

Ordinance No. 270

AN ORDINANCE OF THE VILLAGE OF LODGEPOLE, NEBRASKA TO AMEND AND HARMONIZE THE VILLAGE CODE REGARDING VILLAGE BOARD ORGANIZATION; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR PARTS THEREOF; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE MADE A PART OF THE CODE OF THE VILLAGE OF LODGEPOLE, AND THAT THE SECTIONS MAY BE RENUMBERED; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE AND THAT THAT ORDINANCE SHALL TAKE EFFECT AFTER PASSAGE, PUBLICATION, POSTING, AND PROCLAMATION AS OTHERWISE PROVIDED.

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

Section 1. That Chapter 1, Article 1, §1-101, is hereby amended to read as follows:

§1-101. VILLAGE BOARD CHAIRMAN: SELECTION AND DUTIES.

The Village Board Chairman shall be selected at the December Board 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 the Village Board members. (Ref. 17-202 through 12-210 RS Neb.)

Section 2: That Chapter 1, Article 1, §1-102, is hereby amended to read as follows:

§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 December Board meeting, organize, and appoint the Municipal officers required by law. (Ref. 17-202 through 17-204 RS Neb.)

Section 3: That Chapter 1, Article 5, §1-513 is hereby repealed.

Section 4: That Chapter 2, Article 2, §2-202, is hereby amended to read as follows:

§2-202. BOARD OF HEALTH.

The Governing Body shall appoint the Board of Health at the first regular meeting of the Village Board in January 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.)

Section 5: That Chapter 2, Article 2, §2-203, is hereby amended to read as follows:

§2-203. CEMETERY BOARD.

The Governing Body shall appoint the Cemetery Board at the first regular meeting of the Village Board in January which shall consist of six (6) members from among the citizens at large from Cheyenne County 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 officer (Ref. 12-401 thru 12-403 RS Neb.)

Section 6: That Chapter 2, Article 2, §2-204, is hereby amended to read as follows:

§2-204. PLANNING COMMISSION.

The Village of Lodgepole shall be authorized 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 at the first regular meeting of the Village Board in January.

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, finding 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)

Section 7: That Chapter 2, Article 2, §2-205, is hereby amended to read as follows:

§2-205. COMMUNITY IMPROVEMENT BOARD.

There is hereby created and established a Community Improvement Board for the Village of Lodgepole, Nebraska, which shall consist of a minimum of five members, citizens, and residents of the Village of Lodgepole who shall be appointed by the Chairman with the approval of the Village Council at the first regular meeting of the Village Board in January.

Members of the Board shall serve without compensation.

At the time of initial formation and at the time of the Board's first meeting in February of each year, the Board shall organize by selecting from their members, a Chairperson, a Secretary, and a Treasurer. 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. It shall be the duty of the Treasurer to keep an accurate account of all disbursements and all receipts, and to submit a financial report to the Municipal Clerk on a quarterly basis, which shall be available for inspection at any reasonable time.

A majority of the Board members shall constitute a quorum for the transaction of business. The Community Improvement Board for the Village of Lodgepole shall meet at times as the governing body or the Committee Chairperson may designate. Special meetings may be held upon the call of the Chairperson of the Community Improvement Board, or by any three members of the Community Improvement Board.

The Community Improvement Board for the Village of Lodgepole seeks and encourages public involvement. Any person attending a Community Improvement Board meeting has the right to be heard on the matters, subject to reasonable time limits as set by the Board.

It shall be the duty of the Community Improvement Board for the Village of Lodgepole to assist the Board of Trustees with economic development, cultural improvement, recreational projects, and beautification projects for the Village of Lodgepole. All projects or activities that involve village owned property shall be approved by the governing body prior to beginning the project or activity. All actions of the Community Improvement Board for the Village of Lodgepole shall be subject to the review and supervision of the governing body. The Community Improvement Board

for the Village of Lodgepole shall be responsible for making quarterly reports to the governing body and performing additional duties as the governing body may designate from time to time.

No member of the governing body may serve as a member of the Community Improvement Board for the Village of Lodgepole while serving a term of office as a member of the governing body. No member of the Community Improvement Board for the Village of Lodgepole shall serve in more than one capacity as Chairperson, Secretary, or Treasurer of the Community Improvement Board for the Village of Lodgepole. The Board may appoint subcommittees, which members may be volunteers, when the need arises.

As a part of Community Improvement Board, 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. It shall be the responsibility of the Board to study, investigate 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.

Section 8: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 9: This Ordinance shall be effective after its passage, approval and publication according to law.

PASSED AND APPROVED this ____ day of _____, 2024.

CHAIRMAN

(SEAL)

CLERK