to remove any building, erection, or fence for the purpose of checking the progress of any fire, and the official in charge of the fire fighting effort shall have the power to blow up, or cause to be blown up, with powder or otherwise, any building or erection during the progress of a fire for the purpose of extinguishing or checking the same.

§3-308 MUNICIPAL FIRE DEPARTMENT; FIRE INVESTIGATION. It shall be the duty of the Fire Department to investigate or cause to be investigated, the cause, origin, and circumstances of every fire occurring in the Municipality in which property has been destroyed or damaged in excess of fifty (\$50.00) dollars. All fires of unknown origin shall be reported, and such officers shall especially make an investigation and report as to whether such fire was the result of carelessness, accident, or design. Such investigation shall be begun within two (2) days of the occurrence of such fire and the State Fire Marshal shall have the right to supervise and direct the investigation whenever he deems it expedient or necessary. The officer making the investigation of fires occurring within the Municipality shall immediately notify the State Fire Marshal and shall, within one (1) week of the occurrence of the fire, furnish him with a written statement of all the facts relating to the cause and origin

§3-308

Lodgepole Code

§3-308

of the fire, and such further information as he may call for. (*Ref.*
81-506 RS Neb.)

Article 4. Police Department

§3-401 **POLICE DEPARTMENT; DUTIES.** The Police Department shall consist of the Village Marshal and such further number of regular policemen as may be duly ordered by resolution of the Board of Trustees. The Village Marshal shall, subject to the direction of the Chairman of the Board of Trustees, have control and management of all matters relating to the Police Department, its officers and members, and shall have the custody and control all property and books belonging to the department. The Department shall execute and enforce all laws and also the orders of the Chairman. It shall be the duty of the Department to protect the rights of persons and property. There shall be a proper police force at all fires. The Department shall take notice of all nuisances, impediments, obstructions, and defects in the streets, avenues, alleys, business places, and residences of the Municipality. The Department shall execute, or cause to be executed, the processes issued and shall cause all persons arrested to be brought before the proper court for trial as speedily as possible. The Village Marshal and all regular and special policemen shall become thoroughly conversant with the laws of the Municipality, and shall see that the same are strictly enforced and shall make sworn complaints against any person or persons for violation of the same.

Article 5. Parks

3-501 Municipal Parks; Operation and Funding. The Municipality owns and operates the Municipal Parks and other recreational areas through the Street Commissioner. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Park may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Park Fund and shall remain in the custody of the Municipal Treasurer. The Governing Body shall have the authority to adopt rules and regulations for the efficient management of the Municipal Parks and other recreational areas of the Municipality. (*Ref. 17-948 thru 17-952 RS Neb.*)

3-502 Municipal Parks; Injury to Property. It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub. It shall be unlawful for any person to injure or destroy any sodded or planted area, or injure or destroy any building, structure, equipment, fence, bench, table, or any other property of the Municipal Parks and recreational areas. No person shall commit any waste on or litter the Municipal Parks or other public grounds.

Article 6. Library

3-601 Municipal Library; Operation and Funding. The Municipality owns and manages the Municipal Library through the Library Board. The Governing Body, 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 Municipality 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 Municipal Library. The Library Fund shall at all times be in the custody of the Municipal Treasurer. The Board shall have the power and authority to appoint the librarian and to hire such other employees as they may deem necessary and may pass such other rules and regulations for the operation of the Library as may be proper for its efficient operation. All actions by the Board shall be under the supervision and control of the Governing Body. (*Ref. 51-201, 51-202, 51-211 RS Neb.*)

3-602 Municipal Library; 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 surplus, damaged, defective, obsolete, or duplicate books so disposed of. (*Ref. 51-207 RS Neb.*)

3-603 Municipal Library; Rules and Regulations. The Library Board shall establish rules and regulations for the governing of the Municipal Library for the preservation and efficient management thereof. They shall fix and impose by general rules, 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. (*Ref. 51-205, 51-214 RS Neb.*)

3-604 **Municipal Library; Damaged and Lost Books.** Any person who injures or fails to return any book taken from the Library shall forfeit and pay to the Library not less than the value of the book in addition to any replacement costs and penalty which the Library Board may assess. (*Ref. 51-211 RS Neb.*)

3-605 **Municipal 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 to be guilty of a misdemeanor. (*Ref. 51-211 RS Neb.*)

3-606 **Municipal Library; Money Collected.** Any money collected by the Library shall be turned over monthly by the Librarian to the Municipal Treasurer along with a report of the sources of the revenue. (*Ref. 51-209 RS Neb.*)

Article 7. Electrical System

3-701 Municipal Electrical System; Ownership. The Municipality owns and operates the Municipal Electrical System through the Light Commissioner. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Electrical System may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Electrical Fund and shall remain in the custody of the Municipal Treasurer. The Light Commissioner shall have the direct management and control of the Municipal Electrical System and shall faithfully carry out the duties of his office. He shall have the authority to adopt rules and regulations for the safe and efficient management of the Electrical System subject to the supervision and review of the Governing Body. The Governing Body shall by ordinance, set the rates to be charged for services rendered and shall file the same in the office of the Municipal Clerk for public inspection at any reasonable time. (*Ref. 17-902 thru 17-904, 17-906, 17-909 RS Neb.*)

3-702 Municipal Electrical System; Contracts and Terms. The Municipality through its Electrical Department, shall furnish electric current for light and power purposes to persons whose premises abut on any supply wire of the distribution system and may furnish electric current to such other persons within or without its corporate limits, as and when, according to law the Governing Body may see fit to do so. The rules, regulations, and rates for electric service, hereinafter named in this Article, shall be considered a part of every application hereafter made for electric service and shall be considered a part of the contract between every consumer now served by the Electrical Department. Without further formality, the making of application on the part of any applicant or the use or consumption of electric energy by present customers and the furnishing of electric service to said applicant or customer shall constitute a contract between applicant or customer and the Municipality, to which both parties are bound.

If a customer should violate any of the provisions of said contract or any reasonable rules and regulations that the Electrical Department may hereafter adopt, the Light Commissioner, or his agent, shall cut off or disconnect the electric service from the building or place of such violation and no further connection of electric service for such building or place shall again be made save or except by order of the Commissioner or his agent.

§3-703 MUNICIPAL ELECTRIC SYSTEM; CONSUMER'S APPLICATION. Every person or persons desiring electrical service must make application therefor to the Light Commissioner. Any applicant shall be required to make a service deposit of two hundred (\$200.00) dollars before service shall be supplied. Electricity may not be supplied to any house or building except upon the order of the Light Commissioner. The System shall not supply to any person outside the corporate limits electrical service without special permission from the Governing Body; Provided, that the entire cost of wire, installation, and other expenses shall be paid by the consumer. Nothing herein shall be construed to obligate the Municipality to supply electrical service to non-residents. (*Ref. 17-902, RS. Neb.*) (*Amended by Ord. No. 220, 7/11/16*)

§3-704 MUNICIPAL ELECTRIC SYSTEM; ELECTRICAL SERVICE CONTRACTS. Contracts for electrical service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall sell, dispose, or remove from the, premise where service is furnished in his name, or if the said premise is destroyed by fire or other casualty, he shall at once inform the Light Commissioner who shall cause the electrical service to be shut off from the said premise. If the consumer should fail to give such notice, he shall be charged for all electricity used on the said premise until the Light Commissioner is otherwise advised of such circumstances. (*Ref. 17-902 RS Neb.*)

§3-705 MUNICIPAL ELECTRIC SYSTEM; INSTALLATION EXPENSE. The expense of installation and equipment up to and including the electrical meter shall be paid by the Municipality. The customer shall pay to the Municipality a fifteen (\$15.00) dollar hook-up fee for this service and shall be responsible for the expense of installation and wiring from the meter to the points of distribution; Provided that on all electrical installations hereafter made, there shall be required a meter main disconnect which shall be installed by the Municipality with the customer paying one half ($\frac{1}{2}$) of the expense of the materials necessary for said disconnect. (*Ref. 17-902 RS Neb.*)

§3-706 MUNICIPAL ELECTRIC SYSTEM; FEES AND COLLECTIONS. The Governing Body has the power and authority to fix the rates to be paid by electrical consumers. All rates shall be on file for public inspection at the office of the Municipal Clerk. The Municipal Clerk shall bill the consumers and collect all money received by the Municipality on the account of the Municipal Electrical System. (*Ref. 17-902 RS Neb.*) (*Amended by Ord. Nos. 65, 12/5/77; 150, 3/3/03*)

§3-707 MUNICIPAL ELECTRIC SYSTEM; MINIMUM RATES. (*Repealed by Ord. No. 66, 12/5/77*)

§3-708 MUNICIPAL ELECTRIC SYSTEM; SERVICE DEPOSIT FUND. The service deposit of twenty-five (\$25.00) dollars required for electrical service shall be promptly paid upon demand by all customers of the Electrical System. From the said deposit shall be deducted all delinquent electrical charges. The service deposit shall be collected by the Municipal Clerk and immediately turned over to the Municipal Treasurer who shall keep the said fees in a trust fund for the customers of the Electrical System.

§3-709 MUNICIPAL ELECTRICAL SYSTEM; DELINQUENT PAYMENTS. Electrical fees shall be due and payable at the office of the Municipal Clerk on the tenth (10th) day of each month. If said fees are not paid on or before the tenth (10th) day of the month of the month that the same are due, said electrical fees shall have a penalty assessed which shall also be due and payable, in the amount of ten percent (10%) of said monthly electrical fee. In addition, if said electrical fees are not paid by the fifteenth (15th) day of the month after the same become due, the electricity will be turned off after seven (7) days notice by mail to the subscriber and not turned on again until all back fees and charges are paid, including said ten percent (10%) penalty charge; provided, however, if the delinquent customer is a known welfare recipient, it shall be the duty of the Municipal Clerk to notify the customer and also the Cheyenne County office of the Department of Social Services by certified mail of the proposed termination of service. The owner of the premise will in all cases be held primarily responsible and will be required to pay for electricity at such premise. (Ref. 17-902, 19-1404 RS Neb.) (Amended by Ord. No. 113, 4/5/93)

§3-710 MUNICIPAL ELECTRICAL SYSTEM; RESTRICTED USE. The Municipal Electrical System does not guarantee the delivery of electric current over the lines of the distribution system except when it has sufficient power, current, equipment, and machinery to do so. The Light Commissioner has the power and authority to disconnect or discontinue such service for any good and sufficient reason without liability. The Municipality shall use due care and reasonable diligence to provide and supply uninterrupted service to consumers, but shall not be liable for damages resulting from interruption of service due to causes over which the Municipality has no control and the Municipality expressly reserves the right to discontinue or disconnect any consumer's service without preliminary notice. (Ref. 17-902 RS Neb.)

§3-711 MUNICIPAL ELECTRICAL SYSTEM; BUILDING MOVING. Should any house or building moving occur or be necessary and it becomes necessary in said work to remove or disturb any of the property or wires of the Municipal Electrical System, the

same should not be done except upon written permission received from the Light Commissioner, who shall then order paid in advance the actual cost of moving the said wires and such cost shall be paid by the applicant prior to the moving of the building or house. All expense of removing, changing, and replacing the said wires or apparatus of the Electrical System shall be paid out of the deposit made prior to moving and any surplus remaining after all expenses are paid shall be returned to the applicant; Provided, that if in the course of moving the said building or house it becomes apparent that additional expense will be incurred, such additional deposit as deemed necessary may be demanded.

§3-712 MUNICIPAL ELECTRICAL SYSTEM; METER IN DISREPAIR. In the event that any customer's meter falls out of repair or fails to register properly, the Municipal Clerk shall charge such customer the same amount billed one (1) year previous to such disrepair. In the event that there is no such basis for comparison, the Clerk shall charge the customer such amount as he deems is fair both to the customer and the Municipality.

§3-713 MUNICIPAL ELECTRICAL SYSTEM; TREES INTERFERING WITH ELECTRIC LINES. It shall be unlawful for any person to plant trees or bushes under electric lines located on public streets and alleys if said trees shall interfere, disrupt, or damage said lines.

§3-714 MUNICIPAL ELECTRICAL SYSTEM; TRIMMING TREES. Any person desiring to cut or remove trees or branches thereof in close proximity to the lines of the Municipal Electrical System shall, before doing the said work, give reasonable written notice to the Light Commissioner and shall follow any and all rules and regulations which he may prescribe for doing such work. It shall be unlawful for any person felling or removing such trees or branches to disrupt or damage the lines without first giving proper notice and receiving permission in writing to do so. Whenever it becomes

necessary to protect the lines or property of the Electrical System, the Governing Body shall have the power to order cut and removed any overhanging branches, or limbs of trees so that the lines will be free and safe.

§3-715 MUNICIPAL ELECTRICAL SYSTEM: COMPLAINTS. Any consumer feeling himself aggrieved by reason of any controversy with the Light Commissioner or Municipal Clerk may appear before the Governing Body and present his grievance. Any consumer who considers himself aggrieved by being required to pay the charge demanded for the use of electric service, or for the resumption of electric service after the same shall have been shut off, shall pay such charge under protest, in which event the Municipal Clerk shall write on the receipt given such customer the words, "*Paid Under Protest.*" Such consumer may then present his verified claim in the manner provided for presenting claims to the Governing Body for a refund of the amount so paid under protest. Such claims shall then be considered by the Governing Body in the same manner as other claims against the Municipality.

Lodgepole Code

Article 8. Budget Billing and Automatic Payments

§ 3-801 BUDGET BILLING GUIDELINES. (A) The customer account balance must be paid in full before the customer qualifies to enroll in the budget billing option.

(B) The customer must be a resident of Lodgepole for a year prior to enrolling in the budget billing option and OWN the residence where he/she has been residing the prior year.

(C) In determining the history used for budget billing amounts January 1 through December 31 of the year just prior to the sign-up period will be used. The budget billing amount will be adjusted annually.

(D) The sign-up period will be from March 1 to April 15 of each year. If a customer requests budget billing at a time other than the sign-up period, the Clerk will receive the request and present it to the Board for approval.

(E) Payments must be received by the tenth (10th) of each month. If a payment is received after the tenth (10th) of the month, the budget billing option will be removed from the customers account.

(F) Over-payments will be credited to the billing month of January. Under-payments will be billed to the billing month of January.

(G) All utilities (electric, water, sewer and sanitation) must be purchased from the Village. (*Ord. No. 177, 1/4/10*)

§ 3-802 AUTOMATIC PAYMENTS. (A) The customer account balance must be paid up to date.

(B) The customer will receive a copy of the billing in the mail.

(C) The payment will be withdrawn on the tenth (10th) of the month. If the tenth (10th) falls on a weekend, the withdrawal will be on the following Monday.

(D) The customer may request to be taken off automatic payments at anytime. A written request is preferred ten (10) days prior to the due date. (*Ord. No. 177, 1/4/10*)

Lodgepole Code

Article 10. Utilities Generally

§3-901 UTILITIES GENERALLY; LANDLORD RESPONSIBILITY. (A) All landlords shall be required to sign an Owner's Consent form agreeing to pay all unpaid utility charges for their property before a tenant's utility application will be accepted and the landlord re-connect fee waiver will be allowed.

(B) All unpaid utility charges after final billing and/or disconnect of electricity, which include light, water, sewer and trash, shall be the primary responsibility of the property owners of any rental properties within the Village. Any utility deposit paid by the tenant shall be credited to the account.

(C) Prior to disconnection of utilities from any known rental units within the Village, the property owner shall be given a five (5) day notice of the failure of the renter to pay such bills when due.

(D) In the event the renter and the owner fail to pay such utility charges within the time set forth in the Village ordinances, the utilities to such property shall be disconnected.

(E) Upon payment in full by the owner of the property, the re-connection charges shall be waived. Waiver of a re-connection fee will not be granted for partial payment of the past due utility charges. The re-connection fee shall not be waived for a tenant. (*Ord. No. 218, 8/1/16*)

Lodgepole Code

Article 10. Penal Provision

§3-1001 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 one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

Lodgepole Code

Chapter 4

HEALTH AND SANITATION

Article 1. General Provisions

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

4-102 Health; Enforcement Official. The Village Marshal, as the Quarantine Officer, shall be the chief health officer of the Municipality. It shall be his duty to notify the Governing Body and the Board of Health of health nuisances and of every case of contagious, infectious, or malignant disease.

4-103 Health; State Rules. The "Rules and Regulations Relating to Public Health," Department of Health of the State of Nebraska are hereby incorporated by reference when the same are applicable to the Municipality, in their present form and as they may hereafter be amended. Three (3) copies of the said pamphlet are filed at the office of the Municipal Clerk and shall be available for public inspection at any reasonable time. (*Ref. 18-132 RS Neb.*)

4-104 Health; County Health Board. It shall be the duty of the Board of Health to work closely with the County Health Board in protecting the health and welfare of the residents of the Municipality.

Article 2. Garbage Disposal

§4-201 Garbage; Defined. The term “garbage” as used herein shall be defined to mean kitchen refuse, decayed waste, dead animals, or anything that may decompose and become offensive to the public health.

§4-202 Rubbish; Defined. The terms “rubbish” or “trash” as used herein shall be defined as discarded machinery, chips, pieces of wood, sticks, dead trees, branches, bottles, broken glass, crockery, tin cans, boxes, papers, rags, or any other litter or debris that is not an immediate hazard to the health of the residents of the Municipality.

§4-203 Waste; Defined. The term “waste” as herein defined shall mean cinders, ashes, plaster, brick, stone, sawdust, or sand.

§4-204 Garbage, Trash, and Waste. No person may permit garbage, rubbish, waste, or refuse to collect and all persons shall remove the same from their property within twenty-four (24) hours after being notified to do so by the Village Marshall who shall represent the Board of Health.

§4-205 Garbage; Unlawful Burning. It shall be unlawful for any person or persons to burn any garbage, human, animal or fowl waste in any form within the corporate limits of the Municipality.

§4-206 Use of Village Refuse Disposal. An owner or primary occupant of a house, building or property used for human occupancy, employment, recreation or other purposes, situated in the Village and abutting on any street, alley or right-of-way within the Village, is hereby required at the expense of such owner or occupant, to obtain Village trash services to dispose of refuse, or to provide proof to the City Clerk of the owner’s subscription to the services of another licensed trash services provider. (*Ord. No. 213, 6/1/15*)

Article 3. Nuisances

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

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

(Ref. 17-207, 18-1720 RS Neb.)

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

- (1) Any odorous, putrid, unsound or unwholesome grain, meat, hides, skins, feathers, vegetable matter, or the whole or any part of any dead animal, fish or fowl.
- (2) Privies, vaults, cesspools, dumps, pits or like places which are not securely protected from flies or rats, or which are foul or malodorous.
- (3) Filthy, littered or trash-covered cellars, houseyards, barnyards, stablyards, factory yards, mill yards, vacant areas in rear of stores, granaries, vacant lots, houses, buildings, or premises.
- (4) Animal manure in any quantity which is not securely protected from flies and the elements, or which is kept or handled in violation of any ordinance of the Municipality.

(5) Liquid household waste, human excreta, garbage, butcher's trimmings and offal, parts of fish or any waste vegetable or animal matter in any quantity; provided, nothing herein contained shall prevent the temporary retention of waste in receptacles in a manner provided by the health officer of the Municipality, nor the dumping of non-putrifying waste in a place and manner approved by the health officer.

(6) Tin cans, bottles, glass, cans, ashes, small pieces of scrap iron, wire metal articles, bric-a-brac, broken stone or cement, broken crockery, broken glass, broken plaster, and all trash or abandoned material, unless the same be kept in covered bins or galvanized iron receptacles.

(7) Trash, litter, rags, accumulations of barrels, boxes, crates, packing crates, mattresses, bedding, excelsior, packing hay, straw or other packing material, lumber not neatly piled, scrap iron, tin or other metal not neatly piled, tree limbs and branches, old automobiles, trucks and other motor vehicles or parts thereof, automobile, truck or other motor vehicle bodies, chassis or parts thereof, or any waste materials when any of said articles or materials create a condition in which flies or rats may breed or multiply, or which may be a fire danger or which are so unsightly as to depreciate property values in the vicinity thereof.

(8) Any unsightly building, billboard, or other structure, or any old, abandoned or partially destroyed building or structure or any building or structure commenced and left unfinished, which said buildings, billboards or other structures are either a fire hazard, a menace to the public health or safety, or are so unsightly as to depreciate the value of property in the vicinity thereof.

(9) All places used or maintained as junk yards, or dumping grounds, or for the wrecking and disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn-out, wrecked or abandoned automobiles, trucks, tractors, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are

kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others, or which are so unsightly as to tend to depreciate property values in the vicinity thereof.

(10) Stagnant water permitted or maintained on any lot or piece of ground.

(11) Stock yards, granaries, mills, pig pens, cattle pens, chicken pens or any other place, building or enclosure, in which animals or fowls of any kind are confined or on which are stored tankage or any other animal or vegetable matter, or on which any animal or vegetable matter including grain is being processed, when said places in which said animals are confined, or said premises on which said vegetable or animal matter is located, are maintained and kept in such a manner that foul and noxious odors are permitted to emanate therefrom, to the annoyance of inhabitants of the Municipality, or are maintained and kept in such a manner as to be injurious to the public health.

(12) All other specific acts, omissions, places, conditions and things which constitute a nuisance as generally defined in section 4-301 of this Code and not specifically defined in this section.

(13) All other things specifically designated as nuisances elsewhere in this Code. (*Ref. 17-207, 18-1720 RS Neb.*) (*Amended by Ord. No. 142, 5/7/01*)

§4-303 NUISANCES; ABATEMENT PROCEDURE.

It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate in the Municipality to keep such real estate free of public nuisances. Notice to abate and remove such nuisance shall be given to each owner or each owner's duly authorized agent and to the occupant, if any, by personal service or certified mail, with said notice to be signed by the Chairman of the Board of Trustees of the Village. If, within five (5) days after receipt of such notice, the owner or occupant of the lot or piece of ground does not request a hearing with the Board of Trustees, and fails to comply with the order to abate and remove the nuisance, the Board of Trustees may have such work done and completed after which a statement of the cost of such work shall be transmitted to the owner

and occupant and the Village may thereafter levy the costs as a special assessment against the land. Such special assessment shall be a lien upon the real estate and shall be collected in the manner provided for special assessments. If within said five (5) day period the owner or occupant requests in writing a hearing before the Board of Trustees, then said hearing shall be held within thirty (30) of said written request, at which time the Board of Trustees shall hear all objections made by interested parties and shall hear evidence submitted. If, after, consideration of all of the evidence, the Board of Trustees shall find that said condition is a public nuisance, it shall, by resolution, order and direct the owner, occupant, lessee or mortgagee to remedy and abate said public nuisance within five (5) days. If within five (5) days the owner or occupant of the lot or piece of ground does not remedy and abate said public nuisance, the Board of Trustees may have such work done and completed after which a statement of the cost of such work shall be transmitted to the owner and occupant and the Village may thereafter levy the costs as a special assessment against the land, with such special assessment to be a lien upon the real estate to be collected in the manner provided for special assessments. (*Ref. 17-207, 18-1720 RS Neb.*) (*Amended by Ord. Nos. 67, 11/7/77; 142, 5/7/01*)

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

§4-305 NUISANCES; DIRECT ACTION IN COURT.

In addition to any other remedies the law may provide, and in addition to the abatement procedures set forth in section 4-303 of this Code, and in addition to the penal provisions set forth in section 4-401 of this Code, the Village, may at the discretion of the Board

of Trustees bring an action in any court of competent jurisdiction to enjoin and/or abate any such nuisance, in the manner provided by law. Said action in any court of competent jurisdiction may be brought prior to notification to the owner, occupant, lessee, mortgagee or agent thereof and may be brought in the absence of any abatement procedure set forth in section 4-303 of this Code. *(Ord. No. 142, 5/7/01)*

Lodgepole Code

Article 4. Penal Provisions

§4-401 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 one hundred dollars (\$100.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

§4-402 ABATEMENT OF NUISANCES. Whenever, in any action or proceeding set forth in section 4-401 of this Code, it is established that a nuisance exists, the court may together with a fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. *(Ref. 18-1720 RS Neb.) (Amended by Ord. No. 142, 5/7/01)*

Lodgepole Code

Chapter 5
TRAFFIC REGULATIONS

Article 1. Municipal Traffic Regulations

§5-101 **DEFINITIONS.** The words and phrases used in this Chapter, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Chapter 39 of the Reissued Revised Statutes of Nebraska, 1943, as now existing or hereafter amended. If not defined in the designated statute, the word or phrase shall have its common meaning. *(Ref. 39-602 RS Neb.)*

§5-102 **TRUCK ROUTES.** The Governing Body may, by resolution, designate certain streets in the Municipality that trucks shall travel upon, and it shall be unlawful for persons operating such trucks to travel on other streets than those designated for trucks, unless to pick up or deliver goods, wares, or merchandise, and in that event, the operator of such truck shall return to such truck routes as soon as possible in traveling through, or about the Municipality. The Governing Body shall cause notices to be posted, or shall erect signs indicating the streets so designated as truck routes. *(Ref. 39-6,189 RS Neb.)*

§5-103 **TRAFFIC LANE; DESIGNATION.** The Governing Body may, by resolution, mark lanes for traffic on street pavements at such places as it may deem advisable. *(Ref. 39-697 RS Neb.)*

§5-104 **ARTERIAL STREETS; DESIGNATION.** The Governing Body may, by resolution, designate any street or portion thereof as an arterial street and shall provide for appropriate signs or markings when such street has been so designated. *(Ref. 39-697 RS Neb.)*

§5-105 **TURNING; GENERALLY.** Vehicles turning to the right into an intersecting street shall approach such intersection in the lane of traffic nearest to the right hand side of the highway and must turn the corner as near the right hand curb as possible to keep between the curb to the right and the center

§5-108 **SIGNS, SIGNALS.** The Governing Body may, by resolution, provide for the placing of stop signs, or other signs, signals, standards, or mechanical devices in any street or alley under the Municipality's jurisdiction for the purpose of regulating, or prohibiting traffic thereon. Such resolution shall describe the portion of the street or alley wherein traffic is to be regulated or prohibited; the regulation or prohibition; the location where such sign, signal, standard or mechanical device shall be placed; and the hours when such regulation or prohibition shall be effective. It shall be unlawful for any person to fail, neglect, or refuse to comply with such regulation, or prohibition. (*Ref. 39-609 thru 39-611, 39-697 RS Neb.*)

§5-109 **STOP SIGNS.** Every person operating any vehicle shall, upon approaching any stop sign erected in accordance with the resolution prescribed heretofore, cause such vehicle to come to a complete stop before entering or crossing any street, highway, or railroad crossing. The vehicle operator shall stop at a marked stop line, or, if there is no stop line, before entering the crosswalk; but if neither is indicated, then as near the right-of-way line of the intersecting roadway as possible. (*Ref. 39-609 thru 39-611, 39-697 RS Neb.*)

§5-206 **SPEED, NEAR SCHOOLS.** It shall be unlawful for the driver of any vehicle, when passing premises on which school buildings are located, and which are used for school purposes, during school recess, or while children are going to, or leaving school during the opening or closing hours to drive such vehicle at a rate of speed in excess of fifteen (15) miles per hour past such premises, and such driver shall stop at all stop signs located at, or near, such school premises. *(Ref. 39-663 RS Neb.)*

§5-207 **NEGLIGENT DRIVING.** Any person who operates a motor vehicle in such a manner as to indicate a want of ordinary care and caution that a person of ordinary prudence would use under like circumstances shall be deemed guilty of negligent driving. *(Ref. 39-669.26 RS Neb.)*

§5-208 **UNNECESSARY TIRE NOISE.** Any person who drives, uses, operates, parks or stops any motor vehicle in such a manner as to cause unnecessary tire noise shall be deemed guilty of causing unnecessary tire noise.

§5-209 **DRIVING ABREAST.** Two (2) or more vehicles shall not be driven abreast except when passing, or when traversing a multi-lane or one-way street; Provided, motorcycles may be driven no more than two (2) abreast in a single lane. *(Ref. 39-628, 39-694 RS Neb.)*

§5-210 **EMERGENCY; REGULATIONS.** The Village Marshal is hereby empowered to make and enforce temporary traffic regulations to cover emergencies. *(Ref. 81-2005 RS Neb.)*

§5-211 **POLICE; ENFORCEMENT.** The Village Marshal is hereby authorized, empowered, and ordered to exercise all powers, and duties, with relation to the management of street traffic and to direct, control, stop, restrict, regulate, and, when necessary, temporarily divert, or exclude, in the interest of public safety, health, and convenience the movement of pedestrian, animal, and vehicular traffic of every kind in streets, parks, and on bridges. The driver of any vehicle shall stop upon the signal of any police officer. *(Ref. 39-6,192 RS Neb.)*

Article 3. Bicycles

§5-301 **BICYCLE; OPERATION.** No person shall ride or propel a bicycle on a street or other public highway of this Municipality with another person on the handlebars or in any position in front of the operator.

No bicycle shall be ridden faster than is reasonable and proper, but every bicycle shall be operated with reasonable regard to the safety of the operator and any other persons upon the streets and public highways.

Persons riding bicycles shall observe all traffic signs and stop at all stop signs.

No bicycle shall be permitted on any street or other public highway from one half (1/2) hour after sunset and one half (1/2) hour before sunrise without a headlight, visible under normal atmospheric conditions, from the front thereof for not less than five hundred (500') feet indicating the approach or presence of the bicycle, firmly attached to such bicycle, and properly lighted, or without a yellow, or red light reflector attached to, and visible five hundred (500') feet from the rear thereof. The said headlight shall give a clear, white light. (*Ref. 39-688, 39-690, 39-691 RS Neb.*)

§5-302 **CLINGING TO MOTOR VEHICLE.** No person riding upon any bicycle or roller skates shall attach the same or himself to any moving vehicle upon any roadway, and it shall be unlawful for the driver of any vehicle to suffer or permit any person traveling upon any bicycle or roller skates to cling to or attach himself or his bicycle, or roller skates, to such vehicle so driven and operated by him. (*Ref. 39-689 RS Neb.*)

§5-405 **PARKING; OBSTRUCTING ALLEY.** No vehicle, while parked shall have any portion thereof projecting into any alley entrance. *(Ref. 39-697 RS Neb.)*

§5-406 **PARKING; ALLEYS.** No vehicle shall be parked in any alley, except for the purpose of loading or unloading during the time necessary to load or unload, which shall not exceed the maximum limit of one half (1/2) hour. Every vehicle while loading or unloading in any alley shall be parked in such manner as will cause the least obstruction possible to traffic in such alley. *(Ref. 39-697 RS Neb.)*

§5-407 **PARKING; TRUCKS CONTAINING FLAMMABLE GASES AND LIQUIDS.** No truck containing flammable gases or liquids shall park or stop for any period of time in the residential district except for the purpose of loading or unloading cargo in the ordinary course of business. *(Ref. 39-697 RS Neb.)*

§5-408 **PARKING; OVERNIGHT.** It shall be unlawful for any truck with an overall length of more than twenty (20') feet to park overnight within the Municipality, except in those areas designated for said parking by the Governing Body.

§5-409 **PARKING; RESERVED FOR HANDICAPPED.** The Governing Body and any person in lawful possession of any off-street parking facility may designate parking spaces for the exclusive use of disabled persons whose vehicles display the distinguishing license plates issued to such individuals pursuant to Section 60-311.14 RS Neb., such other handicapped persons, as certified by the Governing Body, whose vehicles display the identification as determined by the Department of Motor Vehicles, and such other motor vehicles, as certified by the Governing Body, which display such identification. All such permits shall be displayed in the operator's area in a conspicuous location upon the vehicle's dashboard or its equivalent. Whenever the Governing Body so designates a parking space, it shall be indicated by a sign which is in conformance with the nineteenth (19th) edition of the Federal Highway Administration Manual on Uniform Traffic Control Devices for Streets and Highways. In addition to such sign the space may

cally handicapped persons. Such applications shall be forwarded to the Department of Motor Vehicles.

The permit shall be a card not less than four (4") inches by four (4") inches in size constructed so that it may be easily and conspicuously displayed from a vehicle's rearview mirror and on which is prominently displayed the date of expiration, the internationally accepted wheelchair symbol, which symbol is a representation of a person seated in a wheelchair surrounded by a border six units wide by seven units high, and an identifying number on the front of the card. The color of the permit issued to handicapped or disabled persons or for the transportation of handicapped or disabled persons shall be white on blue. The permit issued to temporarily handicapped or disabled persons or for the transportation of temporarily handicapped or disabled persons shall be a special distinguishing color as determined by the Department of Motor Vehicles. The name, address, phone number, date of birth, and age of the handicapped or disabled person to whom issued shall appear on the reverse side. The name, address, and phone number of the party to whom issued and the license plate number of the motor vehicle for which the permit is issued shall appear on the reverse side of the permit if such permit is issued for a motor vehicle used primarily for the transportation of handicapped or disabled or temporarily handicapped or disabled persons.

No permit shall be issued to any person for any motor vehicle if any valid handicapped parking permit has been issued to such person or for such motor vehicle if such permit has been suspended pursuant to this Section.

A duplicate permit may be provided by the Department of Motor Vehicles without cost if the original permit is destroyed, lost, or stolen. Such duplicate permit shall be valid for the remainder of the period for which the original permit was issued.

All permits authorized under this Section shall be issued for a period ending January One (1) of the fourth (4th) year following the date of issuance. A permit fee of three (\$3.00) dollars shall be charged for each permit, two dollars and fifty cents (\$2.50) of which shall be retained by the Municipal Clerk and fifty cents (\$.50) of which shall be forwarded to the Department of Motor Vehicles.

§5-411

Traffic Regulations

§5-411

§5-411 **PARKING; MAXIMUM TIME LIMIT.** The parking of a motor vehicle on a public street for over seventy-two (72) consecutive hours is unlawful, except where a different maximum time limit is posted. (*Ref. 39-697 RS Neb.*)

ORDINANCE NO. 254

AN ORDINANCE OF THE VILLAGE OF LODGEPOLE, CHEYENNE COUNTY, NEBRASKA. AUTHORIZING THE OPERATION OF OFF-ROAD VEHICLES ON STREETS WITHIN THE CORPORATE LIMITS OF THE VILLAGE; ESTABLISHING REGULATIONS AND REQUIREMENTS FOR SUCH OPERATION AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; AND TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF LODGEPOLE, NEBRASKA.

BE IT ORDAINED BY THE CHAIRMAN AND VILLAGE BOARD OF THE VILLAGE OF LODGEPOLE AS FOLLOWS:

SECTION 1. That § 5-101 of the Municipal Code of the Village of Lodgepole, Nebraska, is amended to include 254, which shall read as follows:

§ 254 OFF-ROAD VEHICLES.

(A) Any person desiring to operate an off-road vehicle upon the public streets of the Village, shall first apply for a permit upon an application form furnished by the Village Clerk and receive a permit from the Village Clerk to operate said off-road vehicle. The requirements and criteria for obtaining said permit shall be as follows:

- (1) Off-road designed vehicle requirements:
 - (a) Seventy-two inches or less in width;
 - (b) Dry weight of 2,500 pounds or less;
 - (c) Travels on four or more low pressure tires;

- (a) Applicant must be 14 years of age and possess a valid driver's license;
 - (b) Applicant's license to operate a motor vehicle is not currently suspended or revoked by the laws of the State of Nebraska;
 - (c) Applicant must be able to obtain and submit proof of financial responsibility evidencing Applicant's ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of said off-road designed vehicle, in the amount of \$25,000.00 because of bodily injury to or death of one person in any one accident, subject to such limit for one person in the amount of \$50,000.00 because of bodily injury or death of two or more persons in any one accident and, in the amount of \$25,000.00 because of injury to or destruction of property of others in any one accident;
 - (d) Applicant acknowledges that Applicant shall abide by the terms and conditions of this Ordinance;
 - (e) A non-refundable application fee of \$25.00 shall accompany each application. Further, Applicant shall pay all other expenses and costs associated with Applicant's application.
- (3) Upon satisfaction of the above conditions, the Clerk may issue a permit to the Applicant to operate the off-road vehicle on the streets of the Village, under the following rules and regulations:
- (a) Said permit is valid for only one year from the date of its issuance and must be displayed prominently on the vehicle at all times;
 - (b) Applicant shall operate such off-road vehicle subject to the following:
 - (i) All rules of the road of the State of Nebraska as found in Chapter 60 of

(C) By Applicant's signing an application for a permit to operate an off-road vehicle upon the public streets of the Village pursuant to this section, said Applicant consents to the release of all information deemed relevant by the Village Clerk, in determining whether or not to issue a permit to said Applicant based upon said Applicant's application.

(D) The Chairman of the Board of the Village and the Village Clerk are hereby authorized and directed to implement this section.

(E) Should a permit be issued, pursuant to this section, said permit is subject to immediate revocation and impoundment for any violation of the terms and conditions of this section. All law enforcement officers having arrest jurisdiction within the corporate limits of the Village are hereby authorized to enforce the terms and conditions of this section. In addition thereto, any person found to be in violation of this section shall be subject to the penalty provision of the Municipal Code of the Village of Lodgepole, Nebraska.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. That the Chair and the appropriate department, whether one or more, of the Village of Lodgepole, Nebraska, are hereby authorized and directed to implement this Ordinance.

SECTION 4. That should any section, paragraph, sentence of this Ordinance hereby adopted be declared for any reason be invalid, it is the intent of the Chair and Board of Trustees of the Village of Lodgepole, Nebraska, that it would have passed all other portions of this Ordinance independent of the

Attest:

Rita Bartling
Village Clerk

Chapter 6

POLICE REGULATIONS

Article 1. Dogs

6-101 **Dogs; License.** Any person who shall own, keep, or harbor a dog over the age of four (4) months within the Municipality shall within thirty (30) days after acquisition of the said dog acquire a license for each such dog annually by or before the first (1st) day of January of each year. The said tax shall be delinquent from and after January thirty-first (31st); Provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to January first (1st) of any year, shall be liable for the payment of the dog tax levied herein and such tax shall be delinquent if not paid within thirty-one (31) days thereafter. Licenses shall be issued by the Village Clerk upon the payment of a license fee of two (\$2.00) dollars for each male dog and spayed female dog and three (\$3.00) dollars for each unspayed female dog. Said license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his name and address and the name, breed, color, and sex of each dog owned and kept by him. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. (*Ref. 17-526, 54-603, 71-4412 RS Neb.*)

6-102 **Dogs; License Tags.** Upon the payment of the license fee, the Village Clerk shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs so licensed and shall entitle the owner to keep or harbor the said dog until the thirty-first (31st) day of January following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the Village Clerk shall issue a duplicate or new tag for the balance of the year for which the

license tax has been paid and shall charge and collect a fee set by resolution of the Governing Body for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Village Clerk to issue tags of a suitable design that are different in appearance each year.

6-103 Dogs; Wrongful Licensing. It shall be unlawful for the owner, keeper, or harbinger of any dog to permit or allow such dog to wear any license, metallic tag or other Municipal identification than that issued by the Village Clerk for dogs, nor shall the owner, keeper, or harbinger wrongfully and knowingly license an unspayed female dog with a license prescribed for a male or spayed female dog.

6-104 Dogs; Owner Defined. Any person who shall harbor or permit any dog to be for ten (10) days or more in or about his or her house, store, or enclosure, or to remain to be fed, shall be deemed the owner and possessor of such dog and shall be deemed to be liable for all penalties herein prescribed. (*Ref. 54-606, 71-4401 RS Neb.*)

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

6-106 Dogs; Uncollared. All dogs found running at large upon the streets and public grounds of the Municipality without a collar or no means of identification are hereby declared a public

nuisance. Uncollared dogs found running at large shall be killed or impounded in the Municipal Dog Shelter by the Municipal Police. (Ref. 71-4408 RS Neb.)

6-107 Dogs; Running at Large. It shall be unlawful for the owner of any dog to allow such dog to run at large at any time within the corporate limits of the Municipality. Upon the written complaint of two (2) or more affected persons from different households, filed within any thirty (30) day period with the Village Clerk that any dog owned by the person named in the complaint is running at large or otherwise violates the provisions of this Section, the Village Marshal shall investigate the complaint and, if the situation warrants, capture and impound said dog. "Running at Large" shall mean any dog found off the premise of the owner, and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint.

6-108 Dogs; Capture Impossible. The Village Marshal shall have the authority to kill any animals showing vicious tendencies, or characteristics of rabies which make capture impossible because of the danger involved. (Ref. 54-605 RS Neb.)

6-109 Dogs; Vicious. It shall be unlawful for any person to own, keep, or harbor any dog of a dangerous or ferocious disposition that habitually snaps or manifests a disposition to bite, without the said dog being securely held by a chain. If any vicious or dangerous dog is allowed to run at large, the Village Marshal shall have the authority to put the dog to death. Upon the written complaint of two (2) or more affected persons from different households, filed with the Village Clerk's office, in any thirty (30) day period, that any dog owned by the person named in the complaint is committing injury to persons or property, or is an annoyance, dangerous, offensive or unhealthy, the Village Board shall investigate the complaint and, if in their opinion the situation warrants, shall notify the owner to restrain such dog from running at large, and keep such dog upon the premise of the owner, even though the license has been paid.

6-110 Dogs; Interference with Police. It shall be unlawful for any person to hinder, delay, or interfere with the Village Marshal who is performing any duty enjoined upon him by the provisions of this Article, or to break open, or in any manner directly or indirectly aid, counsel, or advise the breaking open of the animal shelter, any ambulance wagon, or other vehicle used for the collecting or conveying of dogs to the shelter. (*Ref. 28-729 RS Neb.*)

6-111 Dogs; Killing and Poisoning. It shall be unlawful to kill, or to administer, or cause to be administered, poison of any sort to a dog, or in any manner to injure, maim, or destroy, or in any manner attempt to injure, maim, or destroy any dog that is the property of another person, or to place any poison, or poisoned food where the same is accessible to a dog; Provided, that this Section shall not apply to the Village Marshal acting within his power and duty. (*Ref. 28-552, 28-553 RS Neb.*)

6-112 Dogs; Barking and Offensive. It shall be unlawful for any person to own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any neighborhood, or person, or which habitually barks at or chases pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the Municipality. Upon the written complaint of two (2) or more affected persons from different households, filed within any thirty (30) day period with the Village Clerk, that any dog owned by the person named in the complaint is an annoyance or disturbance, or otherwise violates the provisions of this Section the Village Marshal shall investigate the complaint and, if in his opinion the situation warrants, shall notify the owner to silence and restrain such dog. The provisions of this Section shall not be construed to apply to the Municipal Dog Shelter.

6-113 Dogs; Female in Season. It is hereby declared unlawful for the owner, keeper, or harbinger of a female dog to permit her to run at large within the Municipality while in season. Any such female dog found running at large in violation of this Section shall be declared to be a public nuisance and as such may be impounded according to the provisions herein.

§6-114 DOGS; FIGHTING. It shall be unlawful for any person, by agreement or otherwise, to set dogs to fighting, or by any gesture or word to encourage the same to fight.

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

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

§6-117 DOGS; IMPOUNDING. (A) It shall be the duty of the Village employee designated by the Board of Trustees to capture, secure, and remove in a humane manner to the Municipal Animal Shelter any dog violating any of the provisions of this Article. The dogs so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog shall be kept and maintained at the pound for a period of not less than three (3) days for licensed dogs and five (5) days for unlicensed dogs after public notice has been given unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the Municipal Clerk within twenty-four (24) hours after impoundment as public notification of such impoundment. Any dog may be reclaimed by its owners during the period of impoundment by payment of the following fees:

(1) Thirty dollars (\$30.00) per day for the first day of impounding, and fifteen dollars (\$15.00) per day for each day

thereafter, for the first occasion of impounding such dog, to a maximum of one hundred dollars (\$100.00), plus applicable licensing fees;

(2) Forty-five dollars (\$45.00) per day for the first day of impounding, and fifteen dollars (\$15.00) per day for each day thereafter, for the second occasion of impounding such dog, to a maximum of one hundred fifty dollars (\$150.00), plus applicable licensing fees;

(3) Fifty dollars (\$50.00) per day for the first day of impounding, and fifteen dollars (\$15.00) per day for each day thereafter, for the third or more occasion of impounding such dog, to a maximum of two hundred dollars (\$200.00), plus applicable licensing fees; and

(4) Applicable impounding fees and the costs of disposal of the dog, in the event that the owner does not claim the dog or orders the disposal of the dog.

(B) The owner then may be required to comply with licensing and rabies vaccination requirements within seventy-two (72) hours after release. If the dog is not claimed at the end of required waiting period after public notice has been given the Dog Catcher may dispose of the dog in accordance with the applicable rules and regulations pertaining to the same; Provided, that if, in the judgment of the Dog Catcher, a suitable home can be found for such dog within the Municipality, the said dog shall be turned over to that person and the new owner shall then be required to pay all fees and meet all licensing and vaccinating requirements provided in this Article. The Municipality shall acquire legal title to any unlicensed dog impounded in the Animal Shelter for a period longer than the required waiting period after giving notice. All dogs shall be destroyed and buried in the summary and humane manner as prescribed by the Board of Health unless a suitable home can be found for such dog. (*Amended by Ord. No. 157, 3/7/05*)

§6-118 DOGS; ABANDONMENT. It shall be unlawful for any person to abandon any dog or other animal within the corporate limits of the Municipality.

Lodgepole Code

Article 2. Animals Generally

§6-201 **ANIMALS; RUNNING AT LARGE.** It shall be unlawful for the owner, keeper, or harbinger of any animal, or any person having the charge, custody, or control thereof, to permit a horse, mule, cow, sheep, goat, swine, or other animal to be driven or run at large on any of the public ways and property, or upon the property of another, or to be tethered or staked out in such a manner so as to allow such animal to reach or pass into any public way. Upon the written complaint of two (2) or more affected persons from different households, filed within any thirty (30) day period with the Village Clerk that any animal owned by the person named in the complaint is running at large or otherwise violates the provisions of this section, the Village Marshal shall investigate the complaint and, if the situation warrants, issue a citation to said person in violation of this section. (*Ref. 17-547 RS Neb.*)

§6-202 **ANIMALS; CRUELTY.** No person shall cruelly or unnecessarily beat, overwork, or insufficiently shelter or feed any animal within the Municipality. (*Ref. 28-552, 28-553 RS Neb.*)

§6-203 **ANIMALS; KILLING AND INJURING.** No person shall kill or injure any animal by the use of firearms, stones, clubs, poisons, or any other manner unless the animal is vicious or dangerous and cannot be captured without danger to the persons attempting to effect a capture of the said animal. (*Ref. 28-552, 28-553 RS Neb.*)

§6-204 **ANIMALS; ENCLOSURES.** All pens, cages, sheds, yards, or any other area or enclosure for the confinement of animals and fowls not specifically barred within the corporate limits shall be kept in a clean and orderly manner so as not to become a menace or nuisance to the neighborhood in which the said enclosure is located.

§6-205 **FOWLS; RUNNING AT LARGE.** It shall be unlawful for any person to allow poultry, chickens, turkeys, geese, or any other fowls to run at large within the corporate limits, except in enclosed places on private property. Upon the written

complaint of two (2) or more affected persons from different households, filed within any thirty (30) day period with the Village Clerk that any fowl owned by the person named in the complaint is running at large or otherwise violates the provisions of this section, the Village Marshal shall investigate the complaint and, if the situation warrants, issue a citation to said person in violation of this section. (Ref. 17-547 RS Neb.)

§6-206 ANIMALS AND FOWLS; WRITTEN PERMISSION. It shall be unlawful for any person to keep on their private property any animals or fowl unless, and until they have received the written consent of the owners or lessees of the property immediately adjoining the private property where such animals or fowl are to be kept, and all other property owners within one hundred fifty feet (150') of the place where such animals or fowl are to be kept, which consent shall be filed at the office of the Village Clerk and shall be subject to revocation by any of the said owners or lessees at any time. Said person shall also apply to the Village Clerk for a permit from the Village Board which shall also be subject to revocation by the Village Board at any time.

§6-207 ANIMALS; ABANDONMENT, NEGLECT, AND CRUELTY; DEFINITIONS.

- A. ABANDON shall mean to leave any animal for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health;
- B. ANIMAL shall mean any vertebrate member of the animal kingdom except man. The term shall not include an uncaptured wild creature;
- C. CRUELLY MISTREAT shall mean to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise set upon any animal;
- D. CRUELLY NEGLECT shall mean to fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health;

- E. HUMANE KILLING shall mean the destruction of an animal by a method which causes the animal a minimum of pain and suffering; and
- F. LAW ENFORCEMENT OFFICER shall mean any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of any city or village, or any other public official authorized by a city or village to enforce state or local animal control laws, rules, regulations, or ordinances.

(Ref. 28-1008 RS Neb.) (Ord. No. 107, 12/3/90)

§6-208 ANIMALS; ABANDONMENT, NEGLECT, AND CRUELTY; LAW ENFORCEMENT OFFICER; POWERS; IMMUNITY.

- A. Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may seek a warrant authorizing entry upon private property to inspect, care for, or impound the animal.
- B. Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner as prescribed by law.
- C. Any law enforcement officer acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence.

(Ref. 28-1012 RS Neb.) (Ord. No. 107, 12/3/90)

§6-209 ANIMALS; ABANDONMENT, NEGLECT, AND CRUELTY; PENALTY. A person commits cruelty to animals if he or she abandons, cruelly mistreats, or cruelly neglects an animal. (Ref. 28-1009 RS Neb.) (Ord. No. 107, 12/3/90)

§6-210 ANIMALS; PITTING; DEFINITIONS. Bearbaiting shall mean the pitting of any animal against a bear. Cockfighting shall mean the pitting of a fowl against another fowl. Dogfighting shall mean the pitting of a dog against another dog. Pitting shall mean bringing animals together in combat. (Ref. 28-1004 RS Neb.) (Ord. No. 106, 12/3/90)

§6-211

Lodgepole Code

§6-212

§6-211 ANIMALS; PITTING; PROHIBITED. No person shall knowingly promote, engage in, or be employed at dogfighting, cockfighting, bearbaiting, or pitting an animal against another. Nor shall any person knowingly receive money for the admission of another person to a place kept for such purpose. Nor shall any person knowingly own, use, train, sell, or possess an animal for the purpose of animal pitting. Nor shall any person knowingly permit any act as described in this section to occur on any premises owned or controlled by him or her. (Ref. 28-1005 RS Neb.) (Ord. No. 106, 12/3/90)

§6-212 ANIMALS; PITTING; SPECTATORS PROHIBITED. No person shall knowingly and willingly be present at and witness as a spectator dogfighting, cockfighting, bearbaiting, or the pitting of an animal against another as prohibited in section 6-211. (Ref. 28-1005 RS Neb.) (Ord. No. 106, 12/3/90)

Article 3. Miscellaneous Misdemeanors

§6-301 MISDEMEANORS; TRESPASSING. It shall be unlawful for any person to trespass upon any private grounds within the Municipality, or to break, cut, or injure any tree, shrub, plant, flower, or grass growing thereon, or without the consent of the owner or occupant to enter upon an improved lot or grounds occupied for residence purposes and to loiter about the same. (Ref. 28-520, 28-521 RS Neb.)

§6-302 MISDEMEANORS; MALICIOUS DESTRUCTION OF PROPERTY. It shall be unlawful for any person within the corporate limits to purposely, willfully, or maliciously injure in any manner, or destroy any real or personal property of any description belonging to another. (Ref. 28-519 RS Neb.)

§6-303 MISDEMEANORS; INJURY TO TREES. It shall be unlawful for any person to purposely or carelessly, and without lawful authority, cut down, carry away, injure, break down, or destroy any fruit, ornamental, shade or other tree or trees standing or growing on any land belonging to another person or persons or on any public land in the corporate limits. Any public service company desiring to trim or cut down any tree, except on property owned and controlled by them, shall make an application to the Governing Body to do so, and the written permit of the Governing Body in accordance with their decision to allow such an action shall constitute the only lawful authority on the part of the company to do so. (Ref. 28-519 RS Neb.) (Amended by Ord. No. 70, 11/7/77)

§6-304 MISDEMEANORS; FIRE EQUIPMENT. It shall be unlawful for any person who is not an active member of the Municipal Fire Department to deface, destroy, handle, or loiter about the equipment and property of the Fire Department.

§6-305 MISDEMEANORS; TRASH. It shall be unlawful for any person to willfully, maliciously, or negligently place or throw upon the premise of another any filth, garbage, leaves, papers, or other matter to the annoyance of the owner or occupant thereon. (Ref. 28-523 RS Neb.)

§6-306 MISDEMEANORS; DRUNKENNESS. (Repealed by Ord. No. 62, 10/2/78)

§6-307 MISDEMEANORS; POSTING. It shall be unlawful for any person to post, paste, or paint any sign, advertisement, or other writing of any nature upon a fence, pole, building, or other property without the written permission of the owner of the said property.

§6-308 MISDEMEANORS; DISCHARGE OF FIRE-ARMS. It shall be unlawful for any person, except an officer of the law in the discharge of his official duty, to fire or discharge any gun, pistol, or other fowling piece within the Municipality; Provided, nothing herein shall be construed to apply to officially sanctioned public celebrations if the persons so discharging firearms have written permission from the Governing Body. (Ref. 17-556 RS Neb.)

§6-309 MISDEMEANORS; SLINGSHOTS, AIR GUNS, BB GUNS. It shall be unlawful for any person to discharge a slingshot, air gun, BB gun, or the like loaded with rock or other dangerous missiles at any time or under any circumstances within the Municipality. (Ref. 17-207 RS Neb.)

§6-310 MISDEMEANORS; DISTURBING THE PEACE. It shall be unlawful for any person or persons to assemble or gather within the Municipality with the intent to do an unlawful or disorderly act or acts, by force or violence against the Municipality, or residents therein, or who shall disturb the public peace, quiet, security, repose, or sense of morality. Any person or persons so assembled or gathered shall be deemed to be guilty of a misdemeanor. (Ref. 28-1322 RS Neb.)

§6-311 **MISDEMEANORS; MALICIOUS MISCHIEF.** It shall be deemed a misdemeanor for any person to willfully destroy, mutilate, deface, injure, or remove any tomb, monument, gravestone, structure, or thing of value which is located upon any government property, cemetery, or property of historic value. Conviction of such misdemeanor shall be punishable by a fine not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00).

Any such offender shall also be liable, in an action for trespass in the name of the beneficial holder of said property, for all damages which arise from the commission of such unlawful act. (*Ref. 18-1720 RS Neb.*)

§6-312 **MISDEMEANORS; APPLIANCES IN YARD.** It shall be unlawful for any person to permit a refrigerator, icebox, freezer, or any other dangerous appliance to be in the open and accessible to children whether on private or public property unless he shall first remove all doors and make the same reasonably safe. (*Ref. 18-1720 RS Neb.*)

§6-313 **MISDEMEANORS; WEEDS, LITTER, STAGNANT WATER.** (1) Lots or pieces of ground within the Municipality shall be drained or filled so as to prevent stagnant water or any other nuisance accumulating thereon.

(2) The owner or occupant of any lot or piece of ground within the Municipality shall keep the lot or piece of ground and the adjoining street and alleys free of any growth of twelve inches (12") or more in height of weeds, grasses, or worthless vegetation.

(3) The throwing, depositing, or accumulation of litter on any lot or piece of ground within the Municipality is prohibited; provided, that grass, leaves, and worthless vegetation may be used as a ground mulch or in a compost pile.

(4) It is hereby declared to be a nuisance to permit or maintain any growth of twelve inches (12") or more in height of weeds, grasses, or worthless vegetation or to litter or cause litter to be deposited or remain thereon except in proper receptacles.

(5) Any owner or occupant of a lot or piece of ground shall, upon conviction of violating this section, be guilty of an offense.

(6) Notice to abate and remove such nuisance 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 five (5) days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the Municipality or fails to comply with the order to abate and remove the nuisance, the Municipality may have such work done. The costs and expenses of any such work shall be paid by the owner. If unpaid for two (2) months after such work is done, the Municipality may either (a) levy and assess 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 and assessed or (b) recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(7) For purposes of this section:

(a) Litter shall include, but not be limited to: (i) Trash, rubbish, refuse, garbage, paper, rags, and ashes; (ii) Wood, plaster, cement, brick, or stone building rubble; (iii) Grass, leaves, and worthless vegetation; (iv) Offal and dead animals; and (v) Any machine or machines, vehicle or vehicles, or parts of a machine or vehicle which have lost their identity, character, utility, or serviceability as such through deterioration, dismantling, or the ravages of time, are inoperative or unable to perform their intended functions, or are cast off, discarded, or thrown away or left as waste, wreckage, or junk; and

(b) Weeds shall include, but not be limited to, bindweed (*convolvulus arvensis*), puncture vine (*tribulus terrestris*), leafy spurge (*euphorbia esula*), Canada thistle (*cirsium arvense*), perennial peppergrass (*lepidium draba*), Russian knapweed (*centaurea picris*), Johnson grass (*sorghum halepense*), nodding or musk thistle, quack grass (*agropyron repens*), perennial sow thistle (*sonchus arvensis*), horse nettle (*solanum carolinense*), bull thistle (*cirsium lanceolatum*), buckthorn (*rhamnus* sp.) (tourn), hemp plant (*canabis sativa*), and ragweed (*ambrosiaceae*). (Ref. 17-563, 18-1720 RS Neb.) (Amended by Ord. No. 124-B, 8/14/95)

§6-314 **MISDEMEANORS; ABANDONED AUTOMOBILES.** It shall be unlawful to abandon any automobile on the Municipal streets, highways, alleys, parks or other property.

An automobile shall be deemed to be abandoned if left unattended:

- A. With no number plates affixed thereto, for more than six (6) hours on any public property; or,
- B. For more than twenty-four (24) hours on any public property, except a portion thereof on which parking is legally permitted; or,
- C. For more than forty-eight (48) hours, after the parking of such vehicle shall have become illegal, if left on a portion of a public property on which parking is legally permitted; or,
- D. For more than seven (7) days on private property if left initially without permission of the owner, or after permission of the owner shall be terminated.

The title to any automobile so abandoned which at the time of such abandonment, has no number plates of the current year affixed and is of a wholesale value, taking into consideration the condition of such vehicle, of one hundred dollars (\$100.00) or less, shall immediately vest in the Municipality. In the event the automobile is licensed for the current year or is of a wholesale value of over one hundred dollars (\$100.00), the Municipal Police shall make a reasonable effort to contact the owner of the said automobile by sending a notice to the registered owner, if known; by sending an inquiry to the county it is registered in, if the owner is unknown; or by contacting the Director of Motor Vehicles, if the car is without license plates and the owner is unknown. If notified by the Director of Motor Vehicles that a lien or mortgage exists on said vehicle, notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle. If the owner, lienholder or mortgagee, is known and does not claim the automobile within five (5) days after the date when the notice was mailed, or upon receiving word from the Director of Motor Vehicles that the owner is unknown, title will immediately vest in the Municipality and the automobile may be sold. Any proceeds from the sale of the automobile less any expenses incurred by the Municipality in such sale shall be held without interest for the benefit of the owner of such vehicle for a period of two (2) years. If not claimed within such period of time, the proceeds shall then be paid into the General Fund.

For purposes of this section, public property shall mean any public right-of-way, street, highway, alley, park or other state, county or Municipally-owned property; and private property shall mean any privately-owned property which is not included within the definition of public property.

Any person who abandons an automobile as hereinbefore defined shall be deemed to be guilty of a misdemeanor. (Ref. 60-1901 through 60-1911 RS Neb.)

§6-315 MISDEMEANORS: UNLICENSED OR INOPERABLE VEHICLES. No person shall store, retain or keep on or permit to be stored, retained or kept on, in a lot or tract of land within the Village of Lodgepole, Nebraska, any machine, vehicle or part of a machine or vehicle which has (1) lost its identity, character, utility or serviceability as such through deterioration, dismantling or the ravages of time or (2) which is inoperative or unable to perform its intended function or which is cast off, discarded, thrown away or left as waste, wreckage or junk or (3) has been unlicensed for a period in excess of four months under the laws of the State of Nebraska. This section shall not apply to the following:

- A. Such motor vehicle, motor vehicle bodies, motor vehicle chassis or parts therefrom that are kept in a completely enclosed building;
- B. Premises for which a permit has been granted to a junk dealer;
- C. Premises on which a licensed motor vehicle dealer or a farm implement dealer conducts his or her business;
- D. A vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the Village of Lodgepole, Nebraska.
- E. Any historical vehicle registered as a historical vehicle under section 30-311.15 et. seq. of the Revised Statutes of Nebraska (Reissue 1988), as amended.

Any vehicle or machine allowed to remain on property in violation of this section shall constitute a nuisance and shall be abated. In addition, any person violating this section shall be guilty of a misdemeanor. (Amended by Ord. Nos. 72, 11/7/77; 114, 4/5/93)

§6-316 MISDEMEANORS; VAGRANCY. Any person not having visible means of support and maintenance and who shall live without employment; all persons wandering about and living in sheds, barns, or in the open air; all persons who go about begging and soliciting alms; any and all prostitutes, keepers, occupants, and pimps of houses of prostitution; and all persons who are commonly engaged in gambling shall be deemed to be and are hereby declared to be vagrants. (*Ref. 17-556, 28-1119 RS Neb.*)

§6-317 MISDEMEANORS; LOITERING. It shall be unlawful for any person to loiter on the streets, in the park, on the sidewalk, or on any other public ways and property at unreasonable hours, and those persons who are unable to give a good and satisfactory reason why they should be there shall be deemed to be guilty of loitering. (*Ref. 17-556 RS Neb.*)

§6-318 EXCESSIVE NOISE; FINDING, DECLARATION. It is found and declared that:

(1) The making and creation of excessive or unusually loud noises within the corporate limits of the Village are a detriment to the comfort, convenience and welfare of the inhabitants of the Village and may, if unusually loud or prolonged repetitively affect the health and safety of said inhabitants.

(2) The prohibitions set forth in Sections 6-318 through 6-323 are made for the purpose of promoting and protecting the public health, comfort, convenience, safety and welfare of its inhabitants and the peace and quiet of the Village through the elimination of unnecessary noise. (*Ord. No. 210, 12/1/14*)

§6-319 EXCESSIVE NOISE PROHIBITED. It shall be unlawful for any person to make, continue or cause to be made or continued any excessive or unusually loud noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, peace, quiet, health or safety of others, within the corporate limits of the Village. Provided, this section shall not apply to noise that by Section 6-321 is declared to be exempt from the provisions of this section, or to noise

caused or permitted by a person to whom a permit has been granted as provided in Section 6-322. A violation of any provision of this section, or of any provision of a permit granted as provided in Section 6-322 is punishable by a fine of up to two hundred dollars (\$200.00) per occurrence, or if continuous, by a fine of two hundred dollars (\$200.00) for each day of uninterrupted continuance. (*Ord. No. 210, 12/1/14*)

§6-320 EXCESSIVE NOISE; STANDARDS; PARTICULAR NOISES. Excessive and unusually loud noises in violation of Section 6-319 include, but are not limited to the following:

(1) Animals, Birds, Miscellaneous Pets. The keeping of any animal or bird which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(2) Blowers. The operation of any noise-creating blower or power fan, unless such blower or fan is muffled sufficiently to prevent loud noises therefrom.

(3) Construction, Repairing of Buildings. The erection (including excavation), demolition, alteration or repair of any building other than between the hours of 7:00 a.m. and 10:00 p.m., except in case of urgent necessity in the interest of public health and safety, and then only with a permit in writing from the Building Inspector, which permit may be granted for a period not to exceed three days or less while the emergency continues, and which permit may be renewed for periods of three days or less while the emergency continues. If the Building Inspector determines that the public peace and quiet, health and safety will not be impaired by the excavation, erection, demolition, alteration or repair of any building or lot or sidewalk between the hours of 10:00 p.m. and 7:00 a.m., and if he or she shall further determine that loss or inconvenience would otherwise result to any party requesting, he or she may grant permission for such work to be done between the hours of 10:00 p.m. and 7:00 a.m. or certain hours incorporated therein, upon application being made at the time the permit for the work is awarded or during the progress of the work. If the Village Council shall, by resolution, determine that unusual circumstances, including, but not limited to, the aftermath of a severe

storm, exist throughout the Village which circumstances necessitate a large volume of construction or repair work throughout a large portion of the Village, the Village Council may declare that, notwithstanding provisions of this section, the erection, demolition, alteration or repair of buildings and sidewalks may occur between the hours of 5:00 a.m. and 10:00 p.m., during any of the week and the period of time stipulated by the Village Council in the resolution.

(4) Defect in Vehicles; Load. The operation of any motor vehicle, motorcycle, or other vehicle so out of repair or so loaded or in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(5) Exhausts. The discharge into the open air of the exhaust of any motor vehicle, motorcycle, tractor, steam engine, stationary internal combustion engine or motorboat, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom. The muffler of a motor vehicle or motorcycle shall be of a type that will muffle noise not less effectively than the standard muffler with which a vehicle of that type originally was equipped by the manufacturer of the vehicle, shall not be of a design that permits operation in a manner allowing greater noise, and shall be kept in good repair.

(6) Horns; Signaling, Other Devices. The sounding of any horn or signaling device on any motor vehicle, motorcycle or other vehicle on any street or public place of the Village, except as a danger warning and except when authorized by the Chief of Police for public celebrations, the use of any horn, whistle or other device operated by engine exhaust; and the use of any such signaling device by which traffic is for any reason held up.

(7) Pile Drivers, Hammers, Equipment. The operation between the hours of 10:00 p.m. and 7:00 a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is attended by loud or unusual noise, except with the written permission of the Building Inspector if the Building Inspector determines that the public peace and quiet, health and safety will not be impaired and that loss or inconvenience would result to the requesting party. The permitted hours of operation are to be stated in the permit.

(8) Quiet Zones. The creation of an excessive noise within any quiet zone established by the Village Council which unreasonably interferes with the use of the premises or disturbs or unduly annoys occupants or users of the premises for the benefit of whom the quiet zone has been established.

(9) Shouting, Hallooing. Shouting or loud hallooing which unreasonably interferes with the peace, quiet, comfort or repose of any person in the vicinity.

(10) Sound Reproduction. The use or operation of any radio or other mechanical or electrical devices or instruments amplifying and reproducing the human voice, or any sound or noise, in any public or private place, or from any vehicle, in such manner that the peace and quiet of the neighborhood are disturbed, or that persons owning, using or occupying property in the neighborhood are disturbed or annoyed, provided that the Sheriff or Chief Law Enforcement Official may allow same as specified elsewhere in this Municipal Code. Provided further that the Village Board may grant permission for the erection and use of temporary speakers, and other mechanical or electrical devices amplifying and reproducing the human voice, or instruments or other sound or noise at a fixed location, or on moving vehicles. Provided, however, such reproduction and amplification, as part of a celebration or commemoration of a patriotic or historic event, or national or state holiday, or local celebration, at gatherings of a public nature are specifically exempted and provided, further, the Village Board, in granting any such permission, shall expressly designate the time such permission shall continue.

(11) Steam Whistles. The blowing of any locomotive steam whistle or steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon request of Village authorities.

(12) Engine Brakes. The use of engine brakes on any vehicle within the Village. (*Ord. No. 210, 12/1/14*)

§6-321 EXEMPTIONS. The following noises shall be exempt from the provisions of the preceding sections:

(1) Noises of safety signals, warning devices and emergency pressure-relief valves;

(2) Noises caused by any Police or Fire Department vehicle or any authorized emergency vehicle when responding to an emergency call or acting in time of emergency; or

(3) Noises caused by the operation of snow removal equipment being used to remove snow or street cleaning or sweeping equipment. *(Ord. No. 210, 12/1/14)*

§6-322 SPECIAL PERMIT. An application for a permit to cause or permit noise otherwise prohibited by this chapter on the basis of undue hardship, may be made to the Village Clerk, or another Village employee designated by the Village Board to perform this function, who may grant the relief as applied for if he or she finds:

(1) That additional time is necessary for the applicant to alter or modify his or her activity or operation to comply with these prohibitions; or

(2) That the activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with other subsections of this section; and

(3) That no other reasonable alternative is available to the applicant. The Village Clerk may prescribe any conditions or requirements he or she deems necessary to minimize adverse effects upon the community or the surrounding neighborhood. *(Ord. No. 210, 12/1/14)*

§6-323 NUISANCE. The making of a noise or noises in violation of these provisions is hereby declared to be a public nuisance, and may be abated as such. This remedy is in addition to and not in lieu of other remedies provided by this chapter for violation of such section. *(Ord. No. 210, 12/1/14)*

Article 4. Penal Provision

§6-401 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 an offense and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

§6-402 ABATEMENT OF NUISANCE. Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

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

Chapter 7

FIRE REGULATIONS

Article 1. Fires

7-101 Fires; Preservation of Property. The Fire Chief, or any officer in charge of the Fire Department, shall have the authority and power to cause the removal of property whenever it shall become necessary for the preservation of more valuable property, the protection of human life, or to prevent the spreading of fire to adjoining property. The Fire Chief may direct the Municipal Firemen to remove any building, structure, or fence for the purpose of checking the progress of any fire. The Fire Chief shall have the authority to blow up, or cause to be blown up, with explosives any building or structure during the progress of a fire for the purpose of checking the progress of the same.

7-102 Fires; Disorderly Spectator. It shall be unlawful for any person during the time of a fire and for a period of thirty-six (36) hours after its extinguishment to hinder, resist or refuse to obey the Municipal Fire Chief, or to act in a noisy or disorderly manner. The Fire Chief and Assistant Fire Chief shall have the power and authority during such time to arrest or command any such person to assist them in the performance of their official duties. *(Ref. 28-730.01 RS Neb.)*

7-103 Fires; Equipment. It shall be unlawful for any person except the Fire Chief and the members of the Municipal Fire Department to molest, destroy, handle or in any other way to interfere with the use and storage of any of the fire trucks and other apparatus belonging to the Municipality.

7-104 Fires; Interference. It shall be unlawful for any person or persons to hinder or obstruct the Municipal Fire Chief or the members of the Fire Department in the performance of their duty. *(Ref. 28-730.01 RS Neb.)*

7-105 Fires; Obstruction. It shall be unlawful for any person to obstruct the use of a fire hydrant, or have or place any material within fifteen (15) feet of the said hydrant. Any vehicle or material found as an obstruction may be immediately removed by the Fire Chief or any member of the Fire Department, at the risk, cost, and expense of the owner or claimant. (*Ref. 39-672 RS Neb.*)

7-106 Fires; Assistance. It shall be unlawful for any person to refuse, after the command of the Fire Chief or Assistant Fire Chief, to aid in extinguishing a fire or to assist in the removal and protection of property. (*Ref. 28-730.01 RS Neb.*)

7-107 Fires; Driving Over Hose. It shall be unlawful for any person, without the consent of the Fire Chief or Assistant Fire Chief, to drive any vehicle over unprotected hose of the Fire Department. (*Ref. 39-682 RS Neb.*)

7-108 Fires; False Alarm. It shall be unlawful for any person to intentionally and without good and reasonable cause raise any false alarm of fire.

Article 2. Fire Prevention

§7-201 FIRE PREVENTION; FIRE PREVENTION CODE. The rules and regulations promulgated by the office of the State Fire Marshal of the State of Nebraska relating to fire prevention are incorporated by reference into this Code and made a part of this Article as though spread at large herein together with all subsequent amendments thereto. Three (3) copies of the Fire Prevention Code shall be on file with the Municipal Clerk and shall be available for public inspection at any reasonable time. (Ref. 18-132, 19-902, 19-922, 81-502 RS Neb.)

§7-202 FIRE PREVENTION; FIRE CODE ENFORCEMENT. It shall be the duty of all Municipal officials to enforce the incorporated fire code provisions and all infractions shall be immediately brought to the attention of the Fire Chief.

§7-203 FIRE PREVENTION; MERGER. The Municipal Fire Department may be merged with the Rural Fire Protection District. The proceedings for the merger may be initiated by the presentation to the County Clerk of a petition, signed by sixty (60%) per cent or more of the electors who are owners of any interest in real or personal property assessed for taxation in the territory to be merged and who are residing within the boundaries of such territory, stating the desires and purposes of such petitioners. The petition shall contain a description of the boundaries of the territory proposed to be merged and it shall be accompanied by a map or plat and a deposit for publication costs.

The County Clerk shall examine the tax schedules in the office of the County Assessor and determine and certify whether or not such petition complies with the requirements of this Section and that the persons signing the petition appear to reside within the boundaries described by such petition. Thereafter, the County Clerk shall forward such petition, map or plat, and certificate to the

Board of Directors of the District and the Governing Body affected by such merger.

Within thirty (30) days after receiving the petition, map or plat, and certificate of the County Clerk, in accordance with this Section, the Board of Directors and Governing Body shall transmit the petition, map or plat, and certificate to the proper County Board, accompanied by a report in writing approving or disapproving the proposal contained in the petition, or approving such proposal in part and disapproving it in part.

The County Clerk shall designate a time and place for a hearing before a joint meeting of the County Boards of all counties in which the proposed district is to be situated and shall give notice of such hearing by publication two (2) weeks in a newspaper of general circulation within the County, the last publication appearing at least seven (7) days prior to said hearing. At the time and place so fixed, the County Board or Boards shall meet and said hearing shall be held respecting the merger or location of the boundaries of the District. Thereupon the County Board shall determine the boundaries of the proposed District, whether as suggested in the petition or otherwise, and make a written order of such determination which shall describe the boundaries of the District and be filed in the office of the County Clerk.

If the report of the Board of Directors and the Governing Body require under this Section disapproves the proposal, the petition shall be rejected. If the report is favorable to such proposal, either in whole or in part, the County Board shall promptly designate a time and place for a hearing upon the petition and shall give notice of the hearing by publication two (2) weeks in a newspaper of general circulation within the County, the last publication appearing at least seven (7) days prior to said hearing.

The County Board shall, at or shortly after the hearing, determine whether such territory shall be merged and shall fix the boundaries of the

territory to be merged. The determination of the County Board shall be set forth in a written order which shall describe the boundaries determined upon and shall be filed in the office of the County Clerk. The County Clerk shall then fix a time and place for a public meeting of all electors who are owners of any interest in real or personal property assessed for taxation in the District who are residing within the boundaries. A Board of Directors shall be elected consisting of five (5) residents of the District.

Such merged District shall operate under the same mill levy limit as the Rural Fire Protection District. (Ref. 35-504, 35-506, 35-508, 35-509, 35-511, 35-530 thru 35-536 RS Neb.) (Ord. No. 65, 10/2/78)

Article 3. Poisonous and Flammable Gases

§7-301 POISONOUS AND FLAMMABLE GASES.

Any person, firm, or corporation desiring to store or keep in the Municipality for any period of time any form of poisonous or flammable gas or liquefied petroleum gas in excess of ten (10) gallons or add to, enlarge, or replace any facility used for the storage of such gases, must first get permission from the Governing Body. The Governing Body shall require the name of the gas, the place of storage, and the amount of gas stored. If permission is granted, the Governing Body shall prescribe such rules, regulations, and precautionary actions as they may deem necessary. Permit requirements for the initial construction or location of storage facilities shall not apply to those facilities in existence on the effective date of this ordinance; Provided, any such present use that is discontinued for a period of sixty (60) days shall not be revived without a permit. (Ref. 17-549 RS Neb.)

Article 4. Explosives

7-401 Explosives; Storage Registration. Any person, firm, or corporation storing or keeping for any period of time dynamite, gunpowder, nitroglycerine, or other high explosives within the Municipality shall register such information with the Municipal Clerk within ten (10) days after such explosives are brought into the Municipality. The Clerk shall provide such information to the Municipal Fire Chief and to the Governing Body.

All high explosives, including dynamite, gunpowder and nitroglycerine shall be stored in a proper receptacle which shall be closed at all times, except when actually in use. Such cement, metal, or stone receptacle shall not be located in any room where there is a flame or flammable materials.

7-402 Explosives; Blasting Permits. Any person wishing to discharge high explosives within the Municipality must secure a permit from the Governing Body and shall discharge such explosives in conformance with their direction.

7-403 Explosives; Transportation. Any person wishing to transport high explosives in the Municipality shall first acquire a permit from the Municipal Police and shall take such precautions and use such route as he may prescribe. Nothing herein shall be construed to apply to the Municipal Police, or any of the Armed Services of the United States. No vehicle transporting explosives shall make an unscheduled stop for longer than fifteen (15) minutes within the Municipality and in the event of mechanical failure, immediate notice of such breakdown shall be given the Village Marshal who shall then prescribe such precautions as may be necessary to protect the residents of the Municipality and a reasonable time for removal of the vehicle from the Municipality.

Article 5. Penal Provision

7-501 **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 one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

Chapter 8

PUBLIC WAYS AND PROPERTY

Article 1. Municipal Property

8-101 **Definitions.** The following definitions shall be applied throughout this Chapter. When no definition is specified, the normal dictionary usage of the word shall apply.

Sidewalk Space; Defined. The term "sidewalk space," as used herein, shall mean that portion of a street between curb lines and adjacent property lines.

8-102 **Municipal Property; Maintenance and Control.** The Governing Body shall have the care, supervision, and control of all public highways, bridges, streets, alleys, public squares, and commons within the Municipality, and shall cause the same to be kept open and in repair, and free from nuisances. (*Ref. 17-567 RS Neb.*)

8-103 **Municipal Property; Trees.** No person, or persons, shall plant, or allow to grow, any tree within the sidewalk space without first making a written, or verbal, application to, and receiving a written permit from the Governing Body. Any tree planted within the sidewalk space after the adoption date of this Section shall be deemed to be unlawfully planted and growing and shall, at the discretion of the Governing Body, be deemed to be a nuisance. When any such tree is declared to be a nuisance, the Governing Body shall order, with proper notice, the tree removed at the expense of the owner of the property adjacent to the street space upon which tree has been unlawfully planted. If the property owner fails, or neglects, to remove, or cause to be removed, the said tree, the Governing Body shall order the same removed and assess the expense of such removal against the property adjacent to the sidewalk space wherein the tree is planted and growing. In the event the property owner is a non-resident of the county in which the property lies, the Municipality shall, before levying any special assessment against 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. No fee shall be charged for said permit, and nothing in this Section shall be construed to apply to any existing trees now growing with the sidewalk space.

8-104 Municipal Property; Sale and Conveyance. The Municipality shall have the power by ordinance to sell and convey all public squares, streets, and alleys, but not including land used for park purposes within the Municipality; Provided, a petition containing the signatures of three-fourths ($\frac{3}{4}$) of the property holders of the Municipality, has been presented to the Governing Body, and a notice of the petition has been published not less than four (4) weeks in each paper of general circulation in the Municipality. (*Ref. 17-567 RS Neb.*)

8-105 Municipal Property; Obstructions. Trees and shrubs, growing upon, or near, the lot line, or upon public ground and interfering with the use, or construction of any public improvements shall be deemed an obstruction under this Article. Said roots may be removed by the Municipality at the expense of the owner of the property upon which the tree is located should the owner fail, or neglect, after notice, to do so. It shall be unlawful for any person, persons, firm, or corporation to obstruct, or encumber, by fences, gates, buildings, structures, or otherwise, any of the streets, alleys, or sidewalks. (*Ref. 17-557.01 RS Neb.*)

8-106 Municipal Property; Permitted Obstructions. Persons engaged in the erection, construction, reconstruction, wrecking, or repairing of any building, or the construction, or repair, of a sidewalk along any street, may occupy the public street space with such building material and equipment as long as is necessary if such persons shall make application to and receive a permit in writing from the Governing Body; Provided, no permit for the occupancy of the sidewalk space, and more than one-third ($\frac{1}{3}$) of the roadway of the public space adjacent to the real estate on which said building is to be constructed, erected, reconstructed,

wrecked, or repaired shall be granted; and provided further, a suitable passageway for pedestrians shall be maintained within the public space included in the permit which shall be protected and lighted in the manner required by the Governing Body.

8-107 Municipal Property; Weeds. It is hereby the duty of the Street Commissioner or his duly authorized agent to view and inspect the sidewalk space within the corporate limits for growing weeds during the growing season, and if rank and noxious weeds are found growing thereon, he shall notify the owner or occupant thereof, to cut down such weeds as close to the ground as can be practicably done and keep the weeds cut thereon in like manner during the growing season for weeds; Provided, any weeds growing in excess of twelve (12) inches shall be considered a violation of this Section. In the event that the owner of any lot or parcel of land within the Municipality is a non-resident of the Municipality or cannot be found therein the notice may be given to any person having the care, custody, or control of such lot or parcel of land. In the event that there can be found no one within the Municipality to whom notice can be given, it shall be the duty of the Street Commissioner or his agent to post a copy of the notice on the premise and then to cut or cause the weeds thereon to be cut as therein provided and report the cost thereof in writing to the Governing Body. The cost shall then be audited and paid by the Municipality and the amount thereof shall be assessed against the lot or parcel of land as a special tax thereon and shall be collected as are other taxes of the Municipality or may be recovered by civil suit brought by the Municipality against the owner of the parcel of land. In the event the property owner is a non-resident of the county in which the property lies, the Municipality shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested to the last known address of the 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.

Article 2. Sidewalks

8-201 Sidewalks; Overhanging Branches. The owner or occupant of any lot, piece, or parcel of ground abutting or adjacent to any sidewalk over which there extends the branches of trees shall at all times keep the branches or limbs thereof trimmed to the height of at least eight (8) feet above the surface of said walk. Whenever the limbs or branches of any tree or trees extend over sidewalks contrary to the provisions herein so as to interfere with the lighting of the street from street lights, or with the convenience of the public using said sidewalk, the Governing Body at any regular or special meeting may pass a resolution ordering the owner or occupant to cut or remove said obstructions within five (5) days after having received a copy thereof from the Street Commissioner stating that the Municipality will remove said branches and charge the costs thereof to the owner or occupant as a special assessment for improvements as herein provided, if said resolution is not complied with. In the event the property owner is a non-resident of the county in which the property lies, the Municipality shall, before levying any special assessment against 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. (*Ref. 17-557.01 RS Neb.*)

8-202 Sidewalks; Kept Clean. It shall be unlawful for the occupant of any lot or lots or the owner of any vacant lot or lots within the corporate limits to allow snow, sleet, mud, ice, or other substance to accumulate on the sidewalks or to permit any snow, sleet, ice, mud, or other substance to remain upon said sidewalk. All sidewalks within the business district shall be cleaned within five (5) hours after the cessation of a storm, unless the storm or fall of snow shall have taken place during the night, in which case the sidewalk shall be cleaned before ten (10:00) o'clock A.M. the following day. (*Ref. 17-557 RS Neb.*)

8-203 Sidewalks; Construction by Owner. Any person desiring to construct, or cause to be constructed, any sidewalk shall do so only as herein provided. It shall be unlawful for any person to construct any sidewalk without first having obtained a permit.

Said owner shall make application in writing for a permit and file such application in the office of the Municipal Clerk. The permit shall give a description of the lot, or piece of land along which the sidewalk is to be constructed. The Street Commissioner shall issue the desired permit unless good cause shall appear why said permit should be denied; Provided, if it is desired to construct the sidewalk at any other than the regularly prescribed location, grade, or elevation, the Street Commissioner shall submit the application to the Governing Body who shall determine whether the permit should be granted or denied. It shall be unlawful for any person to construct, or cause to be constructed said sidewalk at any other location, grade, or elevation than so designated by the Municipality. All sidewalks shall be built and constructed on the established grade, or elevation, and if there is no established grade, then on the grade or elevation indicated by the Governing Body.

Article 3. Streets

8-301 Streets; Names and Numbers. The Governing Body may at any time, by ordinance, rename any street or provide a name for any new street. Buildings used for residence or business purposes and located along such streets shall retain such numbers as the Governing Body may require. It shall be the duty of the Street Commissioner, upon the erection of any new building or buildings to assign the proper numbers to said building or buildings and give notice to the owner or owners and occupant or occupants of the same.

8-302 Streets; Widening or Opening. The Governing Body shall have the power to open or widen any street, alley, or lane within the limits of the Municipality; to create, open, and improve any new street, alley, or lane; Provided, all damages sustained shall be ascertained in such manner as shall be provided by ordinance. *(Ref. 17-558, 17-559, 76-704 thru 76-724 RS Neb.)*

8-303 Streets; Excavation. It shall be unlawful for any person to make an excavation in any street or streets for any purpose whatsoever unless a written permit is issued by the Governing Body authorizing such excavations.

8-304 Streets; Driving Stakes. It shall be unlawful for any person to drive any peg or stake of any kind into the pavement in any street or alley without first procuring the written consent of the Street Commissioner.

8-305 Streets; Mixing Concrete. It shall be unlawful for any person to mix any concrete or plastering material directly on the street pavement for any reason whatsoever.

8-306 Streets; Harmful Liquids. It shall be unlawful for any person to place or permit to leak in the gutter of any street, waste gasoline, kerosene, or high lubricating oils, which damage or act as a solvent upon said streets.

8-307 **Streets; Pipe Lines and Wires.** Poles, wires, gas mains, pipe lines, and other appurtenances of public service companies shall be located, or erected over, upon, or under the streets, alleys, and common grounds of the Municipality. Application for location of the above shall be made to the Governing Body in writing. Approval by that body shall be issued in writing. Any public service company granted a right-of-way for the erection and maintenance of poles, conduits, gas mains, pipe lines, and wires shall at all times erect and locate their poles, wires, gas mains, pipe lines, and other appurtenances at such places and in such manner as shall be designated by the Governing Body. Such poles, wires, gas mains, pipe lines, and other appurtenances, shall be removed or relocated by said companies at their own expense when requested to do so by the Governing Body. Any such relocation shall be ordered by resolution of the Governing Body and the Municipal Clerk shall notify any and all companies affected. Said companies shall, within twenty-four (24) hours after receiving notice, at their own expense, cause the poles, wires, gas mains, pipe lines, or other appurtenances to be removed. The Governing Body shall designate another location as closely as possible where said poles, wires, gas mains, pipe lines, or other appurtenances, may be reset or placed. All poles, wires, gas mains, pipe lines, or other appurtenances, shall be reset, placed, or erected in such a manner that they will not interfere with the water system; sewerage system; poles, wires, and mains of any public utility; adjacent buildings; or with travel on the public ways and property. Whenever possible, all pole lines, wires, gas mains, pipe lines, or appurtenances shall be confined to the alleys of the Municipality.

8-308 **Streets; Construction Assessments.** To defray the costs and expenses of street improvements, as may be authorized by law, the Governing Body shall have power and authority to levy and collect special taxes and assessments upon the lots and pieces of ground adjacent to, abutting upon, or especially benefitting from, the street, avenue, alley, or sidewalk in whole or in part opened, widened, curbed, curbed and guttered, graded, paved, repaired, graveled, macadamized, parked, extended, constructed, or otherwise improved or repaired. The Governing

Body sitting as the Board of Equalization shall review all such improvements in accordance with the procedure provided by law. All special assessments shall be made by the Governing Body at a regular or special meeting by resolution, taking into account the benefits derived or injuries sustained in consequence of such improvements and the amount charged against same. The vote shall be recorded in the minutes. Notice of the time of holding such meeting and the purpose for which it is to be held shall be published in some legal newspaper published, or of general circulation, in the Municipality at least four (4) weeks before the same shall be held. In lieu of such aforementioned notice, personal service may be had upon the persons owning or occupying the property to be assessed. Such assessments shall be known as "special assessments for improvements" and with the cost of notice shall be levied and collected as a special tax in addition to the taxes for general revenue purposes, subject to the same penalties and collected in like manner as other Municipal taxes and shall be certified to the County Clerk by the Municipal Clerk forthwith after the date of levy, for collection by the Treasurer of said County unless otherwise specified. After it shall become delinquent said assessment shall draw interest at the legal interest rate per annum. In the event the property owner is a non-resident of the county in which the property lies, the Municipality shall, before levying any special assessment against 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. (Ref. 17-511, 17-524 RS Neb.)

Article 4. Curb and Gutter

8-401 Curb and Gutter; Cutting Curb. It shall be unlawful for any person to cut into any paving, curb, or sidewalk for the purpose of constructing a driveway or any other purpose whatsoever without first having obtained a written permit from the Governing Body therefor. Before any person shall obtain a permit, he shall inform the Municipal Clerk of the place where such cutting is to be done, and it shall be the Street Commissioner's duty to inspect the place of entry into the paving, sidewalk, or curb, before the same is cut. When cutting into any paving, it shall be the duty of the party to cut the paving under such rules and regulations as may be prescribed by the Governing Body. When the applicant is ready to close the opening made, he shall inform the Street Commissioner, who shall supervise and inspect the materials used and the work done in closing the opening. It shall be discretionary with the Governing Body to order the Street Commissioner to do the work of cutting and closing the paving and charge the costs thereof to the party who obtained such permit. The Governing Body may consent to the work of cutting and closing the paving to be done by the party holding such permit. Before any permit is issued by the Governing Body, the applicant for such permit shall deposit with the Municipal Treasurer a sum set by resolution of the Governing Body for all paving, curb, or sidewalk to be cut. Such sum shall be set on a per square foot cost of construction basis. The deposit shall be retained by the Municipality for the purpose of replacing the paving, curb, or sidewalk, in the event the work is done by the Municipality. In the event the Municipality elects to require the applicant to replace the paving, curb, or sidewalk, the deposit shall be retained by the Municipality until the work is completed to the satisfaction of the Street Commissioner or of the committee of the Governing Body on streets and alleys. In addition to making the deposit above set forth, the applicant shall, before any permit is issued, execute a bond to the Municipality with a good and sufficient surety or sureties to be approved by the Governing Body in a sum set by resolution of the Governing Body.

Article 5. Penal Provisions

8-501 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 one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

8-502 Abatement of Nuisance. Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

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

Chapter 9

BUILDING REGULATIONS

Article 1. Building Permits

9-101 Building Permits. Any person desiring to commence or proceed to erect, construct, repair, enlarge, demolish, or relocate any building or dwelling, or cause the same to be done, shall file with the Municipal Clerk an application for a building permit. The application shall be in writing on a form to be furnished by the Municipal Clerk for that purpose. Every such application shall set forth the legal description of the land upon which the construction or relocation is to take place, the nature of the use or occupancy, the principal dimensions, the estimated cost, the names of the owner, architect, and contractor, and such other information as may be requested thereon. The application, plans, and specifications so filed with the Municipal Clerk shall be checked and examined by the Governing Body and if they are found to be in conformity with the requirements of this Chapter and all other ordinances applicable thereto, the Governing Body shall authorize the Municipal Clerk to issue the said applicant a permit upon the payment of a permit fee of two (2) dollars. (*Ref. 17-550, 17-1001 RS Neb.*)

Article 2. Barricades and Lights

9-201 Barricades and Lights. It shall be the duty of the owner, tenant, or lessee causing the construction, demolition, or moving of any building or improvement within the Municipality to have during such work all excavations, open basements, building materials, and debris protected by suitable guards or barricades by day, and by warning lights at night. The failure, neglect, or refusal of said persons to erect such guards shall constitute a violation of this Section and the Village Marshal or the Building Inspector shall stop all work until guards are erected and maintained as required.

Article 3. Unsafe Buildings

9-301 Unsafe Buildings; Definition. The term "unsafe building" as used in this Article is hereby defined to mean and include any building, shed, fence, or other man-made structure (a) which is dangerous to the public health because of its condition, and which may cause or aid in the spread of disease or injury to the health of the occupants of it or neighboring structures; (b) which because of faulty construction, age, lack of proper repair, or any other cause is especially liable to fire and constitutes or creates a fire hazard; (c) which by reason of faulty construction or any other cause is liable to cause injury or damage by the collapse or fall of all or any part of such structure. Any such unsafe building in the Municipality is hereby declared to be a nuisance.

9-302 Unsafe Buildings; Prohibition. It shall be unlawful to maintain or permit the existence of any unsafe building in the Municipality and it shall be unlawful for the owner, occupant, or person in custody of any dangerous building to permit the same to remain in an unsafe condition or to occupy such building or permit it to be occupied while it is in an unsafe condition.

9-303 Unsafe Buildings; Determination and Notice. Whenever the building inspector, the fire official, the health official, or the Governing Body shall be of the opinion that any building or structure in the Municipality is an unsafe building, he shall file a written statement to this effect with the Municipal Clerk. The Clerk shall thereupon cause the property to be posted accordingly, and shall file a copy of such determination in the office of the County Register of Deeds, and shall serve written notice upon the owner thereof, and upon the occupant thereof, if any, by certified mail or by personal service. Such notice shall state that the building has been declared to be in an unsafe condition; and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it; and that the condition must be remedied within sixty (60) days from the date of receipt. Such notice may be in the following terms:

“To.(owner-occupant of premises) of the premise known and described as.

“You are hereby notified that.(describe building) on the premises above mentioned has been determined to be an unsafe building and a nuisance after inspection by. The causes for this decision are.(here insert the facts as to the dangerous condition).

“You must remedy this condition or demolish the building within sixty (60) days from the date of receipt of this notice or the Municipality will proceed to do so. Appeal of this determination may be made to the Governing Body, acting as the Board of Appeals, by filing with the Municipal Clerk within ten (10) days from the date of receipt of this notice a request for a hearing.”

If the person receiving the notice has not complied therewith or taken an appeal from the determination of the officer or employee finding that a dangerous building exists within ten (10) days from the time when this notice is served upon such person by personal service or certified mail, the Building Inspector may, upon orders of the Governing Body, proceed to remedy the condition or demolish the unsafe building.

9-304 Unsafe Buildings; Hearing and Appeal. Upon receiving the notice to repair or demolish the building, the owner of the building, within the time stipulated, may in writing to the Municipal Clerk request a hearing before the Governing Body, sitting as the Board of Appeals, to present reasons why the building should not be repaired or demolished. The Governing Body shall grant such hearing within ten (10) days from the date of receiving the request. A written notice of the Governing Body’s decision following the hearing shall be sent to the property owner by certified mail. If the Governing Body rejects the appeal, the owner shall have five (5) days from the sending of the decision to begin repair or demolition and removal. If after the five (5) day period the owner has not begun work, the Governing Body shall proceed to cause such work to be done; Provided, the property owner may appeal such decision to the appropriate court for

adjudication during which proceedings the decision of the Governing Body shall be stayed. Where the Municipality has not adopted a building code, the statutes of Nebraska relating to bonded indebtedness and collection of delinquent taxes shall apply.

§9-305 UNSAFE BUILDINGS; SPECIAL ASSESSMENTS. If any owner of any building or structure fails, neglects, or refuses to comply with notice by or on behalf of the Municipality to repair, rehabilitate, or demolish and remove a building or structure which is unsafe and a public nuisance, the Municipality may proceed with the work specified in the notice to the property owner. A statement of the cost of such work shall be transmitted to the Governing Body. The Governing Body may (1) levy the cost as a special assessment against the lot or real estate upon which the building or structure is located. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments; or (2) collect the cost from the owner of the building or structure and enforce the collection by civil action in any court of competent jurisdiction. (Ref. 18-1720, 18-1722, 18-1722.01, 77-1725 RS Neb.) (Amended by Ord. No. 705, 12/3/90)

Article 4. Penal Provisions

§9-401 **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 one hundred dollars (\$100.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

§9-402 **ABATEMENT OF NUISANCE.** Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

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

Chapter 10

BUSINESS REGULATIONS

Article 1. Alcoholic Beverages

10-101 Alcoholic Beverages; Definitions. All words and phrases herein used are to have the definitions applied thereto, as defined in the Liquor Control Act of the State of Nebraska. (*Ref. 53-103 RS Neb.*)

10-102 Alcoholic Beverages; License Required. It shall be unlawful for any person to manufacture for sale, sell, keep for sale, or to barter any alcoholic liquors within the Municipality unless said person shall have in full force and effect a license as provided by the Nebraska Liquor Control Act. (*Ref. 53-102 RS Neb.*)

10-103 Alcoholic Beverages; Location. It shall be unlawful for any person or persons to own, maintain, manage, or hold open to the public any establishment for the purpose of selling at retail any alcoholic liquor within one hundred and fifty (150) feet of any church, school, hospital, or home for aged or indigent persons or veterans, their wives or children; Provided, this prohibition shall not apply to any location within such distance when the said establishment has been licensed by the Nebraska Liquor Control Commission at least two (2) years, and to hotels offering restaurant service, regularly organized clubs, or to restaurants where the selling of alcoholic liquors is not the principal business carried on, if the said hotel, club, or restaurant were licensed and in operation prior to May 24, 1935. No alcoholic liquor, other than beer, shall be sold for consumption on the premise within three hundred (300) feet from the campus of any college within the Municipality. (*Ref. 53-177 RS Neb.*)

10-104 Alcoholic Beverages; Dwellings. Except in the case of hotels and clubs no alcoholic liquor shall be sold at retail upon any premise which has any access which leads from such premise to any other portion of the same building used for dwelling or lodging purposes, and which is permitted to be used by the public.

Nothing herein shall prevent any connection with such premise, and such other portion of the building which is used only by the licensee, his family, or personal guests. (*Ref. 53-178 RS Neb.*)

10-105 Alcoholic Beverages; License Displayed. Every licensee under the Nebraska Liquor Control Act shall cause his license to be framed and hung in plain public view in a conspicuous place on the licensed premise. (*Ref. 53-148 RS Neb.*)

10-106 Alcoholic Beverages; Licensee Requirements. It shall be unlawful for any person or persons to own an establishment that sells at retail any alcoholic beverages unless said person is a resident of the county in which the premise is located; a person of good character and reputation; a citizen of the United States; a person who has never been convicted of a felony; a person who has never been associated with, or kept, a house of ill fame; a person who has never been convicted of, or pleaded guilty to, a crime or misdemeanor opposed to decency and morality; a person who has never had a liquor license revoked for cause; or a person who has not acquired a beneficial interest in more than two (2) alcoholic beverage retail establishments since March 4, 1963. (*Ref. 53-124.07, 53-125 RS Neb.*)

10-107 Alcoholic Beverages; Municipal Examination. Any person or persons desiring to obtain a license to sell alcoholic liquors at retail shall file with the Liquor Control Commission. The Commission shall then notify by registered or certified mail the Municipal Clerk. The Governing Body shall then meet and determine the desirability of the application and report in writing or in person to the Commission within thirty (30) days. The Governing Body may examine, or cause to be examined, under oath, any applicant; examine, or cause to be examined, the books and records of any such applicant; to hear testimony, and to take proof for its information in the performance of its duties. For the purpose of obtaining any of the information desired, the Governing Body may authorize its agent, or the Municipal Attorney, to act on their behalf. The Governing Body may hold the said examination and hearing upon the receipt from the

Commission of the notice and copy of the application. The Governing Body shall fix a time and place at which a hearing will be held, and at which time the Governing Body may receive competent evidence under oath, either orally, or by affidavit, from any person concerning the propriety of the issuance of such license. Notice shall be published in a legal newspaper in, or of general circulation in, the Municipality one (1) time not less than seven (7), nor more than fourteen (14), days before the time of the hearing. Such hearing shall be held not more than twenty-one (21) days after the receipt of the Commission's letter of notice and after such hearing, the Governing Body shall cause to be spread at large in the minute record of their proceedings a resolution recommending either issuance or refusal of said applicant. The Municipal Clerk shall thereupon mail to the Commission a copy of the resolution which shall state the cost of the published notice; Provided, that failure to hold a hearing and to examine the said applicant shall not render void any license issued by the Commission. In the event the Commission refuses to issue a license, the cost of the publication of notice as herein required shall be paid by the Commission. (*Ref. 53-131, 53-134 RS Neb.*)

§10-107.5 ALCOHOLIC BEVERAGES; SPECIAL DESIGNATED LIQUOR PERMITS. (A) The Board of Trustees does hereby designate the Village Clerk as the agent for the Board of Trustees for the sole and only purpose of approving or denying the issuance of a special designated permit for the consumption of alcoholic beverages at a designated location. Such approval or denial shall be considered as the determination of the Board of Trustees unless, after denial by the Village Clerk, the person filing for the permit files a written request with the Village Clerk to be heard before the Board of Trustees. Upon the filing of such request, said matter shall be heard de novo by the Board of Trustees at its next regularly scheduled meeting.

(B) The following criteria are hereby adopted as prerequisites to the approval of a special designated permit:

(1) The applicant has met all the requirements set forth in section 53-124.11 RS Neb. and all rules and regulations as promulgated by the Nebraska Liquor Control Commission.

(2) The designated location is appropriate and proper and does not otherwise prohibit the consumption of alcoholic liquor thereon.

(3) The special designated permit and the designated location shall not allow or permit the selling or dispensing of liquor to minors because of its designated location.

(4) The designated location shall not have had any liquor violations occur within the past year.

(5) The applicant shall not have been found guilty of violating liquor license laws of the State or Nebraska or the Village within the past five (5) years. (*Ord. No. --, 4/3/19*)

§10-108 ALCOHOLIC BEVERAGES; LIQUOR LICENSE RENEWAL. Retail liquor licenses issued by the Commission and outstanding may be automatically renewed in the absence of a request by the Governing Body to require the said licensee to issue an application for renewal. The Municipal Clerk, upon notice from the Commission, between February twentieth (20th) and March fifth (5th) of each year, shall cause to be published in a legal newspaper in, or of general circulation in the Municipality, one (1) time, a notice in the form prescribed by law of the right of automatic renewal of each retail liquor and beer license within the Municipality. The Municipal Clerk shall then file with the Commission proof of publication of said notice on or before March twelfth (12th) of each year. In the event that written protests are filed by three (3) or more residents of the Municipality against said license renewal, the Municipal Clerk shall deliver the protests to the Governing Body who shall thereupon proceed to notify the Commission that they are to require the said licensee to submit an application. (*Ref 53-135, 53-135.01 RS Neb.*)

§10-109 ALCOHOLIC BEVERAGES; MUNICIPAL POWERS AND DUTIES. The Governing Body shall have the power and duties in respect to licensed retailers of alcoholic beverages to revoke for cause retail licenses to sell alcoholic liquors issued to persons for premises within its jurisdiction subject to the right of appeal to the Commission; to enter or to authorize any law enforcement officer to

enter at any time upon any premise licensed by the State of Nebraska to determine whether any of the provisions of the Municipal laws, or the laws of the State of Nebraska, are being violated; to receive signed complaints from any citizens within its jurisdiction that any of the Municipal laws, or laws of the State of Nebraska, are being violated, and to act upon such complaints in the manner herein provided; and to collect for the benefit of the State of Nebraska and the Municipality all license fees and occupation taxes as prescribed by law. (*Ref. 53-134 RS Neb.*)

§10-110 ALCOHOLIC BEVERAGES; OWNER OF PREMISE.

The owner of any premise used for the sale at retail of alcoholic beverages shall be deemed guilty of a violation of these laws to the same extent as the said licensee if the owner shall permit the licensee to use the said licensed premise in violation of any Municipal Code Section or Nebraska Statute. (*Ref. 53-1,100 RS Neb.*)

§10-111 ALCOHOLIC BEVERAGES; EMPLOYER. The employer of any officer, director, manager, or employees working in a retail liquor establishment shall be held to be liable and guilty of any act of omission or violation of any law or ordinance, and each such act or omission shall be deemed and held to be the act of the employer, and will be punishable in the same manner as if the said act or omission had been committed by him personally. (*Ref. 53-1,102 RS Neb.*)

Lodgepole Code

§10-112 ALCOHOLIC BEVERAGES; CLEAR VIEW.
(Repealed by Ord. No. 73, 11/7/77)

§10-113 ALCOHOLIC BEVERAGES; MINORS. It shall be unlawful for any person or persons to sell, or make a gift of, any alcoholic liquors, or to procure any such alcoholic liquors for any minor, or other person who is mentally, physically, or otherwise incompetent, whether due to natural disabilities or the prior consumption of alcoholic beverages. *(Ref. 53-180 RS Neb.)*

§10-114 ALCOHOLIC BEVERAGES; CREDIT SALES. No person shall sell or furnish alcoholic liquor at retail to any person or persons for credit of any kind, barter, or services rendered; provided, nothing herein contained shall be construed to prevent any club holding a Class C license from permitting checks or statements for alcoholic liquor to be signed by members, or guests of members, and charged to the accounts of the said members or guests in accordance with the by-laws of any such club; and provided further, nothing herein shall be construed to prevent any hotel or restaurant holding a retail alcoholic beverage license from permitting checks or statements for liquor to be signed by regular guests residing in the said hotel, and charged to the accounts of such guests. *(Ref. 53-183 RS Neb.) (Amended by Ord. No. 63, 10/2/78)*

§10-115 ALCOHOLIC BEVERAGES; SPIKING BEER. It shall be unlawful for any person or persons who own, manage, or lease any premise in which the sale of alcoholic beverages is licensed, to serve or offer for sale any beer to which there has been added any alcohol, or permit any person or persons to add alcohol to any beer on the licensed premise of such licensee. *(Ref. 53-174 RS Neb.)*

§10-116 ALCOHOLIC BEVERAGES; ORIGINAL PACKAGE. It shall be unlawful for any person or persons who own, manage, or lease any premise in which the sale of alcoholic beverages is licensed, to have in their possession for sale at retail any alcoholic liquors contained in bottles, casks, or other containers except in the original package. *(Ref. 53-184 RS Neb.)*

§10-117 ALCOHOLIC BEVERAGES; HOURS OF SALE. It shall be unlawful for any person or persons or their agents to sell any alcoholic liquors within the Municipality except during the times provided herein:

HOURS OF SALE

Alcoholic Liquors (except beer and wine)

Secular Days

Off Sale 6:00 A.M. to 1:00 A.M.
On Sale 6:00 A.M. to 1:00 A.M.

Sundays

Off Sale 12:00 noon to 1:00 A.M.
On Sale 12:00 noon to 1:00 A.M.

Beer

Secular Days

Off Sale 6:00 A.M. to 1:00 A.M.
On Sale 6:00 A.M. to 1:00 A.M.

Sundays

Off Sale 12:00 noon to 1:00 A.M.
On Sale 12:00 noon to 1:00 A.M.

No person or persons shall consume any alcoholic beverages on licensed premises for a period of time longer than fifteen (15) minutes after the time fixed herein for stopping the sale of alcoholic beverages on the said premise. (Ref. 53-179 RS Neb.) (Amended by Ord. Nos. 74, 11/7/77; 61, 10/2/78; 119, 1/9/95; 138, 6/4/99)

§10-118 ALCOHOLIC BEVERAGES; SANITARY CONDITIONS. It shall be unlawful to open for public use any retail liquor establishment that is not in a clean and sanitary condition. Toilet facilities shall be adequate and convenient for customers and patrons and said licensed premise shall be subject to any health inspections the Governing Body or the Municipal Police may make, or cause to be made. All applications for liquor licenses shall be viewed in part from the standpoint of the

sanitary conditions, and a report concerning the said sanitary conditions shall be made at all hearings concerning the application for, or renewal of, a liquor license.

§10-119 ALCOHOLIC BEVERAGES; HIRING MINORS. It shall be unlawful for any person to hire a minor regardless of sex under the age of nineteen (19) years to serve or dispense alcoholic liquors, including beer, to said licensee's customers.

§10-120 ALCOHOLIC BEVERAGES; CONSUMPTION IN PUBLIC PLACES. It shall be unlawful for any person to consume alcoholic beverages within the corporate limits upon the public ways and property, including inside vehicles while upon the public ways and property. It shall further be unlawful for any person to consume alcoholic beverages within any other public business that is not a licensed liquor establishment.

§10-121 ALCOHOLIC BEVERAGES; ACQUISITION OF ALCOHOLIC BEVERAGES. It shall be unlawful for any person to have possession of any alcoholic liquors which shall have been acquired otherwise than from a licensee duly licensed to sell same to such person under the provisions of the Nebraska Liquor Control Act; Providing, nothing herein shall prevent the possession of alcoholic liquor for the personal use of the possessor, his family and guests, nor prevent the making of wine, cider or other alcoholic liquor by a person from fruits, vegetables or grains, or the product thereof, by simple fermentation and without distillation, if it is made solely for the use of the maker, his family and his guests; provided further, that nothing herein shall prevent any duly licensed practicing physician or dentist from possessing or using alcoholic liquor in the strict practice of his profession, or any hospital or institution caring for the sick and diseased persons, from possessing any alcoholic liquor for the treatment of bona fide patients of such hospital or other institution; provided further, that any drug store employing a licensed pharmacist may possess and use alcoholic liquors in the compounding of prescriptions of duly licensed physicians; and provided further, that the possession and dispensation of wine by an authorized representative of any church for the purpose of conducting any bona fide rite or

§10-121

Lodgepole Code

§10-121

religious ceremony conducted by such church shall not be prohibited by this section.

Article 2. Peddlers and Hawkers

10-201 Peddlers and Hawkers; Regulation. To prevent the sale of fraudulent, dangerous, and unhealthful goods and services; to protect the public by maintaining records of the products sold and the persons and companies responsible for such sales all peddlers, and hawkers shall, before doing business within the Municipality, make application for, and be issued a registration certificate. Application for said certificate shall be made to the Municipal Clerk, and shall contain all the necessary information, and documents required for the protection of the residents of the Municipality. Any person or persons granted a registration certificate shall be subject to a five (\$5.00) dollar registration fee and any other occupation taxes, and other rules and regulations which the Governing Body deems appropriate for the purposes stated herein. Any registration certificate so granted shall be subject to revocation for good and sufficient cause by the Governing Body or Municipal Police. (*Ref. 17-525 RS Neb.*)

10-202 Peddlers and Hawkers; Hours of Solicitation. It shall be unlawful for any solicitor, salesman, or peddler to solicit any individual between the hours of six (6:00) o'clock P.M., and eight (8:00) o'clock A.M., unless they have a previous appointment with the resident, or residents, of the premise solicited. It shall be unlawful at any hour for a solicitor, salesman, or peddler to solicit without a proper registration certificate on his person at all times.

10-203 Peddlers and Hawkers; Exceptions. Nothing herein shall be construed to apply to any person, or persons, selling produce raised within the county, or to salesmen soliciting merchants directly.

10-204 Peddlers and Hawkers; Registration Expiration. All registration certificates issued in accordance with this Article shall expire one hundred eighty (180) days after the date of issuance thereof unless a prior date is fixed therein.

10-205 Peddlers and Hawkers; Appeal. Any person aggrieved by the decision of the Municipal Clerk in regard to the denial of an application for a registration certificate or in connection with the

revocation of a registration certificate, shall have the right to appeal to the Governing Body. Such appeal shall be taken by filing with the Governing Body within fourteen (14) days after notice of the decision has been mailed to such person's last known address, a written statement setting forth the grounds for appeal. The Governing Body shall set the time and place for a hearing on such appeal and notice shall be given to such person by registered mail, postage prepaid, at his last known address. The order of the Governing Body on such appeal shall be final.

10-206 Peddlers and Hawkers; Police Enforcement. It shall be the duty of the Municipal Police to examine all places of business and persons subject to the provisions of this Article and to enforce the provisions herein against any person found to be violating the same.

Article 3. Occupation Taxes

§10-301 **OCCUPATION TAX; AMOUNTS.** For the purpose of raising revenue, an occupation tax is hereby levied on the following businesses:

Alcoholic Beverages

Class C licensees, per year \$500.00

Fire Insurance Companies, per year 5.00

§10-302 **OCCUPATION TAX; FIRE INSURANCE COMPANIES.** For the use, support, and maintenance of the Municipal Fire Department all revenue realized from the occupation tax on Fire Insurance Companies shall be appropriated to the Fire Department Fund. (Ref. 35-106 RS Neb.)

§10-303 **OCCUPATION TAX; COLLECTION DATE.** All occupation taxes shall be due, and payable on the first (1st) day of May of each year, except in the event that the said tax is levied daily, and upon the payment thereof by any person or persons to the Municipal Clerk, the said Clerk shall give a receipt, properly dated, and specifying the person paying the said tax, and the amount paid; Provided, occupation taxes collected from Class C liquor licensees shall be due and payable on the first (1st) day of November. All revenue so collected shall then be immediately deposited into the General Fund by the Municipal Treasurer. The Municipal Treasurer shall keep an accurate account of all revenue turned over to him. All forms, and receipts herein mentioned shall be issued in duplicate. One (1) copy shall then be kept by each party in the transaction.

§10-304 **OCCUPATION TAX; CERTIFICATES.** The receipt issued after the payment of any occupation tax shall be the Occupation Tax Certificate. The said certificate shall specify the amount of the tax and the name of the person, and business that paid the said tax. The Occupation Tax Certificate shall then be displayed in a prominent place, or carried in such a way as to be easily accessible, while business is being conducted.

§10-305

Lodgepole Code

§10-305

§10-305 **OCCUPATION TAX; FAILURE TO PAY.** If any person, company, or corporation fails, or neglects to pay the occupation taxes as provided herein on the day it becomes due, and payable, the Municipality shall then proceed by civil suit to collect the amount due. All delinquent taxes shall bear interest at the rate of one percent (1%) per month until paid.

Article 4. Fair Housing

[Editor's Note: Article 4 was adopted in its entirety by Ordinance No. 108, 7/7/92]

§10-401 **FAIR HOUSING; PUBLIC POLICY.** It is hereby declared that discriminatory practices as defined in section 10-403 of this Article are against the public policies of the Village of Lodgepole, Nebraska.

§10-402 **FAIR HOUSING; DEFINITIONS.** For purposes of interpreting this Article, the following definitions shall be used:

A. Covering multi-family dwellings shall mean:

- (1) Buildings consisting of four (4) or more units if such buildings have one (1) or more elevators; and
- (2) Ground floor units in other buildings consisting of four (4) or more units.
- (3) Dwelling shall mean any building, structure, or portion thereof which is occupied as or designed or intended for occupancy as a residence for one (1) or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.
- (4) Familial status shall mean one (1) or more minors being domiciled with:
 - (a) A parent or another person having legal custody of such individual; or
 - (b) The designee of a parent or other person having legal custody, with the written permission of the parent or other person.

The protection afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any minor.

- (c) Family shall include a single individual.

- (5) Handicap shall mean, with respect of a person:
- (a) A physical or mental impairment which substantially limits one or more of such person's major life activities;
 - (b) A record of having such an impairment; or
 - (c) Being regarded as having such an impairment.

Handicap shall not include current, illegal use of or addiction to a controlled substance as defined in section 28-401 of the Nebraska statutes.

- (6) Person shall include one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.
- (7) Rent shall include lease, sublease, let, and otherwise grant for consideration the right to occupy premises not owned by the occupant.
- (8) Restrictive covenant shall mean any specification limiting the transfer, rental, or lease of any housing because of race, creed, religion, color, national origin, sex, handicap, familial status, or ancestry.
- (9) Transaction related to residential real estate shall mean any of the following:
- (a) The making or purchasing of loans or providing other financial assistance:
 - (i) For purchasing, constructing, improving, repairing, or maintaining a dwelling; or
 - (ii) Secured by residential real estate; or
 - (b) The selling, brokering, or appraising of residential real property.
- (10) Discriminate. To make distinctions in treatment.

§10-403 FAIR HOUSING; DISCRIMINATORY PRACTICES DEFINED. It shall be a discriminatory practice:

- A. To refuse to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that in the case of a rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
- B. To refuse to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford the handicapped person equal opportunity to use and enjoy a dwelling; and
- C. To fail to design and construct covered multi-family dwellings for first occupancy after September 1, 1991, in such a manner that:
 - (1) The public use and common use portions of the dwellings are readily accessible to and usable by handicapped persons;
 - (2) All the doors designed to allow passage into and within all premises within the dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
 - (3) All premises within the dwellings contain the following features of adaptive design:
 - (a) An accessible route into and through the dwelling;
 - (b) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (c) Reinforcements in bathroom walls to allow later installation of grab bars;
 - (d) Kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space.

Compliance with the appropriate requirements of the American National Standards Institute standard for buildings and facilities providing accessibility and usability for physically handicapped people, ANSI A117.1, shall satisfy the requirements of the Federal Fair Housing Act of 1988.

§10-404 **FAIR HOUSING; UNLAWFUL.** Except as exempted by said Article, is shall be unlawful:

- A. To refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of or otherwise make unavailable or deny, refuse to show or refuse to receive and transmit an offer for a dwelling to any person because of race, color, religion, national origin, familial status, or sex;
- B. To discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of the services or facilities in connection therewith because of race, color, religion, national origin, familial status, or sex;
- C. To make, print, publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, national origin, handicap, familial status, or sex or an intention to make any preference, limitation or discrimination;
- D. To represent to any person because of race, color, religion, national origin, handicap, familial status, or sex that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;
- E. To cause to be made any written or oral inquiry or record concerning the race, color, religion, national origin, handicap, familial status, or sex of a person seeking to purchase, rent, or lease any housing;
- F. To include in any transfer, sale, rental, or lease of housing any restrictive covenants or honor or exercise or attempt to honor or exercise any restrictive covenant pertaining to housing;
- G. To discharge or demote an employee or agent or discriminate in the compensation of such employee or agent

because of such employee's or agent's compliance with this Article; and

- H. To induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, handicap, familial status, or sex.
- I. To discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or renter because of a handicap of:
 - (a) The buyer or renter;
 - (b) Any person associated with the buyer or renter; or
 - (c) A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available;
- J. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with a dwelling because of a handicap of:
 - (a) Such person;
 - (b) Any person associated with such person;
 - (c) A person residing in or intending to reside in the dwelling after it is so sold, rented, or made available.
- K. For any person or other entity whose business includes engaging in transactions related to residential real estate to discriminate against any person in making available such a transaction or in the terms or conditions of such a transaction because of race, color, religion, sex, handicap, familial status, or national origin.
- L. To deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against any person in the terms or conditions of such access, membership, or participation on account of race, color, religion, national origin, handicap, familial status, or sex.
- M. To coerce, intimidate, threaten or interfere with any person in the exercise or enjoyment of or on account of the person

have exercised or enjoyed or having aided or encouraged any other person in the exercise of benefits and rights guaranteed by this Article.

- N. To refuse to sell or lease a dwelling to an individual on the basis that the individual, a member of the individual's family, or a person who will be residing with the individual is suffering or is suspected of suffering from human immunodeficiency virus infection or acquired immunodeficiency syndrome.
- O. For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against the applicant in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of race, color, religion, national origin, or sex of such person or of any person associated with the applicant in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants or occupants of the dwelling or dwellings in relation to which such loan or other financial assistance is to be made or given.

§10-405 **FAIR HOUSING; EXCEPTIONS.** Nothing in this Article shall:

- A. Prohibit a person engaged in the business of furnishing appraisals of real property from taking into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.
- B. Prohibit conduct against the person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in section 28-401 of the Nebraska statutes.
- C. Require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy

would result in substantial physical damage to the property of others.

- D. Prohibit a religious organization, association, or society or any nonprofit institution or organization operated, supervised or controlled by or in association, or society from limiting the sale, rental, or occupancy of a dwelling which it owns or operates for other than commercial purposes to persons of the same religion or from giving preferences to such persons unless membership in such religion is restricted on account of race, color, national origin, handicap, familial status, or sex.
- E. Prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than commercial purposes, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
- F. Prohibit or limit the right of any person or his or her authorized representative to refuse to rent a room or rooms in his or her own home for any reason, or for no reason, or to change tenants in his or her own home as often as desired, except that this exception shall not apply to any person who makes available for rental occupancy more than four (4) sleeping rooms to a person or family within his or her own home.

§10-406 FAIR HOUSING; COMMISSION ESTABLISHED. A Fair Housing Commission is hereby established consisting of members appointed by the Village Chairman with the advice and consent of the Lodgepole Village Board, said Commission terms shall be for five (5) years from the beginning of the year in which appointment is made. Appointment for a shorter term may occur for the purpose of maintaining an appropriate staggering of terms. In the event that a vacancy occurs in the membership by death, resignation or otherwise prior to the normal expiration of the appointee's term, the Chairman with the approval of the Village Board shall appoint a person to serve out the remaining term of the unexpired term. Any member or all members of the Commission may be removed from office at any time by the Village Chairman with the

approval of the Village Board. No person shall serve on the Commission for more than five (5) years.

§10-407 **FAIR HOUSING; PROCEDURE.** In order to protect the rights of all parties, the following procedures are hereby established for filing, investigating and hearing complaints involving discrimination.

- A. Complaints. In the event that any person is alleged to have committed an act of discrimination, the aggrieved person may file a sworn complaint in writing with the Secretary of the Fair Housing Commission. Said complaint shall set out the name or names of the alleged party, the statement of the act and the time and place of the commission of the act.
- B. Investigation and Conciliation. The Fair Housing Commission shall consider each complaint during an executive session. In each instance where two-thirds (2/3) majority of the members of the Commission are of the opinion that an act of discrimination under the provisions of this Article may have been committed, it shall appoint a member of one (1) or more members of the Commission to call upon the person alleged to have committed the act of discrimination (hereinafter referred to as respondent). This Committee shall attempt to determine whether or not such an act has in fact been committed and to effect conciliation between the parties and to obtain commitments designed to prevent the reoccurrence of the matter complained of.

In the event the Committee is successful in effecting conciliation between the parties and becomes convinced that no discriminatory act was committed, the complaint and all proceedings by the Commission and Committee shall be and remain confidential. Any disclosure except as authorized by the aggrieved person and respondent shall be grounds for removal from office. The Commission may, however, publish results of the work in official reports omitting the names of the parties and any factual items which would identify the parties.

- C. **Waiting Period.** Before a public hearing is held as a consequence of paragraph D below, a thirty (30) day period shall pass in an attempt to effect a reconciliation.
- D. **Public Hearing.** In the event the respondent refuses to meet with the Committee selected by the Fair Housing Commission, or if the Committee fails in obtaining conciliation between the parties or in obtaining commitment against reoccurrence, the Committee shall so report the matter to the Fair Housing Commission. The Chairman may fix a time and place for public hearing on the complaint. A written statement of charges made in the complaint shall be served upon the respondent and written notice of the time and place of the public hearing. The hearing shall be held not less than twenty (20) days after the service of the statement of charges. The respondent shall have the right to file an answer to the statement of charges, to appear at the hearing personally or be represented by an attorney and to cross-examine witnesses. The hearing shall not be conducted following the strict rules of evidence prevailing in courts of law except that the respondent shall have the right to confront any and all witnesses against him and the right to refuse to testify against himself. All testimony taken at the hearing shall be under oath. If upon all the evidence presented, the Commission finds that the respondent has committed an act of discrimination, the Commission shall set forth its findings of fact and shall issue and cause to be served upon the respondent such orders as the Commission deems just and equitable.
- E. **Enforcement.** In the event the respondent fails to comply with any order issued by the Commission, the Commission shall certify the matter to the Village Chairman for appropriate action including enforcement proceedings in District Court.

§10-408 **FAIR HOUSING; STATE LAW.** Nothing in this Article shall diminish or restrict the Village, the Commission or the person exercising the rights provided for and the procedures set out in section 20-101 et. seq. R.R.S. 1943 and the Commission or the Village Board may at any stage of the proceeding provided for herein decline to take further action and

§10-408

Lodgepole Code

§10-409

refer the matter to the Nebraska Equal Opportunity Commission.

§10-409 FAIR HOUSING; LIMITATIONS. No action shall be brought about under the provisions of this Article unless the written complaint shall have been filed within thirty (30) days of the commission of alleged offense.

Article 5. Franchises

§10-501 FRANCHISE; NATURAL GAS. The Governing Body has granted to Kinder Morgan, Inc. the authority to construct, maintain, and operate a gas transmission, and distribution system within the Municipality for the furnishing, transmission, distribution and sale of gas whether artificial, natural, mixed or otherwise for lighting, heating, domestic, industrial and other uses.. Actual details of the agreement, and the present gas rates, charges, and fees are available at the Municipal Clerk's office and available for public inspection during regular business hours. *(Ref. 17-528.02 RS Neb.) (Amended by Ord. No. 153, 10/6/03)*

Lodgepole Code

§10-601

Business Regulations

§10-601

Article 6. Penal Provision

§10-601 **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 one hundred dollars (\$100.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

Chapter 11

MUNICIPAL PLANNING

Article 1. Municipal Limits

11-101 Municipal Limits; Defined. All additions, lots, lands, subdivisions, and parcels of ground included within the official Municipal Map, and plat on file at the office of the County Register of Deeds, having been by act or ordinance of the Governing Body or by law duly annexed to or made a part of this Municipality, or having been by the act, authority, acquiescence, consent, platting, and dedication of their respective owners, created either as the original townsite or as additions to the Municipality are hereby declared to be within the corporate limits of the Municipality. Lawfully constituted additions or changes in said Municipal Limits shall be indicated upon said maps and plat by the Municipal Engineer after such addition or change has been completed in accordance with the ordinances of this Municipality and the laws of the State of Nebraska.

11-102 Original Plats. Each and all plats, lots, blocks, additions, subdivisions, outlots, and parcels of ground included within the corporate limits of the Municipality, and not vacated of record prior to the enactment of this Chapter, including the Original Plat of the Municipality, are hereby accepted, approved, and confirmed as valid, and each and all of said lots, blocks, additions, subdivisions, and outlots as heretofore platted and recorded in the office of the County Register of Deeds, and not heretofore vacated, and all other parcels of ground, included within said corporate limits, are hereby declared to be within said Municipality and an integral part thereof.

Article 2. Subdivisions and Additions

11-201 Subdivisions and Additions. The owner of any tract of land within the corporate limits of the Municipality, or within one (1) mile contiguous thereto, may lay out said land into lots, blocks, streets, avenues, and alleys as a suburban development or as an addition to the Municipality upon conformance to and compliance with the conditions herein and with the Statutes of Nebraska. (*Ref. 17-405, 17-426, 17-1002 RS Neb.*)

11-202 Survey and Plat. The owner or proprietor of any tract or parcel of land within the corporate limits or within one (1) mile thereof, desiring to subdivide or lay out said tract of land, shall cause the same to be accurately surveyed and an accurate map or plat thereof made with reference to known or permanent monuments and said map or plat shall explicitly describe the land so laid out. The map or plat shall designate the tract as ".
. *Addition to the Village of Lodgepole, Nebraska,*" or "*Subdivision of the Village of Lodgepole, Nebraska,*" whichever is appropriate. The lots and blocks shall be designated by numbers, and the streets and avenues by names coinciding with the streets and avenues of the Municipality of which they form continuations. The plat shall show the length and depth of the lots, and the width and course of all streets, avenues, and alleys, together with an accurate plat of all lots, blocks, and streets. (*Ref. 17-405, 17-1002, 17-1003 RS Neb.*)

11-203 Surveyor's Certificate. The map or plat shall be accompanied by a certificate from the surveyor making said survey and plat, that he accurately surveyed the said tract and that the lots, blocks, streets, avenues and alleys are accurately shown upon the said map or plat. (*Ref. 17-405, 17-1003 RS Neb.*)

11-204 Dedication. Said map or plat shall have written thereon, or attached hereto, a dedication to this Municipality for the use of the public, of all streets, avenues, alleys, parks, squares, and commons, and all land set apart for public use or dedicated to charitable, religious, and educational purposes as therein

mentioned and described. Such dedication shall be signed by the owner of the tract of land, and shall be duly acknowledged as required by law. (Ref. 17-417, 17-1003 RS Neb.)

§11-205 STREETS AND ALLEYS. Streets and alleys laid out in any addition to or in any suburban development of the Municipality shall be continuous with and correspond in direction and width to the streets and alleys of the Municipality to which they are an addition. (Ref. 17-418, 17-1003 RS Neb.)

§11-206 APPROVAL OF PLAT. Before any such map or plat shall have any validity, it must first be submitted to and be approved and accepted by the Governing Body of the Municipality. Where the County has both adopted a comprehensive development plan and is enforcing subdivision regulations, and the proposed subdivision plat both contemplates public streets or improvements, and lies partially or totally within the extraterritorial subdivision jurisdiction being exercised by the County, then the County Planning Commission shall be given six (6) weeks to officially comment on the appropriateness of the design and improvements proposed in the plat. The review period for the Commission shall run concurrently with subdivision review activities of the Municipality after the Commission receives all available material for a proposed subdivision plat. The map or plat must have such acceptance and such acceptance and approval endorsed thereon; Provided, that before any such map, or plat shall be considered, approved, or accepted, the owner, or proprietor shall pay, or cause to be paid, all taxes, special taxes, and special assessments due thereon, and shall produce a certificate showing that all such taxes and assessments have been paid or cancelled. (Ref. 17-1002, 19-902 RS Neb.) (Amended by Ord. No. 64, 10/2/78)

§11-207 RECORDING PLAT. If a majority of all members of the Governing Body shall vote in favor of such suburban development or annexation, an

ordinance shall be prepared and passed by the Governing Body granting such approval or declaring the annexation of such territory to the corporate limits of this Municipality, and extending the limits thereof accordingly, whichever is appropriate. An accurate map, or plat of such territory and said dedication as hereinbefore described, certified by the engineer or surveyor, and acknowledged and approved as provided by law in such cases, shall at once be filed and recorded by the owner or proprietor of such land in the office of the Register of Deeds of the County, together with a certified copy of the ordinance granting approval or declaring such annexation, under the seal of said Municipality. (Ref. 19-902 RS Neb.)

§11-208 ADDITIONS. All additions to this Municipality which have heretofore been approved and accepted, or which may hereafter be laid out in accordance with the provisions herein and accepted and approved, shall be and become incorporated in this Municipality for all purposes whatsoever, and inhabitants of such additions shall be entitled to all the rights and privileges and be subject to all the laws and regulations of said Municipality. (Ref. 19-902 RS Neb.)

Survey
→ plat map noting addition
(specific details)
→ survey certificate

Article 3. Penal Provision

11-301 Violation; Penalty. Any person, whether as owner, proprietor, or as the agent, attorney, or representative of any owner or proprietor of land who shall plat, or subdivide any tract of land within the corporate limits of the Municipality, or adjoining, and contiguous to the same, except as herein authorized, or who shall sell, transfer, deed or convey, contract, or agree to sell, transfer, or offer for sale any lot, or piece of ground in any addition, or subdivision of three (3), or more parts within said corporate limits, or adjoining, and contiguous thereto, without having first obtained the acceptance, and approval of the plat, or map thereof by the Governing Body, and any person who shall violate, or who shall fail, neglect, or refuse to comply with any of the provisions hereinbefore, as now existing, or as hereafter amended, shall, upon conviction, be fined in any sum not exceeding one hundred (\$100.00) dollars.



LODGEPOLE CODE INDEX

A

ABANDONED AUTOMOBILES	6-314
ABATEMENT OF NUISANCES	4-303, 4-402
ADDITIONS	11-201 through 11-208
ADMINISTRATION, Municipal (<i>Also See Individual Headings</i>)	
Appointed Officials	1-201 through 1-215
Bonds and Oath	1-301, 1-302
Compensation	1-901 through 1-903
Elected Officials	1-101 through 1-104
Elections	1-701 through 1-717
Fiscal Management	1-801 through 1-819
Meetings	1-501 through 1-513
Ordinances	1-601 through 1-610
Seal, Corporate	1-401
ALCOHOLIC BEVERAGES	
Acquisition	10-121
Credit Sales	10-113
Definitions	10-101
Drinking in Public	10-120
Duties of Municipality	10-109
Dwellings	10-104
Employer	10-111
Examinations, Municipal	10-107
Hiring Minors	10-119
Hours of Sale	10-117
License Displayed	10-105
License Renewal	10-108
License Required	10-102

Licensee Requirements	10-106
Location	10-103
Minors	10-112
Original Package	10-116
Owner	10-110
Powers of Municipality	10-109
Sanitation	10-118
Special Designated Permit	10-107.5
Spiking Beer	10-114
ANIMALS	
Abandonment, Neglect, Cruelty	
Definitions	6-207
Law Enforcement Officer	6-208
Penalty	6-209
Controlled in Municipality	6-201
Cruelty	6-202
Dogs (<i>See Dogs, this Index</i>)	
Enclosures	6-204
Fowl	6-206
Injuring	6-203
Killing	6-203
Pitting	
Definitions	6-210
Prohibited	6-211
Spectators Prohibited	6-212
Poisoning	6-203
Running at Large	6-201
APPOINTED OFFICIALS	
Authority	1-201
Clerk	1-203, 1-204
Clerk-Treasurer, Position Created	1-203
Engineer, Special	1-210
Fire Chief	1-209
General Authority	1-201
Light Commissioner	1-211, 1-213

Marshal	1-208
Merger of Offices	1-202
Sewer Commissioner	1-211, 1-214
Special Engineer	1-210
Street Maintenance Supervisor	1-215
Treasurer	1-203, 1-205 through 1-207
Treasurer's Annual Report	1-207
Treasurer's Monthly Report	1-206
Water Commissioner	1-211, 1-212
APPROPRIATION BILL	1-806
AUDIT	1-810
AUTOMATIC PAYMENTS	3-901, 3-902
AUTOMOBILES (<i>See Traffic Regulations</i>)	

B

BARRICADES AND LIGHTS	9-201
BEER (<i>See Alcoholic Beverages</i>)	
BICYCLES	
Clinging to Motor Vehicles	5-302
Operation	5-301
BOARD OF TRUSTEES (<i>See Elected Officials</i>)	
BOARDS (<i>See Commissions and Boards</i>)	
BONDS, Municipal Officials	1-301
BOND ISSUES	1-819
BUDGET	
Filing	1-804
Hearing	1-803
Procedure	1-805
Statement	1-802
BUDGET BILLING AND	
AUTOMATIC PAYMENTS	3-801, 3-802
BUILDING PERMITS	9-101
BUILDING REGULATIONS	
Barricades and Lights	9-201
Building Permits	9-101

BUSINESS REGULATIONS *(Also See Individual Headings)*

Alcoholic Beverages	10-101 through 10-121
Fair Housing	10-401 through 10-409
Franchises	10-501
Occupation Taxes	10-301 through 10-305
Peddlers and Hawkers	10-201 through 10-206

C

CEMETERY BOARD	2-203
CLAIMS	1-204, 1-811
CLERK	1-203, 1-204
CODES, Adopted by Reference	
Fire	7-201
Health	4-103
COMMISSIONERS, INSPECTORS & SUPERINTENDENTS	
Light	1-211, 1-213
Sewer	1-211, 1-214
Street	1-215
Water	1-211, 1-212
COMMISSIONS AND BOARDS	
Cemetery	2-203
Community Improvement	2-205
Health	2-202
Library	2-201
Planning	2-204
Standing Committees	2-101
COMMITTEES, Standing	2-101
COMMUNITY IMPROVEMENT BOARD	2-205
COMPENSATION, Municipal Officials	
Conflict of Interest	1-902
Municipal Officials	1-901

Salaries	1-903
CORPORATE LIMITS	11-101
CORPORATE SEAL	1-401
CRUELTY TO ANIMALS	6-202
CURB AND GUTTER	8-401

D

DEPARTMENTS *(Also See Individual Headings)*

Budget Billing and Automatic Payments	3-801, 3-802
Electrical	3-701 through 3-715
Fire	3-301 through 3-308
Library	3-601 through 3-606
Parks	3-501, 3-502
Police	3-401
Sewer	3-201 through 3-220
Utilities Generally	3-901
Water	3-101 through 3-127

DOGS

Abandonment	6-118
Barking	6-112
Capture Impossible	6-108
Females in Season	6-113
Fighting	6-114
Impounding	6-117
Interference with Police	6-110
Killing	6-111
Liability of Owner	6-115
Licensing	6-101 through 6-103
Offensive	6-112
Owner Defined	6-204
Poisoning	6-111
Proclamation, Emergency	6-105
Removal of Tags	6-116

Running at Large	6-107
Uncollared	6-106
Vicious	6-109
DRIVING REGULATIONS (<i>See Traffic Regulations</i>)	
DROUGHT EMERGENCY CONTINGENCY PLAN	3-128

E

ELECTED OFFICIALS

Chairman	1-101
Duties	1-103
Organization	1-102
Powers	1-103
Qualifications	1-102, 1-707
Vacancy	1-104

ELECTIONS

Ballots	1-713, 1-714, 1-716
Board of Trustees	1-707
Caucus Candidates	1-712
Fee	1-702
General Municipal	1-701
Inability to Assume Office	1-715
Notice	1-703, 1-705
Officials	1-709, 1-710
Petition Candidates	1-706
Special Election	1-704, 1-705
Term of Office	1-717
Voter Qualifications	1-708

ELECTRICAL SYSTEM

Applications	3-703
Building Moving	3-711
Complaints	3-715
Contracts and Terms	3-702

Delinquent Payments	3-709
Deposits	3-708
Electric Lines	3-713
Fees and Collections	3-706
Installation Expense	3-705
Meters	3-712
Ownership	3-701
Restricted Use	3-710
Service Contracts	3-704
Trimming Trees	3-714
ENCLOSURES	6-204
ENGINEER, Special	1-210
EXCAVATIONS	
Streets	8-303
EXCESSIVE NOISE	
Exemptions	6-321
Finding, declaration	6-318
Nuisance	6-323
Particular noises	6-320
Prohibited	6-319
Special permit	6-322
Standards	6-320
EXPLOSIVES	
Blasting Permits	7-402
Storage Registration	7-401
Transportation	7-403

F

FAIR HOUSING	
Commission Established	10-406
Definitions	10-402, 10-403
Discriminatory Practices Defined	10-403
Exceptions	10-405
Limitations	10-409
Procedure	10-407

Public Policy	10-401
State Law	10-408
Unlawful	10-404
FALSE ALARMS	7-108
FIRE DEPARTMENT	
Chief	1-209, 3-302
Duties	3-305
Fire Chief	1-209, 3-302
Funding	3-301
Investigations	3-308
Membership	3-303
Open Burning	3-306
Operation	3-301
Ownership	3-301
Preservation of Property	3-307, 7-101
Records	3-304
FIRE INSURANCE COMPANIES, Tax	10-302
FIRE PREVENTION	
Code Enforcement	7-202
Explosives	7-401 through 7-403
Fire Prevention Code	7-201
Merger	7-203
Poisonous Gases	7-301
FIRES	
Assistance at Fire	7-106
Disorderly Spectator	7-102
Driving over Fire Hose	7-107
Equipment	7-103
False Alarm	7-109
Interference with Firemen	7-104
Obstructing Firemen	7-105
Preservation of Property	7-101
FISCAL MANAGEMENT	
Appropriations	1-806
Audit	1-810
Bond Issues	1-819
Budget	
Filing	1-804
Hearing	1-803

LODGEPOLE CODE INDEX

A

ABANDONED AUTOMOBILES	6-314
ABATEMENT OF NUISANCES	4-303, 4-402
ADDITIONS	11-201 through 11-208
ADMINISTRATION, Municipal (<i>Also See Individual Headings</i>)	
Appointed Officials	1-201 through 1-215
Bonds and Oath	1-301, 1-302
Compensation	1-901 through 1-903
Elected Officials	1-101 through 1-104
Elections	1-701 through 1-717
Fiscal Management	1-801 through 1-819
Meetings	1-501 through 1-513
Ordinances	1-601 through 1-610
Seal, Corporate	1-401
ALCOHOLIC BEVERAGES	
Acquisition	10-121
Credit Sales	10-113
Definitions	10-101
Drinking in Public	10-120
Duties of Municipality	10-109
Dwellings	10-104
Employer	10-111
Examinations, Municipal	10-107
Hiring Minors	10-119
Hours of Sale	10-117
License Displayed	10-105
License Renewal	10-108
License Required	10-102

Licensee Requirements	10-106
Location	10-103
Minors	10-112
Original Package	10-116
Owner	10-110
Powers of Municipality	10-109
Sanitation	10-118
Special Designated Permit	10-107.5
Spiking Beer	10-114
ANIMALS	
Abandonment, Neglect, Cruelty	
Definitions	6-207
Law Enforcement Officer	6-208
Penalty	6-209
Controlled in Municipality	6-201
Cruelty	6-202
Dogs (<i>See Dogs, this Index</i>)	
Enclosures	6-204
Fowl	6-206
Injuring	6-203
Killing	6-203
Pitting	
Definitions	6-210
Prohibited	6-211
Spectators Prohibited	6-212
Poisoning	6-203
Running at Large	6-201
APPOINTED OFFICIALS	
Authority	1-201
Clerk	1-203, 1-204
Clerk-Treasurer, Position Created	1-203
Engineer, Special	1-210
Fire Chief	1-209
General Authority	1-201
Light Commissioner	1-211, 1-213

Marshal 1-208
 Merger of Offices 1-202
 Sewer Commissioner 1-211, 1-214
 Special Engineer 1-210
 Street Maintenance Supervisor 1-215
 Treasurer 1-203, 1-205 through 1-207
 Treasurer's Annual Report 1-207
 Treasurer's Monthly Report 1-206
 Water Commissioner 1-211, 1-212
 APPROPRIATION BILL 1-806
 AUDIT 1-810
 AUTOMATIC PAYMENTS 3-901, 3-902
 AUTOMOBILES (*See Traffic Regulations*)

B

BARRICADES AND LIGHTS 9-201
 BEER (*See Alcoholic Beverages*)
 BICYCLES
 Clinging to Motor Vehicles 5-302
 Operation 5-301
 BOARD OF TRUSTEES (*See Elected Officials*)
 BOARDS (*See Commissions and Boards*)
 BONDS, Municipal Officials 1-301
 BOND ISSUES 1-819
 BUDGET
 Filing 1-804
 Hearing 1-803
 Procedure 1-805
 Statement 1-802
 BUDGET BILLING AND
 AUTOMATIC PAYMENTS 3-801, 3-802
 BUILDING PERMITS 9-101
 BUILDING REGULATIONS
 Barricades and Lights 9-201
 Building Permits 9-101

BUSINESS REGULATIONS *(Also See Individual Headings)*

Alcoholic Beverages	10-101 through 10-121
Fair Housing	10-401 through 10-409
Franchises	10-501
Occupation Taxes	10-301 through 10-305
Peddlers and Hawkers	10-201 through 10-206

C

CEMETERY BOARD	2-203
CLAIMS	1-204, 1-811
CLERK	1-203,1-204
CODES, Adopted by Reference	
Fire	7-201
Health	4-103
COMMISSIONERS, INSPECTORS & SUPERINTENDENTS	
Light	1-211, 1-213
Sewer	1-211,1-214
Street	1-215
Water	1-211, 1-212
COMMISSIONS AND BOARDS	
Cemetery	2-203
Community Improvement	2-205
Health	2-202
Library	2-201
Planning	2-204
Standing Committees	2-101
COMMITTEES, Standing	2-101
COMMUNITY IMPROVEMENT BOARD	2-205
COMPENSATION, Municipal Officials	
Conflict of Interest	1-902
Municipal Officials	1-901

Salaries 1-903
 CORPORATE LIMITS 11-101
 CORPORATE SEAL 1-401
 CRUELTY TO ANIMALS 6-202
 CURB AND GUTTER 8-401

D

DEPARTMENTS *(Also See Individual Headings)*

Budget Billing and Automatic Payments 3-801, 3-802
 Electrical 3-701 through 3-715
 Fire 3-301 through 3-308
 Library 3-601 through 3-606
 Parks 3-501, 3-502
 Police 3-401
 Sewer 3-201 through 3-220
 Utilities Generally 3-901
 Water 3-101 through 3-127

DOGS

Abandonment 6-118
 Barking 6-112
 Capture Impossible 6-108
 Females in Season 6-113
 Fighting 6-114
 Impounding 6-117
 Interference with Police 6-110
 Killing 6-111
 Liability of Owner 6-115
 Licensing 6-101 through 6-103
 Offensive 6-112
 Owner Defined 6-204
 Poisoning 6-111
 Proclamation, Emergency 6-105
 Removal of Tags 6-116

Running at Large	6-107
Uncollared	6-106
Vicious	6-109
DRIVING REGULATIONS (<i>See Traffic Regulations</i>)	
DROUGHT EMERGENCY CONTINGENCY PLAN	3-128

E

ELECTED OFFICIALS

Chairman	1-101
Duties	1-103
Organization	1-102
Powers	1-103
Qualifications	1-102, 1-707
Vacancy	1-104

ELECTIONS

Ballots	1-713, 1-714, 1-716
Board of Trustees	1-707
Caucus Candidates	1-712
Fee	1-702
General Municipal	1-701
Inability to Assume Office	1-715
Notice	1-703, 1-705
Officials	1-709, 1-710
Petition Candidates	1-706
Special Election	1-704, 1-705
Term of Office	1-717
Voter Qualifications	1-708

ELECTRICAL SYSTEM

Applications	3-703
Building Moving	3-711
Complaints	3-715
Contracts and Terms	3-702

Delinquent Payments	3-709
Deposits	3-708
Electric Lines	3-713
Fees and Collections	3-706
Installation Expense	3-705
Meters	3-712
Ownership	3-701
Restricted Use	3-710
Service Contracts	3-704
Trimming Trees	3-714
ENCLOSURES	6-204
ENGINEER, Special	1-210
EXCAVATIONS	
Streets	8-303
EXCESSIVE NOISE	
Exemptions	6-321
Finding, declaration	6-318
Nuisance	6-323
Particular noises	6-320
Prohibited	6-319
Special permit	6-322
Standards	6-320
EXPLOSIVES	
Blasting Permits	7-402
Storage Registration	7-401
Transportation	7-403

F

FAIR HOUSING	
Commission Established	10-406
Definitions	10-402, 10-403
Discriminatory Practices Defined	10-403
Exceptions	10-405
Limitations	10-409
Procedure	10-407

Public Policy	10-401
State Law	10-408
Unlawful	10-404
FALSE ALARMS	7-108
FIRE DEPARTMENT	
Chief	1-209, 3-302
Duties	3-305
Fire Chief	1-209, 3-302
Funding	3-301
Investigations	3-308
Membership	3-303
Open Burning	3-306
Operation	3-301
Ownership	3-301
Preservation of Property	3-307, 7-101
Records	3-304
FIRE INSURANCE COMPANIES, Tax	10-302
FIRE PREVENTION	
Code Enforcement	7-202
Explosives	7-401 through 7-403
Fire Prevention Code	7-201
Merger	7-203
Poisonous Gases	7-301
FIRES	
Assistance at Fire	7-106
Disorderly Spectator	7-102
Driving over Fire Hose	7-107
Equipment	7-103
False Alarm	7-109
Interference with Firemen	7-104
Obstructing Firemen	7-105
Preservation of Property	7-101
FISCAL MANAGEMENT	
Appropriations	1-806
Audit	1-810
Bond Issues	1-819
Budget	
Filing	1-804
Hearing	1-803

Procedure	1-805
Statement	1-802
Claims	1-811
Contracts	1-809
Expenditures	1-808
Financial Statement	1-810
Fiscal Year	1-801
Funds	
Assessment Fund	1-814
Deposit of Funds	1-817
General Fund	1-816
Investment of Funds	1-818
Sinking Fund	1-815
Transfer of Funds	1-813
Property Tax	1-807
Warrants	1-812
FLAMMABLE GAS	7-301
FOWL (<i>See Animals</i>)	
FUNDS	1-813 through 1-818

G

GARBAGE

Appliances in Yard	6-312
Containers	4-204
Defined	4-201 through 4-203
Disposal	4-204
Unlawful Burning	4-205
GAS, Natural, Franchise	10-501
GENERAL PENAL PROVISION (<i>End of Each Chapter</i>)	

H

HEALTH AND SANITATION

Abatement of Nuisance	4-303, 4-402
County Health Board	4-104
Garbage Disposal	4-201 through 4-204
Health Code, Adopted by Reference	2-202
Municipal Health Board	2-202
Nuisances	
Abatement	4-402
Abatement Procedure	4-303
Direct Action in Court	4-305
Generally Defined	4-301
Jurisdiction	4-304
Specifically Defined	4-302
Official	4-102
Rabies	6-105
Regulations	4-101
HEALTH CODE, Adopted by Reference	4-103
HEALTH REGULATIONS	4-101
HYDRANTS	3-115

I

ICE AND SNOW	8-202
IMPOUNDING DOGS	6-105, 6-117
INSPECTORS (<i>See Commissioners, Inspectors & Superintendents</i>)	
INSURANCE, Firemen	3-303
ITINERANT MERCHANTS (<i>See Peddlers & Hawkers</i>)	

L

LANDLORD RESPONSIBILITY FOR UTILITIES 3-901

LIBRARY

- Board 2-201
- Books 3-602, 3-604, 3-605
- Damaged and Lost Books 3-604
- Funding 3-601
- Funds 3-606
- Operation 3-601
- Ownership 3-601
- Removal of Books 3-605
- Rules and Regulations 3-603

LICENSES

- Alcoholic Beverages 10-102
- Dogs 6-101
- Peddlers and Hawkers 10-201

LIGHT COMMISSIONER 1-213

LIQUORS (*See Alcoholic Beverages*)

LIVESTOCK (*See Animals*)

M

MARSHAL 1-208

MEETINGS

- Change in Office 1-512
- Clerk 1-503, 1-508, 1-510, 1-511
- Closed Sessions 1-504
- Definitions 1-501, 1-502
- Emergency Meetings 1-505
- Governing Body 1-510

Minutes	1-506
News Media	1-508
Order of Business	1-511
Public Body Defined	1-502
Public Meetings	1-503
Public Participation	1-509
Reorganizational	1-514
Votes	1-507
MERGER OF OFFICES	1-202
MINORS	
Alcoholic Beverages	10-112, 10-116
MISCELLANEOUS MISDEMEANORS	
Abandoned Automobiles	6-314
Air Guns	6-309
Appliances in Yard	6-312
BB Guns	6-309
Destruction of Property	6-302
Discharging Firearms	6-308
Disturbing the Peace	6-310
Fire Equipment	6-304
Injury to Trees	6-303
Loitering	6-317
Malicious Mischief	6-311
Posting	6-306
Slingshots, Air Guns, BB Guns	6-309
Trash	6-305
Trespassing	6-301
Unlicensed Vehicles	6-315
Vagrancy	6-316
Weed Removal	6-313
MOTOR VEHICLES (<i>See Traffic Regulations</i>)	
MUNICIPAL PLANNING	
Additions	11-201, 11-208
Alleys	11-205

Approval of Plat	11-206
Dedication of Plat	11-204
Limits Defined	11-101
Municipal Limits	11-101
Original Plat	11-102
Plat	11-102, 11-202, 11-204, 11-206, 11-207
Recording Plat	11-207
Streets	11-205
Subdivisions	11-201
Survey	11-202
Surveyor's Certificate	11-203
MUNICIPAL PROPERTY <i>(See Public Ways and Property)</i>	

N

NATURAL GAS, Franchise	10-501
NEGLIGENT DRIVING	5-207
NUISANCES	
Abatement	4-402
Abatement Procedure	4-303
Direct Action in Court	4-305
Generally Defined	4-301
Jurisdiction	4-304
Specifically Defined	4-302

O

OATH OF OFFICE	1-302
OCCUPATION TAXES	
Amounts	10-301
Certificate	10-304

Collection	10-303
Date of Collection	10-303
Delinquent Payments	10-305
Failure to Pay	10-305
Fire Insurance Companies	10-302
Rate Schedule	10-301
OFFICIALS, MUNICIPAL	
Board of Trustees	1-102 through 1-104
Bonds	1-301
Chairman	1-101, 1-104
Clerk	1-203, 1-204
Compensation	1-901 through 1-903
Elections (<i>See Elections, this Index</i>)	
Engineer, Special	1-210
Fire Chief	1-209
Light Commissioner	1-211, 1-213
Marshal	1-208
Merger of Offices	1-202
Oath of Office	1-302
Sewer Commissioner	1-211, 1-214
Special Engineer	1-210
Street Commissioner	1-215
Treasurer	1-203, 1-205 through 1-207
Vacancy in Office	1-104
Water Commissioner	1-211, 1-212
ORDINANCES	
Amendments and Revisions	1-610
Certificate of Publication	1-608
Emergency Ordinances	1-609
Introduction	1-602
Motion	1-603
Passage	1-606
Power	1-601
Publication	1-607

Resolutions	1-603
Style	1-604
Title	1-605

P

PARKING REGULATIONS

Alleys	5-405, 5-406
Areas	5-403
Designation	5-402, 5-404
Handicapped, Reserved for	5-409
Overnight	5-408
Time Limit	5-410, 5-411
Trucks Containing Flammable Gases	5-407
Unattended Vehicles	5-401

PARKS DEPARTMENT

3-501, 3-502

PEDDLERS AND HAWKERS

Appeal	10-205
Exceptions	10-203
Hours	10-202
Police Enforcement	10-206
Registration Expiration	10-204
Regulation	10-201

PENAL PROVISIONS *(End of Each Chapter)*

PLANNING COMMISSION

2-204

POLICE DEPARTMENT

3-401

POLICE REGULATIONS *(Also See Individual Headings)*

Animals	6-201 through 6-212
Dogs	6-101 through 6-118
Misdemeanors	6-301 through 6-317

PUBLIC UTILITIES *(See Individual Departments)*

PUBLIC WAYS AND PROPERTY

Control	8-102
---------------	-------

Conveyance	8-104
Curb and Gutter	8-401
Definitions	8-101
Gutter	8-401
Maintenance	8-102
Obstructions	8-105, 8-106
Permitted Obstructions	8-106
Sale	8-104
Sidewalks (<i>See Sidewalks, this Index</i>)	-
Sidewalk Space Defined	8-101
Streets (<i>See Streets, this Index</i>)	
Trees	8-103
Weeds	8-107

R

RABIES	6-105
RECEPTACLES FOR GARBAGE	4-204
RUBBISH	4-202

S

SALES (<i>See Peddlers and Hawkers</i>)	
SANITATION (<i>See Health and Sanitation</i>)	
SEAL, Corporate	1-401
SEWER COMMISSIONER	1-211, 1-214, 3-201
SEWER DEPARTMENT	
Application	3-203
Classification	3-212
Complaints	3-220

Connections	3-207
Contract	3-205, 3-208
Definitions	3-202
Fees and Collections	3-215
Funding	3-201
Inspections	3-219
Installation Expense	3-210
Installation Procedure	3-209
Maintenance	3-211
Mandatory Hookup	3-206
Nonresidents	3-204
Operation	3-201
Ownership	3-201
Permit	3-203
Rate Setting	3-213
Repairs	3-211
Service Deposit	3-214
Special Equipment	3-218
Unlawful Use	3-216, 3-217
SIDEWALKS	
Branches	8-201
Cleaning	8-202
Construction	8-203
Definition	8-101
Ice	8-202
Mud	8-202
Overhanging Branches	8-201
Snow	8-202
SNOW AND ICE	8-202
STANDING COMMITTEES	2-101
STREET COMMISSIONER	1-215
STREETS	
Assessments	8-308
Concrete, Mixing	8-305

Curb and Gutter	8-401
Definitions	8-101
Driving Stakes	8-304
Excavations	8-303
Gutter	8-401
Liquids, Harmful	8-306
Names and Numbers	8-301
Opening	8-302
Snow	8-202
Utility Lines	8-307
Widening	8-302
STREET SUPERINTENDENT	1-215
SUBDIVISIONS (<i>Also See Municipal Planning</i>)	11-201 through 11-208
SUPERINTENDENTS (<i>See Commissioners, Inspectors and Superintendents</i>)	

T

TAXES

Annual Appropriation	1-806
Occupation (<i>See Occupation Taxes, this Index</i>)	
Property	1-807
TRAFFIC REGULATIONS	
Abandoned Automobiles	6-314
Arterial Streets	5-104
Bicycles	5-301, 5-302
Child Passenger Restraint System	5-213
Clinging to Vehicles	5-302
Crosswalks	5-107
Definitions	5-101
Driving Abreast	5-209
Emergency Regulations	5-210

Enforcement	5-211
Littering	5-201
Negligent Driving	5-207
Parking (<i>See Parking Regulations, this Index</i>)	
Refusal to Obey	5-212
Right-of-Way	5-106
Signs and Signals	5-108, 5-109, 5-202, 5-203
Speed Limits	5-205, 5-206
Traffic Lanes	5-103
Truck Routes	5-102
Turning	5-105
Unnecessary Noise	5-204
Unnecessary Tire Noise	5-208
TREASURER	
Annual Report	1-207
Clerk-Treasurer, Position Created	1-203
Duties	1-205
Monthly Report	1-206
Office of	1-205
TREES	
Injury	6-303

U

UNSAFE BUILDINGS	
Appeal	9-304
Assessments, Special	9-305
Definition	9-301
Determined Unsafe	9-303
Hearing	9-304
Notice	9-303
Prohibition	9-302
UTILITIES (<i>See Individual Departments</i>)	
UTILITIES GENERALLY	
Landlord responsibility	3-901

V

VACANCY IN OFFICE	1-104
VEHICLES (<i>See Traffic Regulations</i>)	
VILLAGE BOARD (<i>See Elected Officials</i>)	

W

WATER DEPARTMENT

Application	3-103
Backflow Prevention Devices	3-121
Bills	3-111
Complaints	3-120
Contract	3-105, 3-117
Definitions	3-102
Destruction of Property	3-119
Fees	3-109
Fire Hydrants	3-115
Funding	3-101
Installation Expense	3-107
Installation Procedure	3-106
Lien	3-112
Nonresident, Service to	3-104
Operation	3-101
Ownership	3-101
Police	3-118
Pollution	3-116
Rates	3-110
Repairs	3-108

Restrictions	3-114
Single Premise	3-113
Unsafe Physical Connection to Water	
Distribution System	3-122
WATER SHORTAGE	
Drought Emergency Contingency Plan	3-128
WEED REMOVAL	6-313, 8-107
WELLS AND OTHER UNDERGROUND FACILITIES	
Abatement Procedure	3-127
Distance from Municipal Water Sources	3-126
Penalties	3-127
Permit Required	3-123
Procedure	3-125
Utilizing the Geothermal Properties of the Ground	3-124
WHISKEY (<i>See Alcoholic Beverages</i>)	

